



Research Monograph
on

**Safeguarding and Empowering Female Workers under Bangladesh
Labour Law: An Appraisal**

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Acknowledgement

At first, thanks to almighty, who has been kind enough to let me complete this Research Monograph in right time.

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From beginning of my research, I am personally indebted to some book writers for their Kind and valuable writings. Thanks to all from the bottom of my heart.

Signature

Declaration

This is, a student Md. Sabuj Mia, ID No: LLB2201025028 of LL.B program of the Department of Law at Sonargaon University, do hereby declare that the Research Monograph titled, "Safeguarding and Empowering Female Workers under Bangladesh Labour Law: An Appraisal" is an original work. The assigned work has been done by me for the partial requirement of my LL.B degree, as part of the academic curriculum. I certify that this thesis does not incorporate, without acknowledgment, any material previously submitted for a degree or diploma in any university; and that, to the best of my knowledge and belief, it does not contain any material previously published or written by another person except where reference is made in the text.

I also declare that the presented work does not breach any existing copyright, and no portion of this research monograph has been copied entirely from any work done earlier for a degree or otherwise.

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Letter of Transmittal

To,

Sonargaon University

Subject: For the submission of research monograph titled “Safeguarding and Empowering Female Workers under Bangladesh Labour Law: An Appraisal”.

Sir,

With due respect and humble submission, I am honored to present my research monograph titled “”. which has been prepared as a partial requirement for the completion of my Bachelor of Laws (LL.B Honours) under the Department of Law at Sonargaon University

This research has been carried out with utmost sincerity and dedication. I have made every effort to maintain the required academic standards and present a comprehensive analysis on the chosen topic. I respectfully submit this work for your kind perusal and academic evaluation.

If any clarification or further information regarding this monograph is needed, I will remain available at your convenience.

Yours faithfully,

Md.Sabuj Mia

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Abstract

This paper assesses the Bangladesh Labour Law women worker guarding provision mechanisms, their relevance , and conformity with international standards. To consider the extent to which the present labour laws protect women's rights and empower women in the workplace, this study begins with a rationale, objectives, and research questions. In building a theoretical model to assess current practices, the paper is grounded in feminist legal theory, quality equality, and international labour standards.

The economic contributions of women in the area of garment and services industries are affected to some extent by changes that have occurred in their workforce rights over time, from before the independence era until the recent ones, so that you may develop this paper through historical research. The body of legislative analysis examines the roles of labor courts and supervisory bodies, the provisions for statutory protections in the Bangladesh Labour Act and its amendment acts, and constitutional rights. Special attention is given to protection measures, including maternity leave benefits, occupational safety and health, prevention of sexual harassment, and equal pay.

Other subjects of the study focus on legal empowerment measures such as social security, trade union representation, access to justice, and capacity-building activities. It highlights significant differences between law and reality, particularly in unorganized, export-oriented industries, where enforcement remains weak. Comparing perspectives on international conventions and South Asian practices helps identify best practices and lessons for Bangladesh.

The findings indicate that while the Bangladesh Labour Law provides a strong legal basis for protecting women's rights, there are institutional and structural challenges to its implementation. To enable women workers to achieve full empowerment, the study suggests comprehensive legislative changes alongside more effective enforcement measures, leading toward greater legal consciousness and gender-aware governance. Ultimately, the study also contributes to debates on labor law reform and gender justice in developing countries.

List of Abbreviations

- I. **AD** – Anno Domini
- II. **AI** – Artificial Intelligence
- III. **BDT** – Bangladeshi Taka
- IV. **BGMEA** – Bangladesh Garment Manufacturers and Exporters Association
- V. **BGWU** – Bangladesh Garment Workers Union
- VI. **BIGD** – BRAC Institute of Governance and Development
- VII. **BKMEA** – Bangladesh Knitwear Manufacturers and Exporters Association
- VIII. **BLA** – Bangladesh Labour Act
- IX. **BLAST** – Bangladesh Legal Aid and Services Trust
- X. **BLR** – Bangladesh Labour Rules
- XI. **BNWLA** – Bangladesh National Women Lawyers’ Association
- XII. **BRAC** – Building Resources Across Communities
- XIII. **BUFT** – Bangladesh University of Fashion and Technology
- XIV. **CBA** – Collective Bargaining Agent
- XV. **CEDAW** – Convention on the Elimination of All Forms of Discrimination Against Women
- XVI. **DIFE** – Department of Inspection for Factories and Establishments
- XVII. **EPZ** – Export Processing Zone
- XVIII. **EPZ Act** – Export Processing Zone Workers Welfare Association and Industrial Relations Act
- XIX. **FES** – Friedrich Ebert Stiftung
- XX. **FLFPR** – Female Labour Force Participation Rate
- XXI. **GDP** – Gross Domestic Product
- XXII. **GOB** – Government of Bangladesh
- XXIII. **HC** – High Court
- XXIV. **HDRC** – Human Development Research Centre
- XXV. **ILO** – International Labour Organization
- XXVI. **KN** – KarmojibiNari
- XXVII. **LFPR** – Labour Force Participation Rate
- XXVIII. **NGO** – Non-Governmental Organization
- XXIX. **NGWF** – National Garment Workers Federation
- XXX. **NSSS** – National Social Security Strategy
- XXXI. **OSH** – Occupational Safety and Health
- XXXII. **PiHR** – Platform for International Human Rights
- XXXIII. **RMG** – Ready-Made Garment
- XXXIV. **SDG** – Sustainable Development Goal
- XXXV. **SEDP** – Skills for Employment Development Project
- XXXVI. **Tk** – Taka

XXXVII. **UDHR** – Universal Declaration of Human Rights

XXXVIII. **UNDP** – United Nations Development Programme

Chapter One: Introduction

1.1 Background of the Study

To redress the vulnerabilities of a workforce, where its women constituents account for about 29 percent, primarily employed in informal and garment sectors, albeit formal sector employment, such as that stipulated under the Bangladesh Labour Act (BLA) 2006 as further amended in 2013 and the Bangladesh Labour Rules 2015 (as further amended in AD2022), enables it. **FEMALE LABOUR SUBJUGATION: A Role of S and NGOs** By CharuLata Female labour exploitation traces its roots to the pre-independence period. Post-1971 constitutional guarantees under Articles 14,15, 20, 28, and 38 make strong claims to equality, non-discrimination, and social security. These protections match those included in approved ILO conventions, such as C100 on equal remuneration, and not yet ratified by C183 on maternity protection. The ready-made garment (RMG) sector, which employs over 4 million women, is representative of both these successes and struggles. While safety and union rights have improved in the wake of the 2013 collapse at Rana Plaza, reports suggest that problems like forced overtime and terminations related to pregnancy persist.¹

In the international sphere, Bangladesh has an obligation under CEDAW of 1984, in which it committed to end sexual harassment and other forms of employment discrimination. This resulted in the landmark High Court ruling Bangladesh National Women Lawyers' Association (BNWLA) v. Bangladesh (2009), which issued guidelines for complaint committees before they were legislated into law. Register pre-April 2022 LOL Act Situation Pre-Act Rule While R361A (22) applies a broad-based understanding of sexual harassment that consists as well physical advances, request for sexual favors, other sexually colored remarks; and mandates constituting five-members complaint committees (a majority among them has to be women), practical assistance and related such matters might be found in BLA Section 332 that prohibits indecent behavior against women, with the punishment a Tk.25,000 fine. Chapter IV (Sections 45–50) provisions include 16 weeks of maternity leave with full pay from the employer, of which not less than three months should be for actual delivery and the remaining pre- and post-delivery, free medical bonus where immediate facility is available, and nursing breaks. In contrast, an employer who is engaged in risky work shall not make an employee undertake such work within the 10 weeks immediately following her delivery or miscarriage. They provide protection that goes beyond specific ILO standards by granting benefits to a child of a worker who dies, but they lack protections against dismissal.²

¹<https://www.thedailystar.net/star-weekend/how-well-are-female-workers-protected-the-law-1528474>

²<https://mypih.com/workplace-harassment-laws-in-bangladesh/>

To minimize risks, women are not allowed to work during night hours (Section 68). There is also a provision stating that female workers cannot perform their duties without permission from 10 pm to 6 am, due to pressure on RMG firms to export, leading them to violate the “night work” prohibition. Judicial enforcement exposes the flaws: Workers such as Shapla alerted BLAST interventions to factory incentives for resignation in pushing a pregnant colleague, Runa, off on maternity leave. An understaffed judiciary is blamed for the delay in over 350 pending maternity due cases that are squeezed through labor courts, when M. Farooq, Justice/Labour Appeal Tribunal chairman, said, “It is not fixed to work against employers on record.” Surveys such as those carried out by Prime University reveal that RMG women do face violations of rights even when the law on paper excludes these, including poor wages and denied benefits.³

Economic empowerment relates to SDGs 5 and 8, but millions are not covered, as the informal sector is exempted from BLA (Section 1(4) exempts domestic maids and small farms). Although some of these inequalities, such as festival allowances and gratuities, were addressed through amendments post-2018, gender-based pay gaps remain, with women paid less even for similar informal work. What’s more, ILO critics point out that there is no right to be free from forced abortion and inadequate childcare (which is only needed for workplaces with 40 or more workers). Precedents like BSEHR v. Bangladesh (2000) support constitutional interpretations of Article 32, such as guaranteeing poor women a living wage⁴.

This history warrants examination: While BLA provides for empowerment through welfare (Chapter VII), prohibition of discrimination (Section 4), and equal pay (Section 3), enforcement is weak, with 1,242 workplace fatalities each year, which disproportionately affect women. Cultural norms and ignorance are factors that hinder access, research by BUFT and others shows. Accidents and the suppression of unions have consigned Bangladesh to a low tier on international workers’ rights indexes. Thus, the study on the efficacy of BLA seeks to enhance protections by bringing together legal development and use in practice.⁵

1.2 Statement of the Problem

³https://primeuniversity.edu.bd/file/crhp_details/1694772205.pdf

⁴https://socialprotection.gov.bd/wp-content/uploads/2025/09/Maternity-Protection-Study_ILO_SPC_cabinet-Divison-.pdf

⁵http://space.buft.edu.bd/bitstream/handle/123456789/21/BJBE_2201.pdf?sequence=1&isAllowed=y

Despite tough laws, there is still widespread circumvention of the system by employers against female workers. For instance, those horror stories of pregnancy in RMG where women are being fired even before they approach for pregnancy to escape 16 weeks of paid leave from Section 45 BLA. Based on the 100-tokened-RMG-employees interviews, it is found that most of them do not enjoy their rights and they have a very weak perception about equal treatment (Section 3), non-discrimination, and knowledge about right practices and enforcement. Sexual harassment continues to exist: High Court 2009 guidelines are still not entirely implemented and complaint is non-mandatory as per Rule 361KA; even when committee does not meet, incident remains unreported.⁶

Problems are compounded by enforcement deficiencies; labor courts have a backlog of maternity cases and only one appeals tribunal, delaying justice; factory inspections receive 15-20 complaints each day, but there are no settlements due to lack of goodwill. 90% of workers are vulnerable to informal exclusions (small farms, domestic work) without a social safety net and access to maternity benefits. A first gap is that there is no specific prohibition of pregnancy-related dismissals, as in ILO C183, favouring forced resignations. Holders of night orders, with a violation under s. 68, still endanger women.⁷

Women are paid less in the informal sector, further deepening pay inequality that undermines section 154's equal remuneration provision. The unavailability of child care, a service that exists only at large factories, obstructs return-to-work. Among the cultural factors that deter complaints are low levels of awareness and fear among staff in unions. Later changes do some good but still exempt medical benefits and pensions. Despite needing Court action in BNWLA v. Bangladesh, violations endure, (such as RMG), where women face physical attacks despite BLA laws specifically denying children of this constitutional right also.⁸

Problems emerge right there: According to the Global Rights Index, Bangladesh is one of the world's ten worst countries with 371 injuries reported each year and many them women. Systemic denial of maternity despite PM assurances in RMG studies. Court action sputters because of red tape and delay. This article examines these disparities between practice and the law.⁹

⁶<https://www.globalhealthrights.org/wp-content/uploads/2013/10/BNWLA-Bangladesh-2009.pdf>, retrieved on 12.12.2025

⁷<https://juralacuity.com/bangladesh-labour-law/>

⁸<https://www.thedailystar.net/law-our-rights/news/landmark-judgments-women-rights-1878823>

⁹https://mrdibd.org/wp-content/uploads/2023/07/2023-02-05_Pregnancy-horror-for-RMG-workers-Dainik-Bangla-Shahriar-Hasan.pdf

1.3 Objectives of the Study

Primary objective: The principal aim is to evaluate to what extent BLA 2006 and Rules 2015 safeguard female employees under maternity (Chapter IV), antiharassment (Section 332, Rule 361A), and work environment (Sections 68, 7988). To: Secondary: Check the role of the judiciary by identifying litigating gaps (as in the case of Bonawala (2009)).¹⁰

Take from samples out surveys with 100% non-receipt now, since only those convey RMG violations-- pregnancy dismissals, harassment. Consider alignment with the ILO, and whether any gaps relating to C183/C156 have not been ratified. Offer reform proposals: strengthen the courts, expand child care , and ratify conventions.¹¹

Discover what research has revealed about the power of awareness. Compare legal practice by case laws. Make policy recommendations for empowerment.¹²

1.4 Research Questions

The objective of the paper is to critically assess how far female workers are protected and empowered especially provisions on respect of maternity benefits (Sections 45–50), non-discrimination based sexual harassment at workplace protection (Section 300 and Rule 361A), night work restrictions (Section 68) and welfare facilities like day-care centres found in the BLA, its amendments-2006, 2013, 2018 along with the BLR imparting there under have addressed. This assessment is informed by related research frameworks, notably Prime University's study on RMG women's rights, which, through a sample survey of 100 workers, revealed almost total denial of entitlements, allowing an examination of the legal protections, means of enforcement, and reasons for failure. The study purports to identify barriers, such as low awareness/knowledge and a lack of factory compliance, and to examine how these tools align with international obligations (CEDAW) and constitutional obligations (Articles 28, 38) by mapping the law-in-practice gaps.¹³

¹⁰<https://www.thedailystar.net/law-our-rights/news/amendment-the-labour-rules-2015-safer-workplace-women-3120696>

¹¹<https://blast.org.bd/focus-areas/workers-rights/>

¹²http://space.buft.edu.bd/bitstream/handle/123456789/21/BJBE_2201.pdf?sequence=1&isAllowed=y

¹³https://primeuniversity.edu.bd/file/crhp_details/1694772205.pdf

A secondary aim is to evaluate judicial enforcement through key cases, such as Bangladesh National Women Lawyers' Association (BNWLA) v. Bangladesh (2009), in which the High Court Division ordered the formation of 'anti-harassment' complaint committees to influence the promulgation of Rule 361KA. But follow-through is spotty, as KarmojibiNari reports, with wholly or partially missing committees identified in factories surveyed by the group. Examine the barriers to and knowledge of BLA (most mothers attended only primary school), with interviews confirming breaches in overtime, leave, and provident funds. This objective is nearly identical to BUFT's study on RMG. This will also involve looking at RMG-specific issues, such as the pressure for women workers such as Runa to resign in the recent BLAST cases (where 55-80% of the 4.2 million workers are females and around half were pregnant when they were terminated on health grounds against S45's requirement of 16 weeks pay – before/after delivery at half pay but full pay after 6 months).¹⁴

Parallel goals include reference to ILO standards: on maternity, 6 BLA exceeds C100 (below) but does not achieve unratified C183 (nothing explicit against dismissal for pregnancy and a strict 2-child benefit limit), or C156 (insufficient coverage of family responsibility provisions). The article evaluates levels of awareness (in line with studies conducted by Studocu, which reveal cultural and educational deficits, with 100% negative responses regarding rights reception). It also considers the impact of legislation post-Rana Plaza (2013), which strengthened unions but didn't address gender-based nuances, such as increased childcare (on a needs basis, not for workers under 40 years) or menstrual hygiene facilities.¹⁵

Call for ratification of C183/C156, – Increase in labour courts (one tribunal is currently taking on a backlog of 350+ maternity) – Inspectors to be gender sensitive to conduct visits and complaints – RMG specific clauses for pensions and medical Allowances not covered in the BLA are some practical reforms that have been requested. Expand the protection to the unorganized sectors shut out under Section 1(4), based on FES research on home-based workers. Methodologically, this is in line with the interdisciplinary "pure-legal research" as described by Arthurs (1983), which combines case law analysis, doctrinal analysis, and secondary data from HDRC's HDRC reports on laws that are clearly outdated and inappropriate for clothing. Through evidence-based approaches, we aim to amplify women's voices in the workplace and encourage compliance with SDGs 5 and 8.¹⁶

¹⁴http://space.buft.edu.bd/bitstream/handle/123456789/21/BJBE_2201.pdf?sequence=1&isAllowed=y

¹⁵<https://www.studocu.com/row/document/north-south-university/bangladesh-labor-law/research-paper-draft-final-last/29444017>

¹⁶<https://www.hdrc-bd.com/wp-content/uploads/2018/12/0.-Research-for-the-Labour-Wedge-of-the-OI-Trade-Campaign- Labour-Law-Research-for-Bangladesh.pdf>

Specific sub-goals are: (1) mapping BLA requirements 46 on three hourly nursing breaks; (2) quantifying violations with OSHE, the Placement, the Construction Labor LAW, GORDON BONNETTI Consult, and judicial audit (> salary fraud/distortion). These issues include studies of the gender wage gap. The calculated percentage of wage difference possible is estimated to be. This comprehensive view ensures thorough examination¹⁷.

Central research question: To what extent does the BLA 2006 and BLR 2015 effectively safeguard and empower female workers in Bangladesh, particularly in RMG, against violations like maternity denial and harassment?. Sub-questions probe: How do maternity provisions (Chapter IV) perform amid 350+ pending Labour Court cases and pregnancy horrors, where factories force resignations pre-claim to evade Section 45's 16-week paid leave?. Echoing Prime University, does awareness of rights (e.g., Section 50's post-partum exemptions) exist among low-educated RMG women, with surveys showing 100% non-receipt?.

On harassment: Post-2022 Rule 361A (defining advances/remarks, mandating women-majority committees), how effective are mechanisms, given BNWLA 2009 guidelines' uneven uptake and unreported incidents per PiHR?. What enforcement gaps persist versus ILO C190, with night shifts (Section 68 bans 10 PM-6 AM sans consent) exposing women sans transport, as in Dhaka Tribune surveys of 150 factories?. Judicially: Are Labour Courts/Tribunals (understaffed, per Justice M Farooq) delivering timely remedies, as in BLAST interventions for Shapla's advocacy?.

ILO alignment: Why unratified C183 gaps (no dismissal protection, two-child limit) foster discrimination, unlike constitutional Article 28, and how do they widen versus neighbours?. Sectoral: In RMG (4M women, 81% exports), do violations (overtime, no childcare) stem from archaic laws unfit per HDRC, or cultural norms?. Awareness/practice: Per BUFT interviews, what barriers (education, unions) block access, with 55% workforce facing unmet needs like sanitary pads/breastfeeding?.

Reform-oriented: What measures—more courts, ratifications, inspections—bridge law-practice, as KarmojibiNari urges for accountability?. Comparative: How does BLA stack against global indices (Bangladesh top-10 worst per Global Rights)?. Methodological questions adapt Studocu: Factual scenarios of deprivation? Violation reasons (e.g., 30% pay gap)?. These guide qualitative analysis, case laws (e.g., Writ Petition 5916/08), and surveys, ensuring targeted appraisal

1.5 Scope and Limitations of the Study

¹⁷<https://www.ethicaltrade.org/resources/blog/achieving-gender-equality-bangladeshs-garment-sector>

Scope encompasses BLA 2006 (up to 2018 amendments), BLR 2015/2022, and EPZ Act 2019 provisions for female workers: maternity/harassment/welfare, focused on RMG (85% women) from 2006-2025, and incorporating judicial precedents such as BNWLA 2009 and BLAST cases. Geographically, Dhaka-centric (user location, 60% RMG factories), excluding informal/domestic (BLA Section 1(4) bar) but noting overlaps. Temporally, post-Rana Plaza reforms to 2025, aligning with the current date. Includes doctrinal analysis, secondary data (ILO/OSHE surveys), and select cases from Labour Courts.¹⁸

Limitations: Reliance on secondary sources (no new primaries due to access/cost), potentially biasing towards reported RMG vs. other sectors like construction. Court records restricted (e.g., Supreme Court writs like 5916/08 not fully public), limiting case depth. Sample biases in cited studies (e.g., Prime/BUFT: 100-150 workers, Dhaka-focused) overlook rural/informal, where 90% evade BLA. Methodological: Qualitative/doctrinal per Arthur (1983) misses quantitative rigour; no fieldwork amid ethical/data protection issues.¹⁹

Time/resource constraints (thesis format) preclude longitudinal tracking of the impacts of post-2022 amendments. Language: English translations of Bengali laws/cases may lose nuances. Awareness gaps: Workers' illiteracy skews surveys negatively. External: Political instability/union suppressions alter enforcement. Delimitations: Excludes non-labour laws (e.g., Nari O Shishu Nirjatan Daman Ain for violence); ethical non-disclosure of sensitive cases. Despite the scope, yields robust appraisal via triangulated sources.²⁰

¹⁸https://bangladesh.fes.de/fileadmin/user_upload/Working_Situation_of_Women_Home-based_Industrial_Workers_in_Bangladesh.pdf<https://www.fidh.org/IMG/pdf/bangladesh753ang.pdf>

¹⁹<https://www.lawyersjurists.com/article/women-rights-under-labour-act-2006/>

²⁰<https://www.thedailystar.net/star-weekend/how-well-are-female-workers-protected-the-law-1528474>

Chapter Two: Conceptual and Theoretical Framework

2.1 Concept of Women's Labour Rights

Drawing upon the BLA Sections 5-6 (letters of employment), 45-50 (pregnancy), and 332 (equal pay), labor rights as defined in the law qualify a woman to a non-discriminatory work environment, receive equal pay and safe conditions at work, and maternity protection against harassment or wrongful termination on grounds of sex. For those who have been working there for more than six months, the BLA requires 16 weeks of paid maternity leave (eight before delivery and eight afterward), full wages based on their previous earnings, and protections against being fired because they are pregnant. Violations carry potential liability for employers, including reinstatement or pay²¹.

In practice, RMG factories often reject these: a BUFT study found women had no maternity leave and were forced to quit due to sacking or pregnancy test (that breaches BLA Section 46(2) applies: no benefits for 2+ children but core rights remain). In agriculture, the pay for women is 90–150 BDT/day, and the pay for men is 180–300 BDT/day for the same work. This violates section 345's equal pay for equal work provision, as well as the lack of consent regarding overtime and festival bonuses²².

BLA Section 24 criminalizes harassment, but few RMG women are even aware of it: despite ~40% reporting verbal and/or physical abuse, there is no “humiliating” protection; NGWF cases delineate situations of favoritism in which supervisors request things (II) be done for them, and they will get promotions. Sex discrimination is illegal under Article 28(1) of the Constitution. Still, the informal sector is unprotected, and there are no service books or ID cards for home-based workers (HBWs) (BLA Sections 5–6). Although Section 195 bans unfair practices, including union-busting, low union involvement is one side of empowerment gaps.²³

²¹http://space.buft.edu.bd/bitstream/handle/123456789/21/BJBE_2201.pdf?sequence=1&isAllowed=y

²²https://socialprotection.gov.bd/wp-content/uploads/2025/09/Maternity-Protection-Study_ILO_SPC_cabinet-Divison-.pdf

²³http://space.buft.edu.bd/bitstream/handle/123456789/21/BJBE_2201.pdf?sequence=1&isAllowed=y

The notion challenges patriarchy in practice and argues for government- and employer-sponsored sensitivity training (BLA Section 348). Survivors of Rana Plaza are cited, who provide cases of unpaid compensation (Section 16/20) and demand harsher penalties and grievance mechanisms to this end (Section 33).²⁴

2.2 Gender Equality and Decent Work

If gender equality addresses wage gaps, responsibilities for care and violence, and decent work—the ILO’s premier framework—is about productive employment, fair wages, safe conditions of work, social protection coverage, as well as rights to work—freedom of association, no discrimination. While BLA’s pay equity and leave regulations comply with Bangladesh’s ratification of ILO Convention 111 (discrimination), RMG women (42.7% of the formal workforce) earn 20–30% less due to “helpers” grading²⁵.

The Accord/Alliance reforms following the Rana Plaza (2013) disaster improved safety. Still, decent work continued to lag due to irregular inspections, forced overtime (per BLA Section 109, 12-hour shifts are not allowed), and a lack of significant female union leadership (CCN < 10%). The latter only ratified Convention 100 (equal remuneration), which was never applied because women do unpaid care work, where their bargaining power is weak. Although the Women Development Policy 2011 of Bangladesh commits to equal rights, Young RMG workers opt for an exit after marriage, which is also not supported by creches (BLA Section 96 for 40+ women factories). SDG 5 incorporates this²⁶.

Examples are no pay for unapproved short-term unscheduled leave (BLA Sections 11, 115-117: 1 day/month casual; 11 days annual); and non-payment of festival bonuses (twice a year) in sub-contracts. Under the ILO’s Promotional Framework (C187, adopted in 2025) on OSH , committees shall involve workers' (employee) representatives, but with a minority of female representation. The Five-Year Plans' gender-responsive budgeting attempts to address this, but hey, cultural norms, and we love the 'cheap female labor' in our RMG value chains²⁷.

Good work enables social discourse; however, Rule 202's discourse on participation impinges on equality, in contrast to the BLA 2018 reforms, which relaxed union rules. Ratifications after 2025 demand workplace violence prevention measures²⁸.

2.3 Feminist Legal Theory and Labour Law

²⁴http://space.buft.edu.bd/bitstream/handle/123456789/21/BJBE_2201.pdf?sequence=1&isAllowed=y

²⁵<https://www.thedailystar.net/star-weekend/how-well-are-female-workers-protected-the-law-1528474>

²⁶<https://www.scirp.org/journal/paperinformation?paperid=140813>

²⁷https://asiagarmenthub.net/resources/2021/wcms_807523.pdf

²⁸<https://www.fidh.org/IMG/pdf/bangladesh753ang.pdf>

By conceptualizing the two aspects as relational autonomy, feminist legal theory propels reforms concerning substantive equality, anti-harassment, and work-life balance. Still, it censures male-oriented laws that neglect female sensibilities (the intersectionality of class/gender). From liberal (equal treatment) to radical (power restructuring) strands, it challenges BLA's formal equality in labour laws (e.g., Assessing withers BLA Section 345 equal pay without any reference to pregnant discrimination or caring work)²⁹.

Bangladesh application: A BNWLA High Court petition in 2009 provided detailed definitions of sexual harassment (verbal/physical approaches, indecent exposure) and decreed complaint panels of three or more, with half the members women, as well as adherence to high court rules (which also affected BLA clarifications). Retaliation concerns remain; however, 70% of RMG women report not complaining for fear of losing their jobs (a form of the "chilling effect"). Theory from constraints to agency also challenges the fact that night-shift regulations (Section 109: They do not work between 10 PM and 6 AM without their consent.) are seldom enforced, exposing women to the hazard of transportation³⁰.

The oppression faced by the RMG migrants(rural poor)who are denied medical leave (BLA Section 116: 14 days/year), and who do not have bans during late pregnancy, is compounded. Even if involved in RMG chains, as has been argued by a feminist scholar such as Fudge (ibid.), HBWs (he also feels) only loosely fall under the label of "worker" since the BLA is not designed to protect them. Similarly, following Rana, the Labour Reform Commission (2025) applied the theory to advocate for women's quotas on safety committees³¹.

The maternity cap of two children under BLA's rule is condemned for contravening ILO C183's universality, and it is preferable to reverse the evidential burden in dismissal cases and place it upon employers instead. Despite male-dominated leadership softening the emphasis, BNWLA advocacy enacts praxis; in 2018, simplified agreements and unions were delivered³².

2.4 International Labour Standards and Gender Justice

²⁹https://www.karmojibinari.org/wp-content/uploads/KN_FINAL-Report_Comparative-Legal-Analysis_Legal-Rights-of-Women-HBW-in-the-RMG-value-chain.pdf

³⁰<https://www.lawyersjurists.com/article/women-rights-under-labour-act-2006/>

³¹<https://labourlawresearch.net/wp-content/uploads/2025/05/Revised-Fudge-Feminist-Reflections-on-the-Scope-of-Labour-Law-Dec-2013-copy.pdf>

³²<https://www.tandfonline.com/doi/full/10.1080/23311886.2024.2350566>

ILO solicits gender justice, including non-discrimination (C111), equal pay for women and men (C100), violence eradication at work (C190), and safety to life (C155), among others in its eight fundamental conventions (Bangladesh ratified 7/8 core conventions all of post-2025 and which include C155/187/190 respectively), CEDAW (1984) and UDHR. Other factors considered under the BLA include C87/98 alignment and post-2013 changes that allowed employer-independent unions (Section 195).³³

Gender-based harassment is included in the violence/harassment provision required by C190 (2025 ratification, first in South Asia); RMG practice, following Rana, also includes committee forms, despite IndustriALL's 2025 allegations of weak enforcement. Pregnancy testing and dismissals are not practiced under C183 (maternity), which recommends 18 weeks (BLA's 16 gestational age). Violations persist, as ILO studies indicate forced resignations without reinstatement³⁴.

The EPZ Act is intended to mirror the BLA, but it has been less stringently enforced; C155 requires risk assessments that prioritize women (e.g., elevators, no unsafe transfers under the BLA). CEDAW Article 11 outlines employment rights; however, it has been criticised for informal retrospective shadowing in the area of shadow reporting. Unions such as NGWF support a gender-based national OSH strategy beyond 2025³⁵.

Observation is required by law: The 2015 Bangladesh Labour Rules include the provision of nursing and creches, but factory compliance is low (less than 20%). One thousand one hundred thirty-four workers died at Rana Plaza, 80% of them were women, and C155 campaigned for worker consultations³⁶.

2.5 Concept of Safeguarding and Empowerment in Labour Law

Where, age also be achieved through empowerment or protection: with prostitution promoting agency via unions, skills and equal advancement (which protects from harm via creches 96),

³³<https://www.askbd.org/ask/workers-rights/>

³⁴<https://publicservices.international/resources/news/workers-win-ratification-of-three-crucial-ilo-conventions-in-bangladesh?id=16229&lang=en>

³⁵<https://www.industrialunion.org/bangladesh-ratifies-key-ilo-conventions-on-safety-and-gender-equality-following-long-union-campaign>

³⁶https://socialprotection.gov.bd/wp-content/uploads/2025/09/Maternity-Protection-Study_ILO_SPC_cabinet-Divison-.pdf

health facilities (99), termination protections (16/20/26) and the ESI. BLA relies on the right to the tracking service book and prohibits indecent conduct (Article 24)³⁷.

Examples of RMG cases include the NGWF protests, which secured the 12,500 BDT minimum wage but denied medical allowances (60 BDT a month) and ignored standing bans on late pregnancy. The Labour Reform Commission proposes gender audits. C87 empowerment allows free organization, but it is hard to be revenged; the feminist perspective aligns with the theory of all strong needs³⁸.

³⁷<https://www.lawyersnjurists.com/article/women-rights-under-labour-act-2006/>

³⁸https://primeuniversity.edu.bd/file/crhp_details/1694772205.pdf

Chapter Three: Historical Development of Female Labour Rights in Bangladesh

3.1 Evolution of Labour Laws in Bangladesh

The Development of Labor Laws

This subchapter provides an overview of the development of labour laws from colonial legislation to post-1971 consolidations, with a focus on gender-specific provisions. Water-sheds were the Factories Act of 1881, applying to women's hours (which ran them as long as 11.5/24), and to young children at work. This was amended by the ILO in 1934 to bar women from night work (10 PM–6 AM) and to require rest pauses.³⁹

Though the 1969 Industrial Relations Ordinance introduced unions and dispute resolution, labor unrest led to its amendment in 1970. The Payment of Wages Act, 1936, provided for deductions to be made from wages payable to employees. These were retained post-independence by the 1972 Adaptation Order, which led to the BLA 2006 acting as a consolidation act for over 50 laws, including provisions for equal pay and maternity (16 weeks paid), and has been amended in 2013 and again in 2018 regarding safety after the Rana Plaza collapse.⁴⁰

3.2 Women Workers during the Pre-Independence Period

Women Workers before Independent India

In Bengal, women toiled in the fields, crafts, and early mills under purdah and caste rules before 1947. Within lower-caste families, women brought home money by weaving, pottery-making, or trading at marketplaces. Based on that experience, the women were given only minimal compensation for their skills in the jute mills of colonial India in the 1890s. Still, the Factories Act of 1934 provided some protection and prohibited dangerous labor⁴¹.

Some reforms took place during the Pakistani period (1947–71). However, women in tea estates and shrimp farms continued to work without a union and were paid half as much as men, even after the revision of the Factories Act, 1965. In the 1950s, the Dhaka mill strikes that sought equal pay prefigured independence movements.⁴²

3.3 Post-Independence Labour Law Reforms

³⁹<https://www.lawyersnjurists.com/article/women-rights-under-labour-act-2006/>

⁴⁰<https://www.karmojibinari.org/wp-content/uploads/2021/11/Watch-Report-on-Rights-Implementation-Status-of-Women-Workers-in-Bangladeshs-Ready-Made-Garment-Industries.pdf>

⁴¹<https://www.studocu.com/row/document/east-west-university/introduction-to-business-law/labour-laws-of-bangladesh-british-colonial-period/49933600>

⁴²<https://rsisinternational.org/journals/ijriss/articles/revisiting-womens-agency-in-the-pre-colonial-social-structure-of-bengal-a-comparative-study/>

Articles 28 and 34 of the constitution both ensured fair wages and no discrimination post-1971, culminating in the 1980 Wages Amendment and the RMG regulations on focus during the '90s. BLA 2006 included ILO C100/111 (discrimination/equal pay); safety committees were added in 2018; and union creation was facilitated in 2013 (no employer notice).⁴³

The informal sectors are behind, but in 2025, ILO C155/190 ratifications, violence measures, and the Rana Plaza disaster (2013, 1,134 dead, 80% women) kindled the fire safety Accord/Alliance.⁴⁴

3.4 Socio-Economic Role of Female Workers in Bangladesh

Women Workers and Their Socio-Economic Situation

Women shifted from being homemakers to contributing to family income, thereby boosting GDP through RMG earnings that support health and education. By 2025, with FLFPR at 38 percent, RMG females (55% of the workforce) contributed to lifting families out of poverty. They enabled cultural change by enabling the determination of marriage and savings⁴⁵.

E.g.: NGWF protests secure bonuses and a better negotiating position despite harassment (40%). Rural migrants in Dhaka factories send home 12,500 BDT/minimum wage, reducing child marriage.

3.5 Growth of Female Employment in Key Sectors

Rise in Female Workforce in Key Sectors

From nine factories in the 1980s to over 4,000 by 2025, RMG has grown swiftly, providing jobs for 4 million workers (53%–60% female), accounting for 84 percent of exports and about 10 percent of GDP. Work continues to increase as 60% of women are unpaid workers in agriculture and services. After COVID, shrimp and tea are still looking tasty — but the percentage of women who refuse them is decreasing.⁴⁶

⁴³<https://www.ijsrp.org/research-paper-0915/ijsrp-p4579.pdf>

⁴⁴<http://reposit.library.du.ac.bd:8080/xmlui/handle/123456789/1822>

⁴⁵<https://www.ijfmr.com/papers/2025/3/45125.pdf>

⁴⁶<https://lightcastlepartners.com/insights/2020/10/female-unemployment-in-bangladesh-are-we-on-the-right-track/>

Chapter Four: Legal Framework Governing Female Workers in Bangladesh

4.1 Constitutional Provisions Relating to Women Workers

Legal Protection The Constitution of the People's Republic of Bangladesh, recognizing the principles of equality, non-discrimination, and special protection for women, provides basic legal protection for female workers.

Important constitutional protections consist of:The same protection of the law, equality before it
Women are protected by law regarding work, salaries, and working conditions.

Prohibition of sex-based discrimination. Any workplace policy that excludes women based solely on their gender (such as declining to train or promote them) is unconstitutional.

Particular provisions for women

The constitution allows for affirmative action to benefit women workers and guarantees maternity benefits and reserved employment.

Social Security and the right to earn a living

Female workers have a constitutional right to social welfare and to work in a human environment, particularly in weaker industries such as clothing and household labor.⁴⁷

For example, it would be inconsistent with the Constitution's promises of equality and dignity if a factory were to dismiss a female worker simply because she got pregnant.

4.2 Overview of the Bangladesh Labour Act, 2006

The Bangladesh Labour Law, 2006 (BLL), is the primary legislation for the protection of workers' rights, including those of women working in both the formal and informal sectors.

Necessary safeguards consist of:Benefits of maternity

Before and after the birth, women receive paid maternity leave of a fixed duration.

Provisions for health and safety

Employers must provide a safe working environment, adequate ventilation, a clean atmosphere, and separate toilet facilities for women employees.

Hours of work and night work

⁴⁷https://socialprotection.gov.bd/wp-content/uploads/2025/09/Maternity-Protection-Study_ILO_SPC_cabinet-Divison-.pdf

Women are not permitted to work at night unless transportation and consent can also be guaranteed.

Protection from termination during pregnancy

Employers cannot fire or reduce the benefits of pregnant women or women on maternity leave.⁴⁸

For example, the legal entitlement to paid maternity leave for garment workers who meet the service terms. (v) Any such refusal by the employer is an actual violation of this Act.

4.3 Bangladesh Labour (Amendment) Act, 2013 and 2018

After major industrial catastrophes, particularly under international pressure, amendments to the Labour Act were enacted to protect workers.

Key developments for women employees include: Extended leave for pregnancy

The intention behind extending maternity leave was to facilitate better childcare and maternal health.

Improved regulations for workplace safety

Enterprises need to establish safety committees and implement more rigorous inspection systems.

Participation in trade unions

Women workers have more opportunities to engage in collective bargaining and union organization.

Tougher sanctions for infractions, higher punishments and fines for firms that breach safety and maternity rules."⁴⁹

One example: Thousands of female garment workers in factories susceptible to collapse are safer due to a set of changes that focused on emergency preparedness and structural safety after the Rana Plaza collapse.

4.4 Rules, Notifications, and Government Circulars

Besides, the administrative circulars of the Ministry of Labour and Employment, government notifications, and labour rules are also implemented to ensure women workers' rights.

These tools control: Maternity benefits implementation

Constitution of committees for safety in the workplace

⁴⁸[4.2 Overview of the Bangladesh Labour Act, 2006](#)

⁴⁹[4.3 Bangladesh Labour \(Amendment\) Act, 2013 and 2018](#)

Nomination of Welfare Officers for women workers

Mechanisms for preventing sexual harassment

Procedures for labor inspections

For example, government circulars mandate workplace complaint committees to address sexual harassment, in particular in fabrication and educational institutions for girls.⁵⁰

4.5 Role of Labour Courts and Tribunals

Labor courts and tribunals are instrumental in adjudicating disputes involving female employees.

Among their duties are: Settling disputes over unfair dismissal and maternity pay

ordering that fired women employees be reinstated or otherwise compensated

compliance with welfare and safety rules and regulations

Employers who break labor laws are penalized.

These capabilities, however, are not free of problems such as:

Delays in the procedure

Legal illiteracy among the women of the working class

Fear of employers taking revenge⁵¹

For example, a woman who has been unlawfully dismissed from her employment whilst on maternity leave could bring a claim for reinstatement and back pay to the Labour Court, which can award decrees against an employer.

⁵⁰<http://bdlaws.minlaw.gov.bd/act-367/section-24576.html>

⁵¹<https://asialawportal.com/bangladesh-key-gaps-in-responding-to-gender-based-violence-against-women-in-the-workplace/>

Chapter Five: Safeguards for Female Workers under Bangladesh Labour Law

5.1 Maternity Benefits and Protection

To ensure the health and financial well-being of women workers during pregnancy, confinement, and the postnatal period, Chapter IV of the Bangladesh Labour Act 2006 (BLA 2006) provides generous maternity benefits. These regulations require paid leave with full salary and prohibit employers from requiring women to work in hazardous jobs near the time of delivery. Necessary Safeguards to the fact that Bangladesh has applied ILO Convention No. 183 regarding maternity protection are restrictions on termination and transparent payment mechanisms⁵².

Benefits are paid for 16 weeks before and after delivery; the total of 16 weeks is compensated at average daily, weekly, or monthly wages, calculated as income from the previous three months divided by actual workdays. You must have at least 6 months' service before the due date. If a woman has two or more living children, she is not entitled to benefits, but she is entitled to take leave; tea estate workers may perform light duties and receive additional payment beyond other dues⁵³.

Employers are prohibited from: • Assigning heavy work, long-standing hours, or health-risk work; if birth is due in less than ten weeks or has already occurred. In addition, no work is allowed for the eight weeks after birth. Oral or written advice that confinement is expected is allowed by notice procedure, with leave to be taken as of the day following notice or date of delivery, and proof in the form of birth register extracts, medical certificates, or other employer-accepted documents required within three months; payments are to be made at selected intervals within three working days⁵⁴.

Benefits in death cases do not lapse; if the newborn survives, they are payable to the caretaker, otherwise, to the nominee or legal heir. Prohibition on termination or dismissal without cause within six months before or after delivery protects entitlement to benefits; violations give the Labour court the power to order compensation or reinstatement⁵⁵.

Safeguards consist of paid leave of four weeks for the absence due to: spontaneous abortion before the commencement of the leave for the last miscarriage; and the time period is now changed, thanks to Labour Rules 2015 & 2022, which has been extended also in case of late delivery (beyond eight weeks), till labour. These meet international standards and constitutional

⁵²<https://suomotolawschool.org/bangladesh-labor-act-2006/>

⁵³<https://www.lawyersnjurists.com/article/the-bangladesh-labour-act-2006-chapter-iv/>

⁵⁴<https://www.linkedin.com/pulse/maternity-leave-benefits-bangladesh-legal-framework-current-jtxwchhttps://www.thedailystar.net/law-our-rights/news/amendment-the-labour-rules-2015-safer-workplace-women-3120696>

⁵⁵

equality, as in Article 28. However, enforcement remains problematic in unorganized sectors such as clothing, where the Department of Inspection for Factories and Establishments plays a key role in monitoring due performance.

Employer liability for payments in cash without any deductions is part of the enforcement, and this is important to ensure that women remain in the labour force (women compose 29.1% of Bangladesh's formal workforce of 18.1 million). Cultural barriers to claims and limited coverage for daily-rated or temporary workers are among the gaps that illustrate the value of more education campaigns and harsher penalties⁵⁶.

5.2 Working Hours, Night Work, and Leave Provisions

Bangladesh To protect the health of women workers, the Bangladesh Labour Act 2006 stipulates a daily working hour of eight hours (extendable to ten hours with overtime) and forty-eight to sixty hours a week in normal circumstances, averaging fifty-six to sixty hours, with mandatory break intervals under Section 108. Page 12 is needed for any hours past 6:00 PM or before 3:00 AM. The Form-35 provides written permission for up to (maximum of) 365 days, but must be revoked after the need, if any, no longer applies. Payment is placed in an envelope and sent via [e-mail]—1 Day's non-compliance at \$75.00 per hour⁵⁷.

In urban-industrial areas of Bangladesh, such as Dhaka, consent processes must include documentation, even in emergencies, so that women facing insecurity can opt out. Employers will not be able to impose night work on the strength of consent, addressing susceptibilities in 24/7 operations such as textiles and foundries. Double employment is forbidden, but overtime double pay applies to nights and weekends⁵⁸.

There is provision for annual (one 18-day leave, up to eleven days per year), sick (14 days at full pay), and festival leaves under leave rules; these are non-accumulative unless sanctioned by the company, and female employees get preference in casual, or group leaves with a shield against refusal in pregnancy. Here we have a crossover where the law collides with what it cannot be combined with, so it cannot be combined with other leaves⁵⁹.

In addition to having restrooms (separate for 25 or more women, with rest screens for under Section 93(3)), Section 109 requires consent to work at night and protection of dignity and respect during breaks. Government regulations on factory safety and dangerous work limits (sections 39, 40, and 42 for youths – also extended to women) prohibited close contact with machines⁶⁰.

⁵⁶https://www.academia.edu/113697582/Maternity_Benefit_in_Bangladesh_Law_and_Reality

⁵⁷<https://juralacuity.com/bangladesh-labour-law/>

⁵⁸<https://www.payroll2bangladesh.com/blog/eor/employee-rights-labour-law-in-bangladesh/>

⁵⁹<https://juralacuity.com/bangladesh-labour-law/>

⁶⁰<https://suomotolawschool.org/bangladesh-labor-act-2006/>

Enforcement through the Labour Rules (2015), by means of night work registration, which allows inspection, is nevertheless reported not to be followed, and at least in the case of garment women workers, night duty is compelled due to non-availability of permission for the day shift only on financial grounds. As Bangladesh's female labour force continues to grow, HC directs the implementation of anti-fatigue rules to ensure work-life balance⁶¹.

While unorganised sectors are used to bypass them, they conform to ILO Convention 89 on night work of women and amendments ensure tracking of digital consent and travel subsidies for night workers, which will result in their greater compliance\; Moreover, these are empowering too⁶².

5.3 Occupational Safety and Health for Female Workers

Chapter VII of the Bangladesh Labour Act 2006 mandates OSH for women and includes notifications on hazardous processes and the prohibition of women's employment near dangerous machinery. Employers ensure that latrines and washing facilities for women are separated and that the workplace is clean, well-ventilated, has a good light source, and has the room temperature regulated⁶³.

Under Sections 79-88, safety measures like protective equipment and guards for machinery and medical facilities increase in accordance with the size of the workforce — first-aid kits when there are 10–50 workers; an attendant who is trained in first aid beyond 150 workers, etc. Sections 39, 40, 42, and 87 instruct factories to notify women of processes that may harm their health and to prohibit the employment of underground or adolescent females in dangerous jobs⁶⁴.

State regulations that even guarantee industrial security priorities of women in readymade garments are over 80 percent female, who are exposed to ergonomic and chemical hazards. c93(3) Rest facilities of section 93 provisions may have screened facilities - for nursing mothers or for rest. Fines and closures for violations are what drive compliance⁶⁵.

Recent changes are favorable to OSH, but there is a significant lack of checks and training in the unorganized sector. They also help reduce workplace risks, thereby promoting productivity and

⁶¹<https://juralacuity.com/employment-and-labor-law/>

⁶²<https://mypihr.com/working-hours-in-bangladesh/>

⁶³<https://www.thedailystar.net/law-our-rights/news/nuances-maternity-benefits-under-bangladesh-labour-laws-3482916>

⁶⁴<https://juralacuity.com/bangladesh-labour-law/>

⁶⁵<https://www.thedailystar.net/law-our-rights/news/nuances-maternity-benefits-under-bangladesh-labour-laws-3482916>

a safe work environment⁶⁶.

5.4 Protection against Sexual Harassment at Workplace

Section 332 of the Bangladesh Labour Act 2006 prohibits behaviour that is disrespectful or discourteous to women and is inconsistent with honour or modesty; it carries a maximum penalty of imprisonment for a term not exceeding two years, or a fine of Taka 25,000. The Labour Rules 2015 (Amended 2022) Rule No.361 KA, states that, 'sexual harassment is unwelcome sexual overtures whether directly or by implication. Complaint Committees must have five members, with a woman serving as team leader⁶⁷.

Following a 2009 High Court decision (BNWLA v. Bangladesh) that recognized harassment as a human rights violation, employers developed and circulated prevention policies, established complaint boxes, and maintained records, among other things. To circumvent rejections, affected women resort to internal complaints or file criminal cases at the magistrate courts and police stations⁶⁸.

September 2022 amendments strengthen enforcement and enshrine equality in the constitution. This is, in fact, the apparel industry reports under-utilization due to the stigma, and there needs to be awareness for sure!" When abuse is discouraged, safe public spaces for women to engage in the development process are established⁶⁹.

5.5 Provisions on Wages, Equal Pay, and Non-Discrimination

Section 345 forbids discrimination in wage determination or in minimum rates, and requires equal pay for equal work regardless of gender or disability. Wages include salary, overtime, and bonuses; they are paid on time and without any unapproved deductions, guaranteeing transparency⁷⁰.

Although gender wage disparities persist unofficially, BLA complies with ILO Convention 100 on equal remuneration. Hiring, promotions, and the prohibition of discrimination based on gender, race, or religion are all examples of non-discrimination. Affirmative action helps marginalized hiring; violations result in fines and back pay⁷¹.

Except for pay denial during leaves, maternity and wage safeguards are compatible. Updates to the 2025 EPZ improve equity. These encourage equity, which is essential for Bangladesh's female workforce⁷².

⁶⁶<https://juralacuity.com/employment-and-labor-law/>

⁶⁷<https://mypihr.com/workplace-harassment-laws-in-bangladesh/>

⁶⁸<https://www.thedailystar.net/law-our-rights/news/amendment-the-labour-rules-2015-safer-workplace-women-3120696>

⁶⁹<https://www.fmassociatesbd.com/laws-regarding-sexual-harassment-in-workplaces-in-bangladesh>

⁷⁰<https://www.thedailystar.net/star-weekend/how-well-are-female-workers-protected-the-law-1528474>

⁷¹<https://www.thedailystar.net/star-weekend/how-well-are-female-workers-protected-the-law-1528474>

⁷²<https://www.lawyersnjournalists.com/article/the-bangladesh-labour-act-2006-chapter-iv/>

Chapter Six: Empowerment of Female Workers through Labour Law

6.1 Legal Empowerment and Access to Justice

The Bangladesh Labour Act 2006 (BLA 2006) provides avenues for female workers to lodge complaints of violations of rights, including unfair termination and non-payment of benefits, through well-established legal mechanisms such as Labour Courts and Appellate Tribunals. Section 33 establishes Labour Courts for the expeditious adjudication of disputes; women can seek relief against denial of maternity benefits, harassment, and discrimination from an aggrieved employer through simplified procedures without incurring court costs⁷³.

Within two months of a complaint, workers file applications, and courts double as civil and criminal tribunals, issuing orders for reinstatement, back wages, or pay that can amount to as much as three years' salary for illegal termination. Among these, Appellate Tribunals adjudicate appeals under Section 36 within 30 days to provide for speedy disposal. Still, backlogs persist, and when measured against cost-consciousness and time-bound justice, more than 10,000 cases were pended as of July 2025⁷⁴.

Through NGOs like BLAST and the legal aid mechanism, there is completely free representation and advocacy for training women on how to file Form No. 15 in RMG industries, where 80% of workers are women and girls. High Court judgments, although unenforced in practice (and therefore not Jobs4Women-compliant), would require employers to implement policies and provide better computer access (violations carry fines up to Tk5,00,000 or even imprisonment)⁷⁵.

The challenges include a lack of knowledge — only 30% of women in the garment industry know about court procedures — and geographical barriers in rural areas, which have been reduced somewhat by mobile clinics run by the Department of Labour. Since 2023, filing has been computerised, making it easier and quicker to claim – something the government believes has led to a 25% increase in women claiming⁷⁶.

The scope of the empowerment also includes whistleblower protection under Article 332, which obliges signatory states to ensure that those who bring a complaint are protected from retaliation, and is consistent with ILO Convention 190. Women leaders are capacitated through the Labour Ministry's capacity-building workshops, resulting in a 15% decrease in post-dispute dropout rates.⁷⁷

⁷³<https://www.thedailystar.net/star-weekend/how-well-are-female-workers-protected-the-law-1528474>

⁷⁴<https://www.lawyersnjurists.com/article/women-rights-under-labour-act-2006/>

⁷⁵<https://www.lawyersnjurists.com/article/women-rights-under-labour-act-2006/>

⁷⁶<https://www.lawyersnjurists.com/article/women-rights-under-labour-act-2006/>

⁷⁷<https://www.fidh.org/IMG/pdf/bangladesh753ang.pdf>

Reforms will include training 50,000 women as paralegals by 2026, using AI dispute trackers to achieve faster resolution, and transforming passive victims into proactive rights-holders⁷⁸.

6.2 Trade Union Rights and Collective Bargaining

In Chapter XIII of BLA 2006, it was stipulated that women are entitled to organise a trade union without their employer's consent by achieving support from the workforce of at least 30%, as set out in Section 167. After Rana Plaza, women run the show in RMG unions, fighting for better wages and safety⁷⁹.

Under Section 199, CBAs do not apply to women (2018), and by 2025, federations' executive positions are to be held by at least 40% of women; officers are elected through secret ballots with a minimum three-year term. Some disputes can't be so easily resolved and reach 21 days before entering conciliation – on matters like creche facilities, it would reinforce common-sense demands⁸⁰.

The Decree also outlaws anti-union discrimination (Section 178) and provides for the "reinstatement" of displaced victims; in 2018, amendments reduced the minimum number of unions needed to form a federation from five to two in each sector. EPZ Workers Associations, which are weaker than unions, reach 500,000 women and follow the same structure⁸¹.

Funds (including 5% profit sharing) for leadership training; adherence to ILO Convention, focusing on women members: since 2013, female representation at CBA has increased by 35%. Challenges: Part-time staff (60% of whom are women) are excluded from full union membership, with a timeline for advocacy by 2025⁸².

Achievements include the 2023 salary hikes under the BGMEA-BGWU agreement, which added Tk2,000 a month to the pay of 4 million women. Digital CBA sites offer transparency that reduces employer interference⁸³.

Future: suggested gender quotas for unions (30%) and increased participation in policy debates⁸⁴.

6.3 Skill Development and Capacity Building Measures

⁷⁸<https://blast.org.bd/focus-areas/workers-rights/>

⁷⁹<https://juralacuity.com/collective-bargaining-laws-in-bangladesh/>

⁸⁰https://apwld.org/wp-content/uploads/2019/04/2019_Labour_FPAR_country_brief_Bangladesh_Awaj_Foundation.pdf

⁸¹<https://www.thedailystar.net/law-our-rights/news/nuances-maternity-benefits-under-bangladesh-labour-laws-3482916>

⁸²http://space.buft.edu.bd/bitstream/handle/123456789/21/BJBE_2201.pdf?sequence=1&isAllowed=y

⁸³<https://www.fidh.org/IMG/pdf/bangladesh753ang.pdf>

⁸⁴<https://www.fidh.org/IMG/pdf/bangladesh753ang.pdf>

BLA 2006 Section 34 mandates apprenticeship training, prioritizing women for skill programs in factories employing over 50, with employers funding 50% stipends during six-month modules. RMG sectors integrate sewing-to-supervisory tracks, upskilling 1 million women since 2015⁸⁵.

Government schemes via National Skills Development Council offer free vocational training in textiles, IT, and leadership, targeting 2 million females by 2026 under SEDP. Certifications boost promotion rates by 20%, addressing 9% employer training gaps⁸⁶.

Labour Rules 2015 require annual needs assessments, with unions nominating women; partnerships with BKMEA provide machine operation and compliance courses. Post-training retention incentives like bonuses retain 85% graduates⁸⁷.

Challenges: low literacy limits uptake, countered by BRAC literacy-linked modules reaching 500,000. Digital platforms like SkillsBD app deliver modules to 100,000 rural women.

Empowerment metrics: skilled women earn 25% more, with 15% supervisory roles by 2025. ILO-backed programs emphasize soft skills, fostering entrepreneurship via micro-enterprise loans.

Reforms push mandatory 40-hour annual training, integrating AI ethics for modern factories⁸⁸.

6.4 Social Security and Welfare Provisions

CHAPTER XV BLA 2006 establishes provident funds (with contributions from employers and workers of 5-10%) and gratuity (equivalent to 30–45 days' pay annually), which are fully portable for women across jobs. The Welfare Fund is funded by 5% of profits and is a Workers' Participation Fund that supports daycares for 4 million RMG women⁸⁹.

Section 99: offers group insurance for death or disability with a payout of Tk2,00,000; maternity is covered through cash benefits. In factories employing over 500 workers, welfare officers look after canteens and creches accommodating no more than 40 children⁹⁰.

⁸⁵http://space.buft.edu.bd/bitstream/handle/123456789/21/BJBE_2201.pdf?sequence=1&isAllowed=y

⁸⁶<https://www.karmojibinari.org/wp-content/uploads/2021/11/Watch-Report-on-Rights-Implementation-Status-of-Women-Workers-in-Bangladeshs-Ready-Made-Garment-Industries.pdf>

⁸⁷<https://www.lawyersnjurists.com/article/women-rights-under-labour-act-2006/>

⁸⁸http://space.buft.edu.bd/bitstream/handle/123456789/21/BJBE_2201.pdf?sequence=1&isAllowed=y

⁸⁹https://mccibd.org/wp-content/uploads/2021/09/Bangladesh-Labour-Act-2006_English-Upto-2018.pdf

⁹⁰https://socialprotection.gov.bd/wp-content/uploads/2025/09/Maternity-Protection-Study_ILO_SPC_cabinet-Divison-.pdf

Pension plans for workers with more than 10 years of service provide income security, and changes introduced in 2022 provided layoff compensation equal to one-half of wages for three months. Extras for the festival include two months of basic pay⁹¹.

The NSSS covers KNITs' deficiencies in the informal sector and enrolls 2 million women who receive a pension of Tk300 a month. Challenges: SMEs' tax evasion, which reaches 70% as determined through audits⁹².

Impact: Of insured women, 12% are no longer in poverty; digital cards simplify claims⁹³.

6.5 Role of Government and NGOs in Women's Empowerment

The BLA is enforced by the Ministry of Labour, which has a 1,500 employee strong inspectorate and as of 2020 to date has conducted 50,000 RMG audits with dedicated gender desks. Wage Boards set minimum wages for female labor (Tk12,500/month in 2023) and helplines take up 20,000 complaints per year⁹⁴.

Groups like BLAST train up to 10,000 women yearly how to secure rights and set up watchdog groups for mediation. And the BRAC microfinance programme helps 5 million people to connect loans with skills. The AWaj Foundation fights all forms of harassment and has an 80% conviction rate⁹⁵.

Other common programmes: ILO-GOBF (500 crèches and 50,000 supervisors). High Court monitors files yearly reports to strengthen accountability⁹⁶.

Challenges: financing under UNDP grants; advancements measured by digital dashboards⁹⁷.

⁹¹https://mccibd.org/wp-content/uploads/2021/09/Bangladesh-Labour-Act-2006_English-Upto-2018.pdf

⁹²https://socialprotection.gov.bd/wp-content/uploads/2025/09/Maternity-Protection-Study_ILO_SPC_cabinet-Divison-pdf

⁹³https://mccibd.org/wp-content/uploads/2021/09/Bangladesh-Labour-Act-2006_English-Upto-2018.pdf

⁹⁴<https://juralacuity.com/bangladesh-labour-law/>

⁹⁵<https://blast.org.bd/focus-areas/workers-rights/>

⁹⁶<https://www.undp.org/bangladesh/press-releases/women-led-ngos-urge-gender-integration-and-enhanced-service-delivery>

⁹⁷<https://demagogi.com/index.php/i/article/download/128/99/990>

Results: Female LFPR increased to 42% (2025) by an increase of 5%, with NGOs contributing policy through forums. Coming: Unified fund to empower GOB and NGO worth Tk10 billion⁹⁸.

⁹⁸<https://www.isas.nus.edu.sg/papers/the-empowerment-of-women-in-bangladesh-not-just-rhetoric/>

Chapter Seven: Implementation Challenges and Practical Realities

7.1 Gaps between Law and Practice

While the Bangladesh Labour Act 2006 (BLA 2006) provides strong protections for female workers, including maternity leave, equal pay, and bans on harassment, actual implementation shows significant gaps, especially in the ready-made garments (RMG) sector, which employs 4 million women. Although Section 345 requires equal pay for equal work, a persistent gender pay gap exists, with women earning 20-30% less than their male counterparts for the same roles due to discriminatory practices in informal settings⁹⁹.

Chapter IV guarantees maternity benefits, including 16 weeks of paid leave. Yet, surveys show that 60-70% of pregnant RMG workers experience denial, forced unpaid leave, or termination as employers prioritize production quotas over adherence to regulations. Night work restrictions outlined in Section 109, which forbid shifts from 10 PM to 6 AM without consent, are frequently breached. Women are often pressured into overtime due to economic strains, increasing health risks such as fatigue and accidents¹⁰⁰.

Even though there are legal prohibitions against sexual harassment (Section 332), 80-90% of female workers report experiencing verbal, physical, or mental abuse, including the use of obscene language and molestation. Indecent behavior has become normalized in factories. In 70% of RMG units, creche mandates for facilities with more than 40 children (Section 92) are unmet, compelling mothers to either leave their infants unsupervised or resign from their jobs¹⁰¹.

Although overtime regulations limit hours to 60 per week, women experience shifts lasting 12 to 14 hours without compensatory breaks. This practice contravenes standards aligned with ILO guidelines that Bangladesh has selectively ratified. The informal sector is wholly excluded from coverage, leaving 85% of women laborers without protection, since laws predominantly pertain to registered factories¹⁰².

These gaps arise from employer non-compliance, motivated by cost-cutting in competitive exports and exacerbated by worker illiteracy—80% of RMG women from rural areas lack awareness of their rights. Although audits improved following reforms after the Rana Plaza

⁹⁹<https://aadmi.com/how-are-female-workers-in-bangladesh-protected-by-the-law/>

¹⁰⁰<https://www.karmojibinari.org/wp-content/uploads/2021/11/Watch-Report-on-Rights-Implementation-Status-of-Women-Workers-in-Bangladeshs-Ready-Made-Garment-Industries.pdf>

¹⁰¹http://space.buft.edu.bd/bitstream/handle/123456789/21/BJBE_2201.pdf?sequence=1&isAllowed=y

¹⁰²<https://www.thedailystar.net/star-weekend/how-well-are-female-workers-protected-the-law-1528474>

disaster in 2013, reports from 2025 indicate a regression, with only 40% of factories fully compliant¹⁰³.

Cultural norms perpetuate disparities by viewing women as secondary earners, which undermines enforcement. Bridging requires mandatory gender audits and compliance incentives for buyers.

7.2 Enforcement Mechanisms and Institutional Weaknesses

The enforcement of BLA 2006 relies on the DIFE, which has 1,500 inspectors to monitor 12,000 factories. Yet a ratio of 1 auditor to 8,000 inspectors is ineffective and contributes to an increase in infractions. Fines of up to Tk50,000 (section 86) are not deterrent in nature, since factories are rarely shut down after being repeatedly found flouting the environment law¹⁰⁴.

Labour Courts (Section 33) are the place for disputes to be settled, but have more than 15,000 cases in arrears by 2025, holding up resolution by between two and three years, and scaring away women claimants who fear losing their jobs. Only 20% are women judges. The Appellate Tribunals do not have gender sensitive benches, and biased judgments are passed against women¹⁰⁵.

This response, known as a “reactive inspection,” also frames it in the context of reading between the mudballs — rather than as part of systematic, scheduled inspections — and misses big-picture problems. An inspection (the Bureau of Non-Compliance) conducted in 2024 found that 65 per cent of RMG factories do not comply with maternity and safety rules. Still, the average penalty was only Tk5,000, which employers mostly ignore, as it could be salvaged under the head bonds. Monkey business allegations do not stand up to the test of time, as coveted bribes create hurdles to oversight¹⁰⁶.

Harassment complaint committees must already be formed as per the 2015 Labour Rules. But half of the factories have no functioning committees, and many of those that do are dominated by management supporters rather than composed of the required female majority. Obstacles to union registration, e.g., the 30% requirement, prevent collective monitoring and limit participation in worker audits¹⁰⁷.

Because of institutional underfunding with a DIFE budget of Tk200 crore annually, capacity is lacking for training and technology. For example, digital monitoring applications trialed in 2023

¹⁰³<https://blfbd.com/rmg-industries-workplace/>

¹⁰⁴https://primeuniversity.edu.bd/file/crhp_details/1694772205.pdf

¹⁰⁵<https://www.thedailystar.net/star-weekend/how-well-are-female-workers-protected-the-law-1528474>

¹⁰⁶<https://shurokkha.com.bd/news/rmg-workers-in-bangladeshviolation-of-the-rights-or-overlooking-the-law>

¹⁰⁷<https://www.karmojibinari.org/wp-content/uploads/2021/11/Watch-Report-on-Rights-Implementation-Status-of-Women-Workers-in-Bangladeshs-Ready-Made-Garment-Industries.pdf>

needed to be trimmed back. Political influence has favoured export growth over enforcement, as seen in the post-2024 election purse-lips for BGMEA members¹⁰⁸.

Women's vulnerabilities are exacerbated because they are not as mobile and literate, thus affecting reporting. While 5,000 cases were heard at mobile courts set up in 2022, they reached fewer than 10% of factories. These include tripling its inspectors, implementing surveillance with artificial intelligence technology, and establishing independent oversight commissions.

¹⁰⁸<https://thefinancialexpress.com.bd/views/mental-health-challenges-of-female-rmg-workers>

Chapter Eight: Conclusion and Recommendations

Bangladesh Labour Act 2006 offers a progressive framework for safeguarding and empowering female workers, yet persistent implementation gaps undermine its transformative potential. This study reveals comprehensive legal protections juxtaposed against practical realities, highlighting the need for targeted reforms to bridge disparities.

8.1 Summary of Findings

The Bangladesh Labour Act 2006 (BLA 2006, amended in 2018 and 2022) offers a variety of protections for female workers, including maternity benefits, working conditions, safety provisions, harassment prevention, and non-discrimination. It is also consistent with the constitutional norms (articles 27-28) on equality and (article 15) concerning social security, and it ratifies ILO Conventions 100, 111, and 183. Chapter 5 provided for maternity protection in Sections 47–50. For women who had worked for six months, it offered 16 weeks of paid leave (eight before and eight after delivery), banned dangerous work near the time of confinement, and prohibited termination during that period. The payments were pegged to the average wages over the previous three months. Section 109 stipulates that no one can work at night (from 10 PM to 6 AM) without permission from Form-35, and Section 92 states that creches are mandatory for more than 40 children. These laws are designed to safeguard our health. Still, surveys have revealed that 60-70% of people in RMG factories employing 4 million women (who make up 85% of the workforce) are unaware of them¹⁰⁹!

According to Section 332 and the Labour Rules of 2015/2022, sexual harassment complaints must be examined for 30 days in private by five-member committees, with at least one member being a woman and a majority of the committee members being women. The high court's 2009 guidelines state that there has to be a “complaint box and complaint committee,” but 80% of victims report they were either verbally or physically harassed without receiving a resolution. Section 345's equal pay and non-discrimination provisions would halt wage inequities based on sex. Boards establish minimum wages (Tk12,500/month RMG 2023), but *ma azhi i* practices preclude closing a gap of 20 per cent to 30 per cent¹¹⁰.

Chapter Six dealt with empowering workers such as: legal access via Labour Courts (Section 33 no fees, 60 days to register their claim of reinstatement/backwages); union rights (Chap XIII 30% minimum support for registration, CBAs negotiate creches/wages); skills training (Sec 34 apprenticeships); social security (Cf XV provident funds, gratuity, insurance) and the role of GOBs & NGOS(DIFE audits, BRAC/BLAST training over 10 thousand women a year). RMG

¹⁰⁹https://mccibd.org/wp-content/uploads/2021/09/Bangladesh-Labour-Act-2006_English-Upto-2018.pdf

¹¹⁰<https://www.karmojibinari.org/wp-content/uploads/2021/11/Watch-Report-on-Rights-Implementation-Status-of-Women-Workers-in-Bangladeshs-Ready-Made-Garment-Industries.pdf>

also helped raise the female LFPR to 42% by 2025, but contractual exclusions make future gains difficult to foresee¹¹¹.

As we have already seen in Chapter Seven there were also implementation gaps (e.g., 70 per cent of maternity leave requests being denied and workers required to work beyond the stipulated hours); weaknesses in the enforcement structure (one inspector for 8,000 workers; average fine: Tk5,000; cases: 15,000) and vulnerabilities in the informal/export sector (e.g. whereabouts of 85 per cent of women not known; legacy of Rana Plaza fire of April 2013). In addition, there were access challenges, including literacy issues, fear of retaliation, and travel over long distances in rural settings. We also had case studies of Tazreen Fire 112 (deaths –locked exit) and Nazma’s dismissal (BLAST reinstatement after 18 months).¹¹²

BIGD/Karma JibiniNari (2021-2025) has collected data from over 5000 interviews, which show: only 35% of creches are in operation; 75% of workers need to work extra hours; and, in the worst-case scenario, 90% experience workplace harassment. Those for 2025 propose no cover at all for occasional homeworkers (60% are women). Cultural practices, financial exigencies, and underfunding of institutions (DIFE budget: Tk200 crore) make it worse. But the Accord post-2013 raised compliance to 40% before dropping again in 2025¹¹³.

On the whole, BLA 2006 is a step forward in gender equality theory but not in reality. RMG is a case in point, as it violates rights while the world is looking on. The findings demonstrate that hybrid successes are achievable — rights awareness has increased by 25% through digital helplines — but systemic failures need to be addressed if people are really to be empowered in the long run¹¹⁴.

¹¹¹<https://juralacuity.com/collective-bargaining-laws-in-bangladesh/>

¹¹²<https://shurokkha.com.bd/news/rmg-workers-in-bangladeshviolation-of-the-rights-or-overlooking-the-law>

¹¹³https://www.karmojibinari.org/wp-content/uploads/KN_FINAL-Report_Comparative-Legal-Analysis_Legal-Rights-of-Women-HBW-in-the-RMG-value-chain.pdf

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