

**Low Value Grants Support Programme of UNDP  
Workers' Rights in the Construction Sector of Bangladesh**

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**WORKERS RIGHTS IN THE  
CONSTRUCTION SECTOR OF BANGLADESH**

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# EXECUTIVE SUMMARY

## Introduction

As a source of employment, the construction sector provides much-needed work-opportunity for the poorest and most vulnerable people. The sector generates employment for over 3.8 million people indicating that 5.44% of the total employed population aged 15 or above is engaged in this sector. The contributory share of the GDP of this sector is over 8 percent. However, the sector comprises a large portion of the informal employment in the country.

Although the construction sector of Bangladesh from a legal perspective is a formal sector, labour relations and practices are informal. The sector has a statutory minimum wage, a separate insurance scheme, and the rights to form trade unions along with other protections arising out of the Bangladesh Labour Act 2006, including employment contracts, leave, rest and working hours, occupational health and safety, and social protection. The practices in this sector overwhelmingly demonstrate informal characters and violations of the legal and human rights of the workers.

Despite the reported cases of violation of labour and human rights in the construction sector of Bangladesh, a comprehensive study to unearth the condition of the workers, incorporating the legal provision on workplace rights and its implementation status, is absent. For identifying and addressing labour and human rights risks in the construction sector of Bangladesh, this study reviews Bangladesh's regulatory instruments in line with the United Nations Guiding Principles (UNGPs) and other international human rights standards and norms with a particular focus on ILO conventions. The specific objectives of the study are to: (a) assess the worker rights situation in the construction sector of Bangladesh in the context of decent work and business and human rights; and (b) develop a set of recommendations to ensure the implementation of construction workers' rights.

## Study process and methodology

This study employs a mixed-method approach—both quantitative and qualitative aspects inform the analysis of the construction work and rights situations of the workers.

The analysis of the construction work and rights situations of the workers identifies the risk factors for workers at the construction sites and the required regulatory instruments and practical supports for addressing those risks. This review of the provisions under the existing national regulations, and as such the framework of assessment draws on the decent work agenda and includes issues of human and labour rights indicators.

The study draws on a questionnaire survey of construction workers across the country (1000 workers—300 respondents each in Dhaka and Chattogram, and 200 each in Khulna and Rajshahi). Besides, eight focus group discussions with construction workers and their representatives (2 each in 4 divisional cities), and nine key-informant interviews with construction companies, associations, and government representatives were conducted.

## Study Outline

The study is presented in three core sections. First, the legal and policy environment: with a focus on coverage, deficits, and implementation status, the existing laws and policies that address the rights of construction workers are presented. Second, decent work conditions and deficits: focusing on the condition of construction workers in terms of human and labour rights indicators. Third, strategic directions: exploring what steps and strategies the construction sector employers adopt and what initiatives diverse stakeholders may provide to deal with the decent work deficits.

## 2. legal and Policy Framework for Construction Workers

### *Labour Rights Protection Framework in Bangladesh*

Bangladesh is obliged to uphold workers' rights through numerous international workers' rights and human rights instruments. Bangladesh has ratified all eight fundamental ILO conventions on core labour rights. The instruments originating in the United Nations, particularly the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESR) and International Covenant on Civil and Political Rights have bestowed workers with economic, social, cultural, civil, and political rights. Moreover, the Convention on the Rights of the Child (CRC), and the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) also provide the basis of protection of workers' rights in Bangladesh.

At the country level, the constitution is the highest legislation of Bangladesh and provides its citizens the right to freedom of association, reasonable wages, equal opportunity in employment, social security and prohibits forced labour (Articles 7, 14 and 20). The constitution has indicated work as a right and duty of the citizen (Art. 20).

The Bangladesh Labour Act 2006 (BLA 2006) is the most important labour legislation of the country. The BLA 2006 regulates trade unions, working hours, minimum wages, employment, and industrial relations. The laws setting out the obligations relating to workplace safety on construction sites are principally contained in the Bangladesh National Building Code (BNBC) 2020 which became law in February 2021 through powers set out in the Building Act 1952.

### *Legal Provisions on Construction Work and Workers*

#### *Employment contract*

The protection to workers afforded by the BLA 2006 is applicable to all construction workers who are employees and have an identifiable employer with whom they have an employment relationship. It provides numerous provisions on contractual arrangements e.g., appointment letter and identity card, service book, employee register, as well as detailed guidelines on job termination both by workers and employers.

As per the provisions of BLA 2006, workers have the right to resign from the job after giving notice in writing to the employer or surrendering wages equal to a variable notice period (Section 27). In the case of job termination of a permanent worker, the employer should compensate for every completed year of service or provide gratuity whichever is higher (Section 27). Employers are also entitled to terminate workers by ways such as retrenchment, discharge, and dismissal. An employer can only dismiss a worker without serving prior notice if the worker is (a) convicted of any criminal offence; or (b) proved guilty of misconduct (Section 23).

#### *Working Hours*

BLA 2006 allows every adult worker to work without overtime, maximum eight hours a day and forty-eight hours a week (sec. 100). In terms of night duty restriction, it proclaims that no female worker is allowed to work without her consent between the hours of ten o'clock in the evening and six o'clock in the morning, and for young workers (14-18 years), the forbidden work hours is between the hours of seven o'clock in the evening and seven o'clock in the morning (Sec. 109 and 41.3). With the consent of women workers, the law allows employers to engage women workers at night even in those establishments where family members of the women worker are not employed.

### *Elimination of Child Labour*

Bangladesh's standard on the elimination of child labour and protection of adolescents makes use of the exemption provision of the ILO convention applicable to developing countries. In setting the minimum age of employable children, BLA 2006 allows children of 14 years. The relaxation of the rule on the age of children to 14 years for work not harmful to health, development, and education, in effect, allows employment of children in general since the law does not define what constitutes such work, (except the list of worst forms of child labour) and also because it is difficult to ascertain the age of workers due to non-availability of national identity documents for persons below eighteen years of age.

### *Protection against Forced and Compulsory Labour*

Article 34 of the Constitution states "All forms of forced labour are prohibited, and any contravention of this provision shall be an offence and shall be punishable in accordance with the Law." There is no specific provision in its labour law, neither is it defined. However, all forms of forced labour are prohibited, and any contravention of this provision is an offence punishable accordance in Bangladesh's civil law.

### *Protection against Discrimination at Workplace*

Legal provisions relating to protection against discrimination in Bangladesh are mainly focused on wage and gender. Employers are obliged to ensure equal wages for male and female workers for work of equal nature or value, and no discrimination should be made on the grounds of sex (BLA 2006, Sec.345). The current law is in line with the ILO provision, it mentions the principle of wage setting as "equal pay for equal value of work." However, the current provision left broad areas of discrimination at workplaces unattended. It lacks specific provisions on discrimination related to workplace facilities and treatment. Again, only the sex of workers has been considered as discrimination ground; different other grounds of discrimination e.g., race, religion, and ethnicity are not included. This omission contrasts with Bangladesh's Constitutional stand against discrimination.

### *Wage and Work-related Benefits*

BLA 2006 defines wages to include other benefits and elaborates on procedures of wage fixation (Chap. XI). According to the Act, the government is required to establish a Minimum Wage Board to determine and declare rates of wages. There are a few specific provisions in the Act that are important from the perspective of effectiveness. First, the wage determination does not require considering the family size of the workers, and also it is not mentioned how the balance between efficiency (profit) and equity (workers' protection) would be made while considering the wage structure.

The law has made it obligatory for employers to provide all remuneration on a regular and timely manner. It also has elaborated provisions on wage deduction, which says that no deduction shall be made from the wages of workers except few permissible cases and specified fines (Sec. 25). Nevertheless, there remains a wide scope of employers' discretion in effect possible violation.

The procedures and fundamentals for the fixation of the minimum wage have no reference to piece rate workers. In addition, the lack of provisions in labour laws related to festival bonuses, and other allowances e.g., healthcare, transportation, and recreation left many of the financial benefits to the discretion of employers.

### *Social Security*

Bangladesh's labour law has provisions in the areas of insurance, compensation, and maternity benefits, but does not provide any specific provisions on pension. Instead, two other provisions—provident fund, and gratuity—intending to provide social security benefits to workers are provided.

The provision of gratuity is optional under the provision of law. The provision of provident fund is subject to numerical bindings— establishing a provident fund for workers is 'mandatory' only when at least three-fourths of the total workers of any factory/ establishment apply to their employer requesting to form a provident fund (Sec. 264). The introduction of group insurance is dependent on the number of workers too—may be formed where minimum 100 permanent workers employed. These numerical bindings exclude workers in establishments of smaller size and keep open the scope for violation through manipulation of numbers and employment contracts.

### *Occupational Safety and Health*

The duties relevant to worker health, safety and welfare are contained in the BNBC. Unlike the BLA 2006, the BNBC imposes a general duty to work in 'a safe manner'. It states, "(E)rection, alteration, remodeling, repairing, removal or demolition of a building or structure shall be conducted in a safe manner. Suitable protection for the general public and workers employed thereon shall be provided according to the various provisions of this Code" The BNBC does not set out how the responsibilities of the owner, the developer, the contractor, and the engineer may differ – they all simply have to comply with the requirements of the BNBC. However, similar to the BLA, the BNBC does not impose any duties on any party to provide training, information, instruction, or supervision. Instead, there are detailed obligations set out about what the duty holders should do in relation to different kinds of work activities on a construction site. The Code makes it clear that any legal contract between the owner and a contractor and the owner and consultant cannot "absolve the owner from any of his responsibilities under the various provisions of this Code and other applicable regulations and bylaws."

### *Freedom of Association and Collective Bargaining*

BLA 2006 provides the right of workers to form and join trade unions by their own choice. It makes specific bindings on employer or trade union of employers, and on the person acting on their behalf for protection against victimization and discrimination. These include (a) protection for workers during trade union formation—barred employers from terminating workers while they are in the process of establishing trade union at their workplaces; and (b) strict restriction of transfer of trade union officials—the provision of not transferring the president and secretary of trade union from one place to another without their consent has been extended and made specific.

To form a trade union, there is a pre-requisite of 20 percent of the total number of workers employed in any establishment or group of establishments that does not correspond to norms on all workers' rights to form and join a trade union, especially with the ILO convention 87 to which Bangladesh is a signatory. This numerical binding excludes a large majority of the construction workers since it causes obstacles to their freedom to form and join unions.

On the right to collective bargaining, BLA 2006 provides several provisions including on rights to bargaining, scope and procedures of bargaining, procedures of settling industrial disputes, right to strike, workers' protection during lay-off, and tripartite consultation. A trade union is allowed to work as a collective bargaining agent (CBA) in any establishment (Sec. 202), but there is pre-condition—if more than one trade union exists and election is not held, then a trade union to act as CBA requires membership of at least one-third of the workers. Calling a strike is also dependent

on the support of a pre-requisite number of members for the CBA—support of at least three-fourth members of the CBA is necessary. Hence, on collective bargaining, rights provisions in terms of availability fully reflect those of the standards prevailed in three standards forms, but on effectiveness, standards are hardly applicable.

### **3 The State of Rights of Construction Workers**

#### **3.1 Employment Opportunities**

The construction sector provides employment opportunities for workers to be engaged in various tasks including masonry, electric work, painting, plumbing, piling, ironwork/rod binding, welding, carpentry, roof-casting, glass/aluminum setting, tiles/mosaic, and rod casting. The number of workers at the current workplaces of the respondents reveal that most construction sites employ fewer than 30 workers. Smaller construction sites employ more female workers. In contrast, male workers are engaged in slightly bigger worksites.

The work availability in the construction sector is not equally applicable across gender. While the workers perceive that work of any type is available for any worker in the sector, for female such availability is perceived by only less than 17% of workers. The perceived availability of work is for male workers in general and specifically for young workers (less than 35 years of age), revealed in the field survey when the respondents were asked to perceive the availability of work in the sector. While numerous reasons of non-availability of work for women including lacking interests and communication from the female workers are highlighted, the most prominent cause perceived for the non-availability of work is that women lack adequate skills required for some work like plumbing, electric work, or the work-environment in the construction sites are not suitable for women workers.

The work availability in the sector is not for throughout the year. The time when these workers do not have regular work is during the rainy season; much of the construction work carried out in the open is subject to good weather, and as such workers do not have regular work during the rainy season (around 3 months) of the year. Except for the rainy season, on average workers' monthly workdays are 15 to 25 days. Compared to the male workers, a higher proportion of female workers (36% female in contrast to 7% male) work for a smaller number of days every month.

The most prominent reason for construction workers not having year-long continued work engagement is that most of the workers are recruited on a daily basis. The informal work relations are nonetheless more pronounced for female workers. Over 90% of female workers are recruited on daily basis, whereas male workers are recruited more on the basis of monthly employment or piece rate employment contract.

#### **3.2 Stability and Security of Work**

Construction workers get jobs through diverse channels that are primarily informal. The role of the intermediaries in the recruitment process is widely observed.

As reported by the respondents, the hiring practice significantly differed according to the geographical locations under this study. Recruitment by contractors and labour *Sardar* was higher in both cases in Dhaka while recruitment by the mason was higher in Khulna and Rajshahi compared to Dhaka and Chattogram.

The work experience of the respondents in the construction sector varies greatly. Four of every ten (40%) workers have experience of up to five years in this sector, and slightly more than one-fifth has 6-8 years-long job lengths. Few workers have a longer experience. 6.7% have been working for 16-20 years; just 6.2% have more than 20 years' experience.



At the current workplaces (during the survey of this study), workers have a short length of the job. Due to the nature of construction work and its segmentation, the workers generally work for a short period at each construction site.

Although appointment letters, identity cards, and service books are important tools for ensuring employment security, these are hardly available for construction workers. 97% did not have employer-proved identity cards, and 90% were not provided with service books.

Workers' attendance recording methods/means are primarily traditional. Even though in many workplaces there is no formal way of registering the attendance of workers. 48% of respondents claimed that their employers/recruiters keep records of their daily attendance in register *khata* and notebook.

The expulsion of workers without serving a written notice is frequent in this sector. Although this applies to all regions, the spatial difference shows that in Dhaka and Rajshahi this practice is more frequent compared to Chattogram and Khulna. Although there are legal provisions on the expulsion of workers with serving written notice, this is mostly absent in this sector since the recruitment/hiring process is informal and non-implementation of employment stability/security provisions like appointment letters.

The expulsion of workers not only is without prior notice but also does not accompany any benefits as per the legal provisions. Many of the workers do not get their due wages (or a portion of due wages) after such unfair expulsion.

Like many other sectors, the jobs of the construction sector workers were affected due to the unprecedented COVID-19 pandemic. 40.8% of respondents claimed that they had observed that their fellow workers lost their jobs.

Regarding the job loss during COVID-19, the majority of respondents claimed that retrenched workers did not receive any prior notice. Some (14.2%) even do not know whether notice was served. In respect to serving prior notice, no variation has been observed compared to workers under private/individual owners and workers who work under construction companies.

Some workers, who lost the job due to COVID-19, did not get the whole of their due wages. 15.2% of respondents claimed that the workers who lost jobs from their workplaces received partial wages.

### **3.3 Decent Working Time**

Mostly the basis of working hour calculation is daily hours. Gender variation is not remarkable in this regard. Generally, 8 hours of work every day is the standard for the majority of the workers. Gender-segregated data shows that in terms of working hours, there is no variation for male and female workers.

Eight of every ten workers claim that there is no provision for overtime.

As regular working hours, the majority of the respondents work 8 hours daily. One of every three workers works 9-10 hours, and one of every ten workers works more than 10 hours daily, but not counted as overtime. More than 10 hours of daily work is higher among men compared to women workers.

Regarding overtime, 22% of workers, among those who have reported overtime provisions at the workplace (n=194), work up to 2 hours, which is the legally permitted limit. Therefore, in most cases, the legal provision is violated where overtime is practiced; 78% work more than two hours daily overtime. This practice is more common among the men workers (80%) compared to the women (65%).

Daily working hours including overtime are more than 8 hours for the majority of the workers. For one in every four workers, the daily hours exceed the 10-hour limit, whereas the working hours are usually longer for the male workers. The reality is that in most cases

workers for their overtime work are not paid twice of the normal hours of work, which is legally binding. Few workers are also not aware of the rate of overtime pay. A high level of lack of compliance concerning overtime payment is evident in this sector.

### 3.4 Adequate Earning and Productive Work

**Workers' awareness of minimum wages:** The Government of Bangladesh has set the minimum wages for construction sector workers (updated in August 2021), but the lack of awareness about government-declared minimum wages is apparent among the construction sector workers. Only about five percent of the respondents claimed that they knew about the government-declared minimum wage for the sector.

**Workers' monthly income:** The workers in the construction sector are paid very poorly. This study reveals that the majority of workers' monthly income is in the range between BDT 10,001 to 15,000 followed by BDT 15,001 to 20,000. It is evident that the wages of construction workers vary according to location/region and ownership of construction work.

The present study finds that income of workers who work under the construction company is higher than the workers who work under the individual/ private ownership. While, the average monthly income of a company worker is BDT 14,066, a worker under individual ownership earns BDT 12,984 every month.

A construction worker's monthly average income is very minimal compared to government-declared minimum wage. The survey result shows that a mason earns, on average, BDT 12,627, whereas the government-declared monthly minimum wage for masonry is BDT 24,580. It is also evident that no construction worker earns according to the government-declared minimum wages; their average income ranges from 44% to 63% of the government-declared monthly minimum wages for urban areas.

**Wage payment time:** As most construction workers work on a daily basis, a daily payment system is apparent in the majority of the construction work. About two-third of respondents informed that they were paid daily. Only about nine percent of workers said that their wage payment date was fixed and they received the wages within 7 to 10 dates of the subsequent months. Of the workers who responded that their wage payment time was not fixed (16%), the majority received the payment after 10 days of the subsequent month, an explicit of labour law provisions.

**Wage deduction:** Deduction of wages is not frequent in construction sector. Only 12 percent of workers reported that the employers rarely deduct the worker's salary due to absence at work or enjoying leave, doing wrong in work, loosing construction material, and cheating at work. About 8 percent of workers informed, wage deduction is not frequent in this sector.

**Gender discrimination in wage payment:** Gender-based wage discrimination is evident in construction sector. It is noticed that the daily remuneration of the female workers is less than the male workers for similar nature of work. When the respondents were asked whether there are wage differences between female and male workers, majority of the female workers (62%) and more than 35 %of the male workers gave positive response.

**Income-expenditure gap and maintaining decent life:** Workers' income-expenditure gap is evident in the present study. Almost all types of construction workers' average income is less than their average family expenditure, and the gap is around BDT 900 to 3000.

Workers face difficulties in maintaining a minimum life standard with their limited income. When the respondents were asked whether their current income was sufficient for maintaining a minimum standard of living, the majority of workers (63 percent) informed that it was not sufficient.

### **3.5 Equal Opportunity and Treatment in Employment**

Several types of discrimination exist in the construction sector, and the grounds for discrimination are multifarious. 31% of all respondents in this study claimed that they had found several discriminations at their respective workplaces that included wage, overtime, leave, working shift time, task/assignment, the scope of rest, and retrenchment. In contrast, few (5%) workers do not know whether discrimination exists.

Holding the traditional patriarchal attitude, both contractors and even male workers perceive/believe that women are paid less since they cannot do as much hard work as men. Further, they consider that women are employed in simpler/lighter work in construction work. Along with wage disparity, gender-based discrimination is also evident in worker recruitment, as owners/contractors generally are somewhat reluctant to recruit female workers.

It is to be mentioned that the pattern of discrimination in terms of wage is similar in the construction sites of both company-owned and private/individual-owned. There is further no significant difference in the prevalence of discrimination in other areas, mentioned earlier.

Gender discrimination is also evident in tasks/assignments, although many workers are in oblivion about the discrimination. Survey data shows that 45% of workers do not know whether women get equal opportunity in case of task distribution according to experience.

Construction workers' workplaces are not harassment-free. 30% of the workers have claimed that they face different types of harassment. Among the several harassment types, verbal is the most common one, followed by psychological. Though few cases, there are also instances of physical and sexual harassment. Workers of both company-owned and individual-owned sites predominantly face harassment inside the workplace. The harassment incidences are slightly higher in company-owned construction sites compared to private/individual-owned sites.

Despite having harassment, most workers lack a complaint mechanism at their workplaces. The absence is slightly higher in privately/individually owned sites compared to the company-owned sites.

### **3.6 Child Labour and Forced/Bonded Labour**

The field survey asked the respondents whether there was an existence of child/ adolescent workers (below the age of 18). Over one-fifth (22%) of the respondents perceive that their workplaces used to recruit child/adolescent workers. The analysis of the respondents' age range reveals that 42 workers, representing 5% of all respondents, were below 18 years. The existence of child/adolescent workers in the sector is continuing as any employer/contractor hardly verifies age while hiring.

The terms of recruitment of children/adolescents are no different from the adult workers. The workers below the age of 18 also are hired mostly on a daily basis or piece/contact rate. The work hours are similar to adults. 89% of respondents claimed that the work hours were the same as adults. No child/adolescent worker in the study sample was found to work below 8 hours per day.

As per the BLA 2006, adolescent workers are to be provided light work. But the field survey reveals that not all adolescent workers are treated specially and differentially in terms of the nature of work. While 43 % of respondents claim that child and adolescent workers are

treated differently, and are provided with simple tasks or light work, the rest of the respondents expressed the view that all were treated equally in terms of work tasks.

Despite the fact that the adolescents are not treated differentially workers do not perceive that treating all workers—both adults and adolescents—equally in terms of work hours and work nature does not lead the work to be either forced or bonded labour. Irrespective of age, workers' physical abilities define many of tasks in the sector. As such, workers choose willfully the tasks they perform. A lack of awareness of the age restrictions for work and the issues that lead work to be treated as forced or bonded labour is obviously prominent amongst construction workers.

### **3.7 Combining Work, Family and Personal Life**

Weekly, holiday with pay is not practiced generally in the construction sector. Both survey data and FGDs have come out with similar findings. For example, 93% of all the surveyed workers are not provided with such leave. Although just 7% (70 of 1000) of respondents have such leave, more than half of them (37 respondents) do not enjoy it regularly.

Workers further have informed that employers/recruiters never provide annual leave, casual leave, and maternity leave.

Although construction workers enjoy leave/day off at the cost of their daily wage, getting leave is not an easy task always. According to survey data, the majority perceive that obtaining a day off is easy while many (27%) consider the process 'not easy'. Besides, some others (10%) are unaware of the difficulties involved in the process of getting a day-off. The proportion of workers who perceive the process as 'easy' is higher among the women respondents compared to men counterparts.

Pregnant workers generally are not recruited at construction sites. Nine of every ten workers have claimed that they are not recruited. The situation is almost similar at both privately-owned and company-owned sites.

Likewise, maternity leave is also not provided to women workers except for a few exceptions. The level of unawareness is also remarkable concerning this issue. Survey data shows that 56% of workers do not know whether such practice is available in the construction sector. 30% of workers have informed that there was no such leave in this sector.

The majority (55%) of the respondents have claimed that it becomes very difficult to bring the balance between work and family life. Multiple factors and reasons, which are related to both living places and workplaces, play a role behind this. Workers perceive that the workload at both places is heavy/too much. Besides, absence of leave and long working hours make it difficult to manage family responsibilities, and they do not get enough time to spend with family members.

### **3.8 Social Security**

The BLA 2006 has stipulated many provisions concerning employers' liability for workers' social security, e.g., provident fund, gratuity, death and injury compensation, and group insurance. The study confirms that construction workers mostly are deprived of social security rights. Survey data shows that only in a few cases do workers get compensation and health care expenditures. The availability of these provisions is slightly higher for workers under the companies than individual privately-owned sites. A large proportion of the construction workers are not aware of the social security provisions.

### **3.9 Safe Work Environment**

Risks and hazards as well as workplace accidents are very common at the construction sites. All construction workers perceive different types of risks from injuries to deaths from

workplace accidents. The construction workers were asked about their perception of risks at their workplace. Almost all the respondents perceive different types of risks like getting hurt (14%), being injured (19.5%), falling from height (21.5%), cutting hands/legs (23.2%), life risk (12.3%), slipping and falling (10.4%) and electrocution (8.3%).

67.8% of respondents stated that their employers didn't provide Personal Protective Equipment (PPE) to any of the workers. Only 21.9% respondents (47 from individual ownership sites and 172 from companies) claimed that the employers gave PPE to all workers.

Regarding PPE-using habits at workplaces, 83.4% of the respondents (n=261) stated that if the employers offer them PPE, the construction workers use them all the time while working. Only 13.7% (n=43) said the construction workers do not use PPE and 1.6% stated that they use PPE sometime during their work and only 1.3% (n=4) do not know or do not mention any habit of the using of PPE. The data also reveals that the percentage of PPE using habit (86.3%) at private ownership company's sites is larger than that of individual ownership sites.

Almost all the construction workers (91.4%) said their employers never impart training for risk prevention/reduction. Only 3.4% workers said they got safety training and 5.2% said they do not know the matter.

The respondent construction workers were asked whether they witnessed any inspection from government agencies (such as the Department of Inspection for Factories and Establishments-DIFE) at their workplace. Almost all the workers (97.3%) said they never witnessed any inspection from government agencies (such as DIFE). Only 2.7% of the respondents said they saw government officials at the construction sites.

### **3.10 Social Dialogue and Trade Unions**

Most of the workplaces lack registered trade/labour unions (TU). Many workers even are not aware of whether any trade union is available at their workplaces. Only 4.5% of all the respondents claimed the availability of trade unions. Even where workers unions are present, many (40%, n=45) are not members.

Those who are not members of TU, despite its presence, have mentioned several reasons why they have not been members. The lack of interest is the number one cause among the workers of both types of construction sites. Lack of time and awareness also refrains workers from joining the union.

The initiative to form TU at the respondents' workplace is also remarkably absent. According to the survey findings, 88.5% of the respondents, among those who have reported non-availability of TU at their workplaces (n=955), have not seen any such initiative. Some are not aware even; they do not know whether such an initiative was taken.

Except the TU, workers' organization/association in any other form is also unavailable in most workplaces. 78.7% of respondents noticed the non-availability.

There are diverse ways of workplace dispute settlement. However, discussion and negotiation are the most used way to solve disputes between construction workers and their recruiters/employers. Formal process like conciliation and arbitration is rarely used; rather informal processes and individual persons play an important role in dispute settlements. For example, foreman/contractors, labour *Sardar* play influential roles in this regard. Besides, 10.1% of workers do not know how disputes are settled at their workplaces.

### **3.11 Human rights abuses, impacts on environment and remedial measures**

**Ownership of land for construction sites:** The respondents were asked whether the company owned the land of the worksites, 33.8% (n=204) of the respondents said the companies for which they were working owned the land of the worksites while 20.5% said no. 45.7% do not know about the ownership of land. Of the companies (n=204) which own land for construction

sites, 27% of the respondents (n-55) said the companies purchased the land while 5.6% respondents (n-12) stated that the companies took a lease of the land and 66.7% of the respondents (n-136) did not know the ownership type.

**Impacts of construction works on environment, surroundings etc.:** Respondents were asked whether construction sites they were working damaged/displaced/affected any trees, water bodies, religious or cultural establishments or common properties, multiple responses have been found. 7.3% of the respondents (n- 44) said that the construction sites/operations damaged trees, while 6.6% (n-40) mentioned water bodies, 1.3% (n-8) temples/mosques, 4.5% (n-27) historical places/buildings, 1.8% (n-11) playground, 0.2% (n-1) community place/hall, 8.4% (n-51) people's individual houses, 2% (n-12) slums, 6.5% (n-39) people's workplaces, and 2.5% (n-15) stated graveyards. But (60.8%) of the workers (n-367) said that they do not know about such incidents.

**Complaints against companies:** The respondents were asked whether any complaint against company operations was raised by the neighbours. Only 8.1% workers said the neighbours raised complaints against construction operations and 48.7% said no complaint was lodged for any construction works.

**Remedy to resolve disputes over construction operations:** The respondents were asked whether their construction companies resolved disputes when the community people fell victim to ongoing construction works (loss of playground, hurt by falling objects). 26.3% of the respondents said their companies resolved disputes while the community people fell victim to the construction operations. 30.1 % said the companies took no initiative to resolve the problems while 43.5% stated that they do not know such measures.

#### 4. Conclusion and Strategic Directions

The construction work provides workers the opportunities to secure livelihoods and at the same time have fueled vulnerabilities as the sector is beset with precarity with unfulfilled needs and lack of rights. Any intervention in the construction sector should enable the workers to access opportunities and address the vulnerability. In view of the national and international obligations, and instruments available on construction workers' rights as well as the distinctive socio-economic context of the country, the construction workers' rights focused interventions by the government, employers, and workers may dwell on the following:

##### *Employment Relations*

- Construction workers are deprived many of their rights like appointment letter, identity card, and compensation because of informal nature of their recruitment and employment. The recruitment process of the construction workers should be made formal to make the labour law provisions applicable.
- Working hours fixed by law need to be ensured for construction workers across construction sites by the employers. Compulsory labour should be stopped, and extra timework should be counted as overtime and paid as per law by the employers.
- Legal minimum wage including other wage-related benefits should be provided to construction workers by the employers, and government's monitoring through the DIFE is required in this regard.
- Employers need to ensure the establishment of functional anti-harassment committees at the company level.

### Occupational Safety and Health

- Drawing on the OSH policy and BLA, the employers' policy must articulate the guidelines of PPEs and their availability, quality, and uses. Besides, the policy should focus on how the workers are provided with trainings and adequate information on occupational risks and hazards at workplaces.
- Measures/trainings should be taken /arranged by the employers to enhance awareness of the workers about occupational safety and health.

### Welfare and Social Protection

- Pension scheme/enhanced gratuity system should be introduced. Different forms of Insurance (micro, group, health, accident, life) should be run by the employers. In this regard, policies should be designed considering the socio-economic condition and specific needs of construction workers. Along with two government insurance corporations, the private insurance agencies should come forward.
- Construction Workers' Welfare Fund' should be established with the contribution of both employers and construction workers as well as the government so that the workers could get financial assistance from the fund during their contingencies.

### Labour Relations and Social Dialogue

- Workers should be allowed to form and join occupation-based unions/associations/cooperatives without fear and resistance. Trade unions are to be formed and other appropriate mechanisms are to be developed and followed to ensure workers' participation in workplace-related decision-making.
- Due to the lack of a formal complaint mechanism at the workplace workers are susceptible to various forms of harassment. Establishing an effective complaint mechanism would be helpful to provide them with workplaces with fewer incidences of harassment, or in other words, greater opportunities to have a decent working environment.

### Rights Promotion and Enforcement, and stakeholders' Initiatives

- Making these workers aware on issues of decent work is necessary which ultimately will make them capable of claiming their rights as well as achieving a decent workplace.
- Employers' associations must take responsibility for the upliftment of the conditions of the workers. Employers' associations could undertake skill development training of the workers.
- The Government should take the initiative to bring all construction workers under the coverage of the labour law. The government initiative is needed towards the execution of labour law provisions.
- It is required to broaden the scope of inspection and increase the role of the inspectors. Government may involve local civil administration in inspection of different informal workplace and trial of charges, offences, and unfair practices regarding the provisions of labour law.
- To protect human rights abuses in the construction sector the National Action Plan towards UNGPs-BHR has to be formulated and implemented.

# 1. INTRODUCTION

The construction sector in Bangladesh plays an important role in the economy, and the activities under this sector are vital to the achievement of national socio-economic development goals of providing shelter, employment, and infrastructure for many productive activities such as services, commerce, utilities, and other industries. The sector covers a wide range of construction work including public and private housing, non-residential public buildings like hospitals and schools, commercial buildings like offices, and industrial buildings like factories and units, and the construction of roads, bridges, and culverts. In recent years, this sector is on a rapid expansion, mainly due to an increase in the country's infrastructure development programme and the growth of private real estate businesses with the expansion of urban areas in Bangladesh<sup>1</sup>.

As a source of employment, the construction sector provides much-needed work-opportunity for the poorest and most vulnerable people. The sector generates employment for over 3.8 million people indicating that of the total employed population aged 15 or above, 5.44% is engaged in this sector.<sup>2</sup> The contributory share of the GDP (BDT-2,241,668 million in 2020) of this sector is over 8 percent.<sup>3</sup> However, the sector comprises a large portion of the informal employment in the country. The formal construction sector also exhibits informal practices. Over 90% of employment in the construction sector is informal.<sup>4</sup> In the overall employment scenario in Bangladesh, the informal sector holds the lion's share. The latest labour force survey shows that informal sector hosts jobs/employment for about 84.9% of the workforce.<sup>5</sup> Most workers in the informal sector are plagued with precarious nature of employment relations—unstable employment, unsecured wages, dangerous working conditions, and denied rights of representation.

Although the construction sector of Bangladesh from a legal perspective is a formal sector, labour relations and practices are informal. The sector has a statutory minimum wage, a separate insurance scheme, and the rights to form trade unions along with other protections arising out of the Bangladesh Labour Act 2006, including employment contract, leave, rest and working hours, occupational health and safety, and social protection. However, because of the nature of recruitment and inadequacy of coverage of the legal provisions, the industrial relation in the sector remains informal in nature— leading to exploitation and violations of the rights of the workers much of which the workers are unaware of. The practices in this sector overwhelmingly demonstrate informal characters and violations of the legal and

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<sup>1</sup> BBS (2018), Labour Force Survey (LFS) 2016-17. Dhaka: Bangladesh Bureau of Statistics (BBS)

<sup>2</sup> BBS (2003), Labour Force Survey (LFS) 2022. Dhaka: Bangladesh Bureau of Statistics (BBS)

<sup>3</sup> *Op cit*

<sup>4</sup> *Op cit*

<sup>5</sup> *Op cit*



human rights of the workers. Further, construction workers work under various hazardous situations where the safety of the workers is mostly neglected resulting in high rate of accidents, injuries and even death of the workers than that of the other sectors. In 2020, 118 construction deaths were reported in national newspapers – making it the sector with the 2<sup>nd</sup> highest number of deaths.<sup>6</sup>

Despite the reported cases of violation of labour and human rights in the construction sector of Bangladesh, a comprehensive study to unearth the condition of the workers, incorporating the legal provision on workplace rights and its implementation status, is absent. The dearth of reliable data also poses challenges to formulating appropriate policy. Against this backdrop, to identify and address labour and human rights risks in the construction sector of Bangladesh, this study reviews Bangladesh’s regulatory instruments in line with the United Nations Guiding Principles (UNGPs) and other international human rights standards and norms with a particular focus on ILO conventions. The specific objectives of the study are to: (a) assess the worker rights situation in the construction sector of Bangladesh in the context of decent work and business and human rights; and (b) develop a set of recommendations to ensure implementation of construction workers’ rights.

### Study process and methodology

This study had three implementation phases—i) conceptualization and issue identification, ii) implementation, i.e. research and analysis, and iii) presentation and validation. In the first phase, the study started with inception through conceptualization and issue identification brainstorming sessions participated by the study team members and UNDP program team members. The implementation strategy including study methodology and the initial list of issues included in this inception report were the outcomes of those sessions. In the second phase, information was collected through active utilization of various research tools e.g., secondary literature review, questionnaire survey, focus group discussions and key informant interviews. After information collection, data were analyzed and a draft report was prepared. In the third phase, the findings of the study were shared with the UNDP team, and the inputs received were incorporated into the final report. The final report was further shared with different stakeholders through a workshop. Upon receiving feedback from the multistakeholder workshop, the study on workers’ rights in the construction sector has been updated and finalized.

**Research issues:** This study employs a mixed-method approach—both quantitative and qualitative aspects informed the analysis of the construction work and rights situations of the workers.

The analysis of the construction work and rights situations of the workers identifies the risk factors for workers at the construction sites and the required regulatory instruments and practical supports for addressing those risks. This review of the provisions under the existing national regulations, and as such the framework of assessment draws on the decent work agenda and includes issues of human and labour rights indicators, amongst others explored in-depth into the state of the situations in terms

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<sup>6</sup> SRS’s newspaper-based survey report on workplace deaths in 2020 ([www.safetyandrights.org](http://www.safetyandrights.org)).

of (a) Stability and security of Work; (b) Adequate earnings and productive work; (c) Decent Hours; (d) Work that should be abolished, (e) Combining Work Family and Personal life, (f) Equal Opportunity and Treatment in Employment; (g) Social Security; and (h) Social dialogue, workers' and employers' representation,

Issues covered under the study.

Decent Work Agenda	Indicators
Stability and security of Work	Recruitment process, Appointment letter, Service book, valid documents in line with labour law; lay-off, dismissal, retrenchment
Adequate earnings and productive work	Wage loss due to COVID-19; minimum and average wage; Payment system and regularity, Overdue and Wage deduction, Training provision
Decent Hours	Daily hours, Weekly hours, Excessive hours, Night work, Daily break, or rest
Work that should be abolished	Effective abolition of child labour, Minimum age of workers, Hazardous child labour Forced labour, Bonded labour, Conditions for work
Combining Work Family and Personal life	Different types of Leave [earn leave, festival leave, length of maternity leave (paid and unpaid)]; Impact of COVID-19 on leave practices
Equal Opportunity and Treatment in Employment	Discrimination by sex, age, race, religion; Gender wage gap; Areas of inequality: Access to work, wage, workplace amenities; Impact of COVID-19 on workplace (in)equality.
Safe work environment	Workplace risks and accidents, supply and sufficiency of PPEs, information on risks, training of the workers
Social Security	Provident fund, gratuity, accident compensation, pension; access to safety nets and cash income support;
Social dialogue, workers' and employers' representation	Freedom of association and the effective recognition of the right to collective bargaining; Trade union representation, Freedom of association, Strike/lock out, Dispute resolution

**Data collection techniques:** The study draws on a questionnaire survey of construction workers across the country (1000 workers—300 respondents each in Dhaka and Chattogram, and 200 each in Khulna and Rajshahi).

The sample for the questionnaire survey was selected from different locations within the selected cities, and both snowball and purposive sampling technique was adopted to select respondents. Appropriate gender balance and also representations of all trades within construction activity inform the sample selected. Workers' trades include masonry, electric work, painting, plumbing, piling iron work/ rod binding, welding, carpentry, roof-casting, glass/aluminium setting, and tiles/mosaic.

Besides, eight focus group discussions with construction workers and their representatives (2 each in 4 divisional cities), and nine key-informant interviews with construction companies, associations, and government representatives were conducted.

**Questionnaire finalization:** Based on the above indicators, a draft questionnaire for sample survey of construction workers was prepared. The draft questionnaire was revised considering the comments by the UNDP team, and along with the feedback in the brainstorming session. The questionnaire was translated into Bengali, piloted first with eight (8) construction workers, and then finalized based on learnings of piloting.

**Training of enumerators:** Four separate enumerators training in Dhaka, Chattogram, Khulna, and Rajshahi were organized. The enumerators were recruited locally in Dhaka, Chattogram, Khulna, and Rajshahi to ensure that they knew the context and ease of data collection at the local level. The enumerators training provided guidelines for data collection along with rapport building with the respondents and means of filling questionnaire survey. The training also included issues of possible risk mitigation i.e., Covid restriction related mobility and social distancing for collection of data from the construction workers. The field study team were trained and ensured wearing masks and maintaining social distance. By abiding Covid related health cautions and maintaining social distancing, and also by ensuring masks for the respondents, the risks were substantially reduced. For key-informant interviews, the use of digital platforms like Zoom also eliminated face-to-face interview risks.

**Ethical Protocols:** While conducting the study, the study team followed some ethical protocols. The study sought consent from the participants before starting the formal interviews. We clearly described the aims of this study to the participants and gave an idea about the questions to be asked. The data collectors asked them to decide whether they wished to participate in this research or not. They were not obliged to participate and even if they decided to participate, they were free to withdraw at any time without having to give a reason and without consequences. Respondents were also assured of maintaining confidentiality of the information given by them. They were assured that information would not be used for any purpose, other than this research. No individual was identified in the report. We considered the risk factors of participants and used the pseudonyms of the participants.

### **Organization of the report**

The study is presented in three core sections. First, the legal and policy environment: with a focus on coverage, deficits, and implementation status, the existing laws and policies that address the rights of construction workers are presented. Second, decent work conditions and deficits: focusing on the condition of construction workers in terms of human and labour rights indicators, amongst others explored into the state of the situations in terms of (a) Stability and security of Work; (b) Adequate earnings and productive work; (c) Decent Hours; (d) Work that should be abolished, (e) Combining Work Family and Personal life, (f) Equal Opportunity and Treatment in Employment; (g) Social Security; and (h) Social dialogue, workers' and employers' representation, Third, strategic directions: exploring what steps and strategies the construction sector employers adopt and what initiatives diverse stakeholders may provide to deal with the decent work deficits.

## 2. LEGAL AND POLICY FRAMEWORK FOR CONSTRUCTION WORKERS

The construction sector of Bangladesh from the legal perspective is a formal sector but in labour relations practices it is mostly informal. Broadly, this section focuses on the legal and policy framework pertaining to construction workers in Bangladesh. In particular, the framework has been used for analyzing the coverage and deficits of the legal and policy provisions for construction workers in areas of employment contract, working hours, child labour, forced and compulsory labour, discrimination at workplace, wage and benefits, occupational safety and health, social security, and freedom of association and collective bargaining. Juxtaposing the overall reflection of the country's legal and policy frameworks with those of the international standards has given the scope to see whether the workers' rights provisions in the country applicable for the construction work and workers are in line with international standards.

### **Labour Rights Protection Framework in Bangladesh**

Bangladesh is obliged to uphold workers' rights through numerous international workers' rights and human rights instruments. Bangladesh has ratified all eight fundamental ILO conventions on core labour rights— collective bargaining and freedom of association, elimination of all forms of forced Labour, minimum age to entry into work and employment, abolition of worst form of child labour, and elimination of discrimination of employment, two out of four governance conventions on labour issues—labour inspection and tripartism, and four out of 71 up-to-date conventions on working time, social protection, and nursing professional protection. The instruments originating in the United Nations, particularly the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESR) and International Covenant on Civil and Political Rights have bestowed workers with economic, social, cultural, civil, and political rights. Moreover, the Convention on the Rights of the Child (CRC), and the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) also provide the basis of protection of workers' rights in Bangladesh.

The United Nations Human Rights Council (UNHRC) endorsed the United Nations Guiding Principles on Business and Human Rights (UNGPs-BHR), a set of guidelines to operationalise the UN 'Protect, Respect and Remedy Framework.' In case of executing the three-pillar framework for UNGPs, the State and businesses bear the responsibilities for protecting and respecting human rights and remedying human rights abuses and negative impacts. Bangladesh is yet to formulate the National Action Plan as per the call of the UN.<sup>7</sup> According to UNGPs-BHR, all business

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<sup>7</sup> Haque, Md. Mahamuddul (2018). UN Guiding Principles on Business and Human Rights: A Policy Brief Toward Bangladesh National Action Plan, Dhaka: CDA.

enterprises should respect human rights. The responsibility to respect human rights, business enterprises should: i) avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; ii) prevent or mitigate adverse human rights impacts that are directly linked to their activities; iii) have a policy commitment and due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights; and, and iii) have effective mechanisms to address grievances from individuals and communities who may be impacted adversely by the company's operations.<sup>8</sup>

At the country level, the constitution is the highest legislation of Bangladesh and provides its citizens the right to freedom of association, reasonable wages, equal opportunity in employment, social security and prohibits forced labour (Articles 7, 14 and 20). The constitution has indicated work as a right and duty of the citizen (Art. 20).

The Bangladesh Labour Act 2006 (BLA 2006) is the most important labour legislation of the country. The BLA 2006 regulates trade unions, working hours, minimum wages, employment, and industrial relations. It sets occupational safety and health standards, compensation for injury and accidents in the workplace, maternity benefits, factory inspectorate and restrictions on child labour. The act also established the Minimum Wage Board, the Labour Court, and the National Council for Industrial Health and Safety, the mechanisms to solve industrial disputes such as strikes and lockouts.

The laws setting out the obligations relating to workplace safety on construction sites are principally contained in the Bangladesh National Building Code (BNBC) 2020 which became law in February 2021 through powers set out in the Building Act 1952. Some provisions of the Bangladesh Labour Act 2006 (BLA) are also relevant to the safety of construction workers. In relation to workplace safety, health and welfare, the owners, developers, contractors, and employers need to be aware of two Bangladesh laws – the Bangladesh National Building Code 2020 and the Bangladesh Labour Act 2006.

## **Legal Provisions on Construction Work and Workers**

### *Employment contract*

Numerous international standards exist on employment contract. The ILO, as principle, through the Declaration of Philadelphia emphasized the dignity of labour, and stressed that labour should not be treated as a commodity. The ILO Convention 122 (Employment Policy Convention, 1964) calls for member states to declare and pursue an active policy designed to promote full, productive, and freely chosen employment. It provides guidelines for ensuring that (a) there is work for all who are available for and seeking work; (b) such work is as productive as possible; and (c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use skills and endowments in a job for which the person is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin (ILO Convention 122, Article1).

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<sup>8</sup> Haque (2018). Ibid.

The protection to workers afforded by the BLA 2006 is applicable to all construction workers who are employees and have an identifiable employer with whom they have an employment relationship. It provides numerous provisions on contractual arrangements e.g., appointment letter and identity card, service book, employee register, as well as detailed guidelines on job termination both by workers and employers. Under the law, it is compulsory for every employer to issue appointment letters and identity cards with photographs to all workers (Section 5) and maintain a register of workers (Section 9). The employers, at their own cost, should maintain service books for workers (Section 6).

However, lacking a mandatory nature makes the law ineffective. Giving a copy of the service book to the workers is not binding. Employers are not required to provide service books to the apprentice, exchange, or casual workers (Section 6).

As per the provisions of BLA 2006, workers have the right to resign from the job after giving notice in writing to the employer or surrendering wages equal for variable notice period (Section 27). In the case of job termination of a permanent worker, the employer should compensate for every completed year of service or provide gratuity whichever is higher (Section 27). Employers are also entitled to terminate workers by ways such as retrenchment, discharge, and dismissal. An employer can only dismiss a worker without serving prior notice if the worker is – (a) convicted of any criminal offence; or (b) proved guilty of misconduct (Section 23).

### *Working Hours*

According to the ILO Convention No.1 regarding hours of work, the working hours of persons should not exceed eight hours in a day and forty-eight hours in a week. There are flexibility clauses to allow average hours and exceptions. The limit of hours of work may be exceeded to fifty-six in the week in cases of processes carried on continuously by a succession of shifts (ILO Convention1, Article 4). The maximum of additional hours in each instance should however be fixed after consultation with the organizations of employers and workers (ILO Convention 1 Article 6.2). To protect women as well as adolescents from non-standard working conditions, the ILO has provided specific provisions on night duty restriction; women without distinction of age are not to be employed during the night in any public or private industrial undertaking, other than an undertaking in which only members of the same family are employed (ILO Convention 89). Young persons under eighteen years of age are also barred from working during the night (ILO Convention 90).

BLA 2006 allows every adult worker to work without overtime, maximum eight hours a day and forty-eight hours a week (sec. 100). In terms of night duty restriction, it proclaims that no female worker is allowed to work without her consent between the hours of ten o'clock in the evening and six o'clock in the morning, and for young workers (14-18 years), the forbidden work hours is between the hours of seven o'clock in the evening and seven o'clock in the morning (Sec. 109 and 41.3). Bangladesh has ratified the ILO Convention 1, and the current labour law in terms of availability of rights provisions complies with the labour standards regarding average daily and weekly work hours, and night duty restriction of young workers, but contradicts with night duty standards for women workers. With the consent of women workers, the law allows employers to engage

women workers at night even in those establishments where family members of the women worker are not employed.

### *Elimination of Child Labour*

To protect the rights of children and eliminate child labour, ILO and other international institutions have adopted several provisions. ICESCR has declared that children and young persons have the right to be protected from economic and social exploitation (Art 10.3). According to CRC, states should provide for a minimum age for admission to employment (Art. 32.2a) and protect children from work that is dangerous or might harm their health or education, and from economic exploitation (hours and conditions of employment) (Art.32.2b and 32 .1). The obligations of ILO conventions on child labour relate to age of children, and permissible work by children.

Bangladesh has recently ratified ILO convention 138 on the minimum age for employment, implementing its commitment to eradicate all forms of child labour by 2025. Bangladesh's standard for elimination of child labour and protection of adolescent make use of the exemption provision of the ILO convention applicable to developing countries. In setting the minimum age of employable children, BLA 2006 allows children of 14 years. The relaxation of rule on age of children to 14 years for work not harmful for health, development, and education, in effect, allow employment of children in general since the law does not define what constitutes such work, (except the list of worst forms of child labour) and also because it is difficult to ascertain the age of workers due to non-availability of national identity documents for persons below eighteen years of age.

### *Protection against Forced and Compulsory Labour*

Forced labour is defined by ILO as, "all work or services which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Con. 29, Art. 2.1). Besides ILO, other international instruments have also made provisions against forced labour. According to UDHR, "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms" (Art. 4). The provision of ICCPR in this regard is that "no one shall be held in slavery and in servitude; and no one shall be required to perform forced or compulsory labour" (Art.8).

Bangladesh has ratified ILO Conventions 29 and 105. Forced labour is strictly prohibited as per the constitutional framework of the country. Article 34 of the Constitution states "All forms of forced labour are prohibited, and any contravention of this provision shall be an offence and shall be punishable in accordance with the Law." There is no specific provision in its labour law, neither is it defined. However, all forms of forced labour are prohibited, and any contravention of this provision is an offence punishable accordance in Bangladesh's civil law.

### *Protection against Discrimination at Workplace*

For protection of workers from discrimination at the workplaces, several international instruments have provided provisions regarding discrimination in wage, treatment, and facilities at workplace.

ILO adopted the Equal Remuneration Convention (ILO, Con. 100) to prevent discrimination in employment providing for the application of equal remuneration for men and women workers for work of equal value. As regards protection against discrimination in terms of treatment and facilities, according to ILO Convention 111 (Art. 2), member countries are obliged to promote equal opportunity and treatment in respect of employment and occupation.

The UDHR declares that ‘everyone, without any discrimination, has the right to equal pay for equal work (Art. 23.2). The ICESCR proclaims that the right of everyone to equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work should be recognized by state (Art.23.2). The CEDAW also has a provision for protection against discrimination at workplace—eliminate discrimination against women in order to ensure the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work (Art. 11.1d).

Legal provisions relating to protection against discrimination in Bangladesh are mainly focused on wage and gender. Employers are obliged to ensure equal wages for male and female workers for work of equal nature or value, and no discrimination should be made on the grounds of sex (BLA 2006, Sec.345). The current law is in line with the ILO provision, it mentions the principle of wage setting as “equal pay for equal value of work.” However, the current provision left broad areas of discrimination at workplaces unattended. It lacks specific provisions on discrimination related to workplace facilities and treatment. Again, only the sex of workers has been considered as discrimination ground; different other grounds of discrimination e.g., race, religion, and ethnicity are not included. This omission contrasts with Bangladesh’s Constitutional stand against discrimination.

### *Wage and Work-related Benefits*

Several international standards relate to fair wages and benefits. The ICESCR states that the rights of everyone to fair wages should be recognized by the state (Article 7ai). The UDHR states that all workers have the right to just and favourable remuneration ensuring for themselves and their families an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection (Article 23.3). According to ILO Convention 131, states are required to establish or maintain a system of minimum wages that covers all groups of wage earners and is to be fixed and adjusted from time to time (Article 4). The ILO delineates clear guidelines for determining the level of minimum wage as (a) needs of workers and their families, considering the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups; and (b) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment.

BLA 2006 defines wages to include other benefits and elaborates on procedures of wage fixation (Chap. XI). According to the Act, the government is required to establish a Minimum Wage Board to determine and declare rates of wages. There are a few specific provisions in the Act that are important from the perspective of effectiveness. First, the wage determination does



not require considering the family size of the workers, and also no mention is made on how the balance between efficiency (profit) and equity (workers' protection) would be made while considering the wage structure.

The wage review span is fixed in the law as every five years—which fails to capture monthly changes in the cost of living for workers. Wage fixation does not cover the process of automatic inflation adjustment that is high in the country, and much higher for food items the working poor consume.

The law has made it obligatory for employers to provide all remuneration on a regular and timely manner. It also has elaborated provisions on wage deduction, which says that no deduction shall be made from the wages of workers except few permissible cases and specified fines (Sec. 25). Nevertheless, there remains a wide scope of employers' discretion in effect possible violation.

The procedures and fundamentals for fixing minimum wage have no reference to piece rate workers. In addition, the lacking provisions in labour laws related to festival bonuses, and other allowances e.g., healthcare, transportation, and recreation left many of the financial benefits to the discretion of employers.

### *Social Security*

International instruments provide guidelines to rights to social protection. ILO delineates guidelines for pension, insurance, and maternity benefits. Each Member of ILO is required to set up or maintain a scheme of compulsory old-age insurance/pension, and sickness insurance. The insured person is entitled to an old-age pension at an age that shall be determined by national laws or regulations but not exceeding age sixty-five (ILO Convention 35). A person incapable of work by reason of the abnormal state of bodily or mental health shall be entitled to a cash benefit for at least the first twenty-six weeks of incapacity (ILO Convention Article 3).

ILO Conventions concerning compensation lay down detailed provisions in case of industrial accident-led personal injury (Convention 17), and incapacitation by occupational diseases (ILO Convention 18). The ILO Convention 103 states that a woman is entitled to receive cash and medical benefits during maternity leave (Article 4.1 and 4.3).

Bangladesh's labour law has matching provisions in the areas of insurance, compensation, and maternity benefits, but does not provide any specific provisions on pension. Instead, two other provisions— provident fund, and gratuity—intending to provide social security benefits to workers are provided.

Overall, the rights provisions reflect partly in terms of availability of the standards provisions. Nonetheless, the inherent weaknesses of these laws and lacking mandatory guidelines on many of these provisions make these ineffective. The provision of gratuity is optional under the provision of law. The provision of provident fund is subject to numerical bindings— establishing a provident fund for workers is 'mandatory' only when at least three-fourth of the total workers of any factory/ establishment apply to their employer requesting to form a provident fund (Sec. 264). The introduction of group insurance is dependent on the number of workers too— may be formed where a minimum 100 permanent workers are employed. These numerical bindings while exclude workers in establishments of smaller size,

it also keeps open the scope for violation through manipulation of numbers and employment contracts.

### *Occupational Safety and Health*

The international bodies have provided specific provisions regarding the regulations to prevent workplace accidents. According to the UN ICESCR, everyone is entitled to work in a safe and healthy working condition [ICESCR, Article 7(b)]. The ILO obliges states to formulate, implement and periodically review a coherent national policy on occupational safety, health, and the working environment in consultation with the most representative organizations of employers and workers aiming to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimizing the causes of hazards inherent in the working environment [ILO Convention 155, Article 4].

BLA 2006 on OSH encompasses, three areas of protection: (i) occupational accidents, hazards, and diseases; (ii) safety equipment and facilities; (iii) workplace environment. The current law has provided workers the right to be informed by employers about buildings and machines which are dangerous /risky. If the employers do not take any measures within a specified timeframe, and thereafter accidents occur, the workers will get compensation at twice of normal rate of the compensation (Sec. 86, BLA 2006).

The duties relevant to worker health, safety and welfare are contained in the BNBC. Unlike the BLA 2006, the BNBC imposes a general duty to work in 'a safe manner'. It states, "Erection, alteration, remodeling, repairing, removal or demolition of a building or structure shall be conducted in a safe manner. Suitable protection for the general public and workers employed thereon shall be provided according to the various provisions of this Code"<sup>9</sup> The BNBC does not set out how the responsibilities of the owner, the developer, the contractor<sup>10</sup> and the engineer may differ – they all simply have to comply with the requirements of the BNBC. However, similar to the BLA, the BNBC does not impose any duties on any party to provide training, information, instruction, or supervision. Instead, there are detailed obligations set out about what the duty holders should do in relation to different kinds of work activities on a construction site. The Code makes it clear that any legal contract between the owner and a contractor and the owner and consultant cannot "absolve the owner from any of his responsibilities under the various provisions of this Code and other applicable regulations and bylaws."<sup>11</sup>

### *Freedom of Association and Collective Bargaining*

The ILO conventions have obliged states in relation to freedom of association (FoA) and collective bargaining. FoA standards cover the right to form and join association, freedom to elect union representation, protection against victimization and

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<sup>9</sup> Part 7, Chapter 1, para 1.3

<sup>10</sup> the contractor only has responsibilities under the Code where it has a direct contract with the owner.

<sup>11</sup> Part 7, Chapter 1, section 1.2.1

discrimination when joining and forming union, and protection against interference (ILO Convention 87). The ILO has obliged member countries to take appropriate measures “to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers’ organizations and workers’ organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements” (Convention 98).

BLA 2006 provides the right of workers to form and join trade unions by their own choice. It makes specific bindings on employer or trade union of employers and on the person acting on their behalf for protection against victimization and discrimination. These include (a) protection for workers during trade union formation—barred employers from terminating workers while they are in the process of establishing trade union at their workplaces; and (b) strict restriction of transfer of trade union officials—the provision of not transferring the president and secretary of trade union from one place to another without their consent has been extended and made specific.

While rights standards, in terms of availability, have reflected on the international standards, the effectiveness criteria amply show that the standards are hardly in line. This is due to a number of reasons. First, there is a contradiction with international norms. To form a trade union, there is a pre-requisite of 20 percent of the total number of workers employed in any establishment or group of establishments that does not correspond to norms on all workers’ rights to form and join a trade union, especially with the ILO convention 87 to which Bangladesh is a signatory. This numerical binding excludes large majority of the construction workers since it causes obstacles to their freedom to form and join unions.

On the right to collective bargaining, BLA 2006 provides several provisions including on rights to bargaining, scope and procedures of bargaining, procedures of settling industrial disputes, right to strike, workers’ protection during lay-off, and tripartite consultation. A trade union is allowed to work as a collective bargaining agent (CBA) in any establishment (Sec. 202), but there is a pre-condition—if more than one trade union exists and an election is not held, then a trade union to act as CBA requires membership of at least one-third of the workers. Calling a strike is also dependent on the support of a pre-requisite number of members for the CBA—support of at least three-fourth members of the CBA is necessary. Hence, on collective bargaining, rights provisions in terms of availability fully reflect those of the standards prevailed in three standards forms, but on effectiveness, standards are hardly applicable.

### 3 THE STATE OF RIGHTS OF CONSTRUCTION WORKERS

While the previous section presented legal provisions on labour and human rights, this section delves into what extent those rights are implemented for construction workers. The provisions under the existing national regulations in view of the human rights and international labour standards framework include issues of human and labour rights indicators. Amongst others, this section explores in-depth situations in terms of (a) Stability and security of Work; (b) Adequate earnings and productive work; (c) Decent Hours; (d) Work that should be abolished, (e) Combining Work Family and Personal life, (f) Equal Opportunity and Treatment in Employment; (g) Social Security; and (h) Social dialogue, workers', and employers' representation.

#### 3.1 Employment Opportunities

The construction sector provides employment opportunities for workers to be engaged in various tasks including masonry, electric work, painting, plumbing, piling, ironwork/rod binding, welding, carpentry, roof-casting, glass/aluminium setting, tiles/mosaic, and rod casting. The number of workers at the current workplaces of the respondents reveals that most construction sites employ fewer than 30 workers; over 83% of the surveyed workplaces employ up to 30 workers. Smaller construction sites employ more female workers—93% of the female workers who came under the survey were engaged in construction sites that employ less than five workers. In contrast, male workers are engaged in slightly bigger worksites; only 8% male workers are employed in worksites that employ less than five workers. 53% of male workers are engaged in worksites that employ 11 to 30 workers (Table 3.1.1).

Respondents perceive that the work availability in the construction sector is not equally applicable across gender (Table 3.1.2). While the workers perceive that work of any type is available for any worker in the sector, for female such availability is perceived by only less than 17% of workers. Perceptions of available work also differ across gender, as women tend to believe that opportunities are far fewer than their male counterparts. Some of this difference can be explained by women lacking interest in a particular form of construction work, or thinking they lack adequate skills for some types of construction such as plumbing or electrical work. The remainder of the difference is owed to female feelings of safety in construction work environments.

**Table 3.1.1: Number of workers at current workplace**

Number of workers	Dhaka		Chattogram		Khulna		Rajshahi		Total	
	N	%	N	%	N	%	N	%	N	%
<b>Number of female workers</b>										
Less than 5 workers	68	57	50	100	11	73	15	29	144	61
5 to 10 workers	40	34	0	0	4	27	31	60	75	32
11 to 20 workers	6	5	0	0	0	0	4	8	10	4
21 to 30 workers	3	3	0	0	0	0	0	0	3	1

31 to 50 workers	2	2	0	0	0	0	2	4	4	2
<b>Number of male workers</b>										
Less than 5 workers	16	5	0	0	53	27	14	7	83	8
5 to 10 workers	82	27	41	14	69	35	83	42	275	28
11 to 20 workers	98	33	158	53	46	23	51	26	353	35
21 to 30 workers	40	13	69	23	4	2	21	11	134	13
31 to 50 workers	24	8	32	11	8	4	20	10	84	8
51 to 80 workers	10	3	0	0	8	4	5	3	23	2
81 to 100 workers	4	1	0	0	8	4	4	2	16	2
101 to 150 workers	14	5	0	0	4	2	1	1	19	2
Over 150 workers	12	4	0	0	0	0	1	1	13	1
<b>Total number of workers</b>										
Less than 5 workers	9	3	0	0	50	25	14	7	73	7
5 to 10 workers	83	28	40	13	67	34	76	38	266	27
11 to 20 workers	93	31	156	52	51	26	51	26	351	35
21 to 30 workers	46	15	72	24	4	2	22	11	144	14
31 to 50 workers	22	7	32	11	8	4	24	12	86	9
51 to 80 workers	17	6	0	0	8	4	7	4	32	3
81 to 100 workers	4	1	0	0	8	4	4	2	16	2
101 to 150 workers	10	3	0	0	4	2	1	1	15	2
Over 150 workers	16	5	0	0	0	0	1	1	17	2

Source: Field Survey 2022

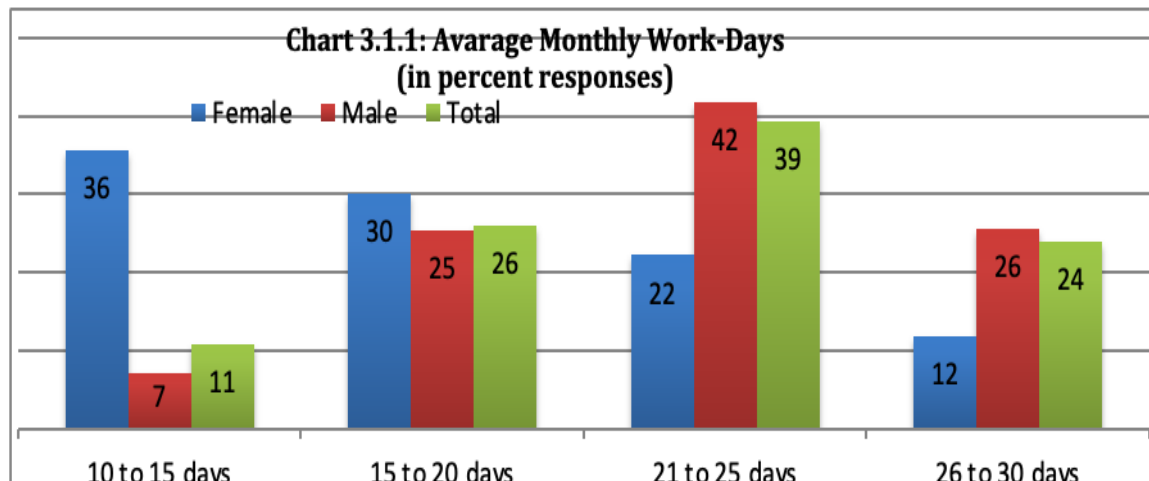
**Table 3.1.2: Availability of employment in construction sector for workers**

	Dhaka		Chattogram		Khulna		Rajshahi		Total	
	N	%	N	%	N	%	N	%	N	%
<b>For workers in general</b>										
Yes	188	63	257	86	196	98	149	75	790	79
No	99	33	10	3	4	2	47	24	160	16
Do not know	13	4	33	11	0	0	4	2	50	5
<b>For women workers</b>										
Yes	58	19	46	15	16	8	50	25	170	17
No	212	71	144	48	145	73	144	72	645	65
Do not know	30	10	110	37	39	20	6	3	185	19
<b>For youth workers</b>										
Yes	262	87	274	91	194	97	176	88	906	91
No	30	10	2	1	6	3	21	11	59	6
Do not know	8	3	24	8	0	0	3	2	35	4

Source: Field Survey 2022

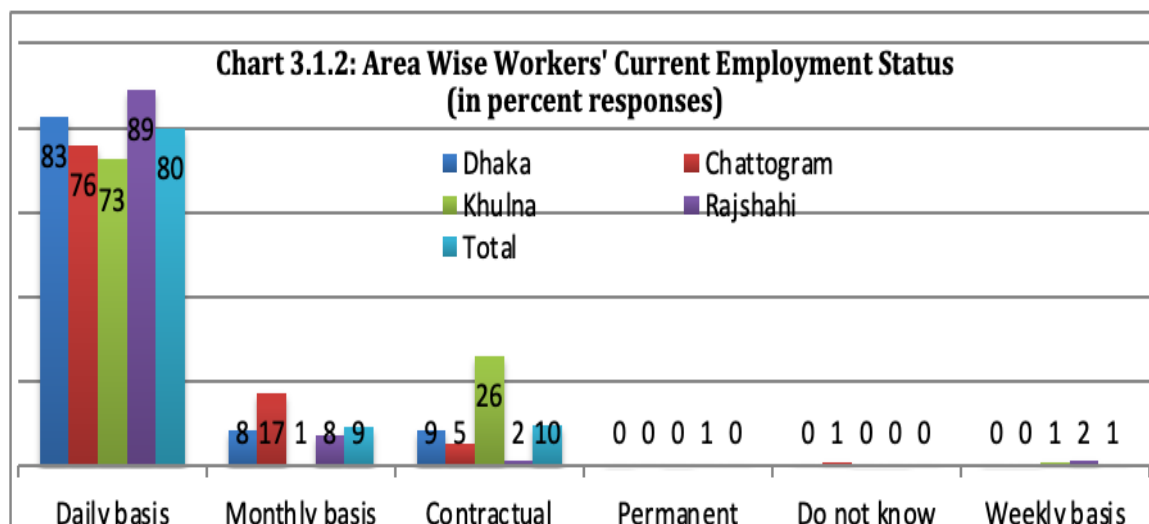
The work availability in the sector is not for throughout the year. For over 38 % of the workers, the work is seasonal, and does not commensurate for the whole year. The time when these workers do not have regular work is during the rainy season; much of the construction work carried out in the open is subject to good weather, and as such workers do not have regular work during the rainy season (around 3 months) of the year. Except for the rainy season, on average workers' monthly workdays is 15 to 25 days a month; 65% of workers have worked for 15 to 25 days of the month before the interviews. Yet when the workers do have work, the average monthly workdays do vary across gender. A higher proportion of female workers (36% female in contract to

7% male) do work for a smaller number of days in a month in comparison with the male workers (Chart 3.1.1).

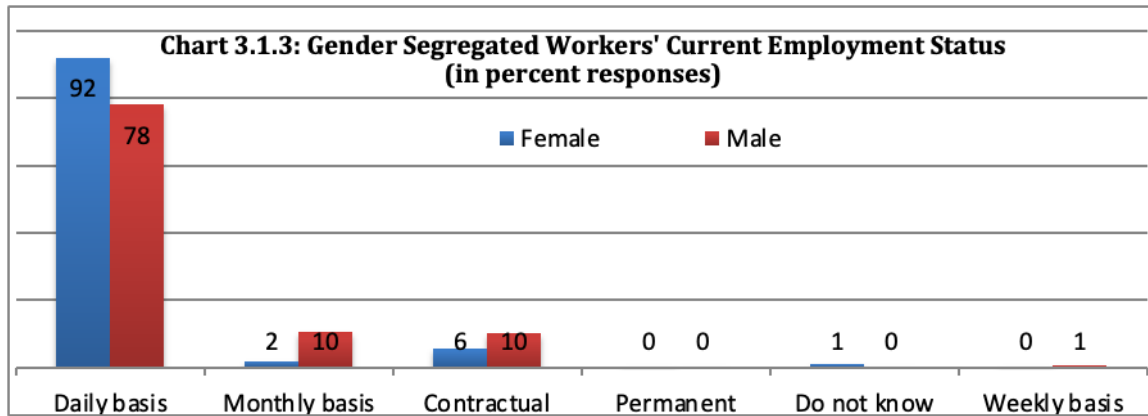


Source: Field Survey 2022

The most prominent reason for construction workers not having year-long continued work engagement is that most of the workers (80% of all workers) are recruited on a daily basis. Area-wise employment status does not have any evident difference; workers of all four study cities are recruited on a contractual basis i.e., on daily, monthly, and piece-rate contracts (Chart 3.1.2). The informal work relations are nonetheless more pronounced for female workers. Over 90% of female workers are recruited on daily basis, whereas male workers are recruited more based on monthly employment or piece-rate employment contracts (Chart 3.1.3).



Source: Field Survey 2022



Source: Field Survey 2022

In terms of employment opportunities, the construction sector while provides employment opportunities for workers to be engaged in various tasks (e.g., masonry, plumbing, painting, and electric work), the workplaces are of mostly smaller sizes (in terms of number of employees). The work availability in the construction sector is not equally applicable across gender. Women workers are perceived to be less skilled and not adequately suitable for work. The sector provides more opportunities for young male workers. Yet, the work availability is neither permanent nor provided for a year-long duration. The temporary recruitment mostly on a daily basis hardly provides regular work in the sector.

### 3.2 Stability and Security of Work

Construction workers get jobs through diverse channels that are primarily informal. The role of the intermediaries (e.g. sub-contractors,<sup>12</sup> and labour *sardar*<sup>13</sup>) in the recruitment process is widely observed. Over one-third of the respondents (35%) at their current workplaces were hired by intermediary recruiters plays a significant role in the hiring process. One of every four (25%) respondents was hired by the labour *sardars*. Personal relationships and networks of the workers also help them a lot to be hired. Many of the respondents (22%) got the job through their relatives/ neighbours/ villagers. Even in some cases, masons brought along other workers (14%).

As reported by the respondents, the hiring practice significantly differed according to the geographical locations under this study. Recruitment by contractors and labour *sardar* was higher in both cases in Dhaka while recruitment by the mason was higher in Khulna and Rajshahi compared to Dhaka and Chattogram. Further, relatives/neighbours/ villagers played a dominant role in recruitment in Chattogram (40%) (Table 3.2.1). Gender distribution shows that half of the women were recruited by the *sardars* followed by contractors. In contrast, among men, contractor hired workers were the highest followed by labour *sardar*-hired.

<sup>12</sup> A sub-contractor is mainly responsible to carry out the construction work at sites and employs workers based on his personal connections with workers.

<sup>13</sup> A labour *sardar* is an informal intermediary who supplies workers to the construction sites.

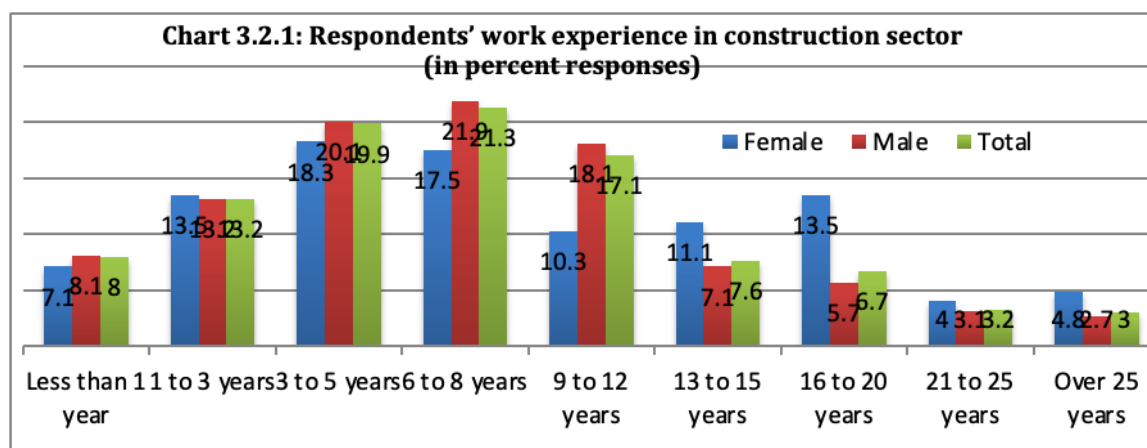
**Table 3.2.1: Who recruited construction workers at their current workplace**

	Dhaka		Chattogram		Khulna		Rajshahi		Total	
	N	%	N	%	N	%	N	%	N	%
Labour <i>sardar</i>	94	31.3	72	24.0	55	27.5	29	14.5	250	25.0
Relative/neighbour	29	9.7	120	40.0	35	17.5	40	20	224	22.4
Mason	12	4.0	17	5.7	42	21.0	66	33	137	13.7
Contractor	152	50.7	91	30.3	52	26.0	55	27.5	350	35.0
Owner/company	4	1.3	0	0.0	10	5.0	1	0.5	15	1.5
Foreman	5	1.7	0	0.0	0	0.0	3	1.5	8	0.8
Others	4	1.3	0	0.0	6	3.0	6	3	16	1.6

Source: Field Survey 2022

The work experience of the respondents in the construction sector varies greatly. Four of every ten (40%) workers have experience of up to five years in this sector, and slightly more than one-fifth has 6-8 years-long job lengths. Few workers have a longer experience. 6.7% have been working for 16-20 years; just 6.2% have more than 20 years' experience. (Chart 3.2.1)

At the current workplaces (during the survey of this study), workers have a short length of the job (Table 3.2.2). Due to the nature of construction work and its segmentation, the workers generally work for a short period at each construction site. The largest section had been working for 1-3 months at the workplace during the survey of this study. More than one-third (35%) had been workers for less than one month. Only 8% had been found working for more than one year at their present workplace. No significant gender variation has been found in this regard.



Source: Field Survey 2022

**Table 3.2.2: Respondents' work length at current workplace**

Work lengths	Female		Male		Total	
	N	%	N	%	N	%
3 to 15 days	45	35.7	169	19.3	214	21.4
16 to 29 days	12	9.5	127	14.5	139	13.9
1 to 3 months	43	34.1	335	38.3	378	37.8
4 to 6 months	15	11.9	122	14.0	137	13.7
7 to 11 months	2	1.6	53	6.1	55	5.5
1 to 2 years	8	6.3	48	5.5	56	5.6
2 years and more	1	0.8	20	2.3	21	2.1

Source: Field Survey 2022



Although appointment letters, identity cards, and service books are important tools for ensuring employment security, these are hardly available for construction workers. Worker survey, FGDs, and KIIs have revealed identical findings—only four (04) of 1000 surveyed workers had appointment letters; 97% did not have employer-provided identity cards; and 90% were not provided with service books. Discussions in FGDs reveal that, indeed, these are not practiced in the construction sector where workers' work stability varies significantly based on the nature of employers/recruiters—fewer days under individual owners and, in contrast, longer periods under contractors.<sup>14</sup> Trade union leaders and employer representatives interviewed under KII provided a similar opinion on construction workers' job security. A key informant, who represents employers, described workers' insecurity in the following words: "There is no job security for construction workers in Bangladesh as almost all of them are day-labourers. ... Anytime, they are forced to leave the job, or the companies sack them, as 95 per cent of them have no formal appointment letters."<sup>15</sup>

Workers' attendance recording methods/means are primarily traditional. Even though in many workplaces there is no formal way of registering the attendance of workers. 48% of respondents claimed that their employers/recruiters (e.g., contractors/head *mistri*/mason/sardar) keep records of their daily attendance in register *khata* and notebook. In contrast, 47% have claimed that nothing is used to keep attendance records. A location-wise variation has been also observed regarding the practice. The use of register *khata* is higher in Rajshahi and Dhaka compared to the two other locations, while the absence of any mechanism/method is higher in both Chattogram and Khulna compared to Dhaka and Rajshahi (Table 3.2.3).

**Table 3.2.3: Means/ways of keeping attendance records**

Means of records	Dhaka		Chattogram		Khulna		Rajshahi		Total	
	N	%	N	%	N	%	N	%	N	%
Attendance card	0	0.0	8	3	0	0.0	0	0	8	1
Register <i>khata</i>	146	49	83	28	75	38	115	58	419	42
Thumb	0	0.0	1	0	1	1	0	0	2	0
Do Nothing	82	27	206	69	124	62	62	31	474	47
Notebook	62	21	0	0	0	0	0	0	62	6
Counted by head <i>mistri</i> /labour sarder	0	0	0	0	0	0	15	8	15	2
Recorded by contractor	6	2	1	0	0	0	1	1	8	1
Do not know	1	0	1	0	0	0	2	1	4	0
Others	3	1	0	0	0	0	5	3	8	1

Source: Field Survey 2022

The expulsion of workers without serving a written notice is frequent in this sector (Table 3.2.4). Although this applies to all regions, the spatial difference shows that in Dhaka and Rajshahi this practice is more frequent compared to Chattogram and

<sup>14</sup> KII with Md. Abdur Razzak, the General Secretary of Imarat Nirman Shramik Union Bangladesh (INSUB)

<sup>15</sup> KII with Hasan Hasiburzaman, Project Director, Charuta Pvt Ltd

Khulna. Although there are legal provisions on the expulsion of workers with serving written notice, this is mostly absent in this sector since the recruitment/hiring process is informal and non-implementation of employment stability/security provisions like appointment letters.

The expulsion of workers not only is without prior notice but also does not accompany any benefits as per the legal provisions. Many of the workers do not get their due wages (or a portion of due wages) after such unfair expulsion. According to survey data, 56% of all the respondents, higher from Chattogram-82% and Rajshahi-75%, claimed that expelled/retrrenched workers never get the due wage. 34%, in contrast, claimed that due wages/benefits are always provided (Table 3.2.5).

**Table 3.2.4: Whether employers/recruiters expel workers at any time without written notice**

	Dhaka		Chattogram		Khulna		Rajshahi		Total	
	N	%	N	%	N	%	N	%	N	%
Never	12	4.0	23	7.7	0	0.0	6	3	41	4.1
Seldom	1	0.3	36	12.0	12	6.0	1	0.5	50	5.0
Sometimes	15	5.0	88	29.3	58	29.0	1	0.5	162	16.2
Often	5	1.7	11	3.7	37	18.5	0	0	53	5.3
Always	267	89.0	139	46.3	91	45.5	192	96	689	68.9
Do not know	0	0.0	3	1.0	2	1.0	0	0	5	0.5

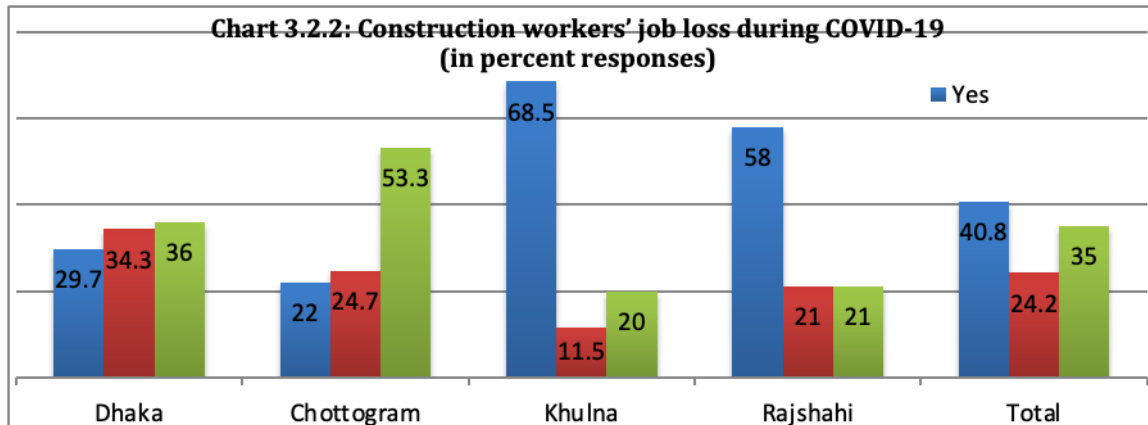
Source: Field Survey 2022

**Table 3.2.5: Whether employees get their due benefits in case of expulsion**

	Dhaka		Chattogram		Khulna		Rajshahi		Total	
	N	%	N	%	N	%	N	%	N	%
Always	143	48	17	6	136	68	47	24	343	34
Sometimes	38	13	30	10	19	10	3	2	90	9
Never	116	39	247	82	45	23	149	75	557	56
Do not know	3	1	6	2	0	0	1	1	10	1

Source: Field Survey 2022

Like many other sectors, the jobs of the construction sector workers were affected due to the unprecedented COVID-19 pandemic. 40.8% of respondents claimed that they had observed that their fellow workers lost their jobs. Higher proportions of respondents from Khulna (68.5%) and Rajshahi (58%) have reported such incidences compared to Dhaka and Chattogram (Chart 3.2.2). The reasons for job loss were diverse. However, the low volume of construction works due to work-stoppage by employers during the lockdown/ restrictions was the prominent reason that the respondents noticed. Many respondents (35%) do not know whether their fellow workers lost jobs during the pandemic (Chart 3.2.2).



Source: Field Survey 2022

Regarding the job loss during COVID-19, the majority of the respondents claimed that retrenched workers did not receive any prior notice. Some (14.2%) even do not know whether notice was served. In respect to serving prior notice, no variation has been observed compared to workers under private/individual owners and workers who work under construction companies.

Some workers, who lost jobs due to COVID-19, did not get the whole of their due wages. 15.2% of respondents claimed that the workers who lost jobs from their workplaces received partial wages. The practice was almost similar in cases of workers under individual/private employers and workers under the companies. There are several reasons in this regard. In some cases, contractors did not provide money to workers; and in some other cases, companies did not provide money.

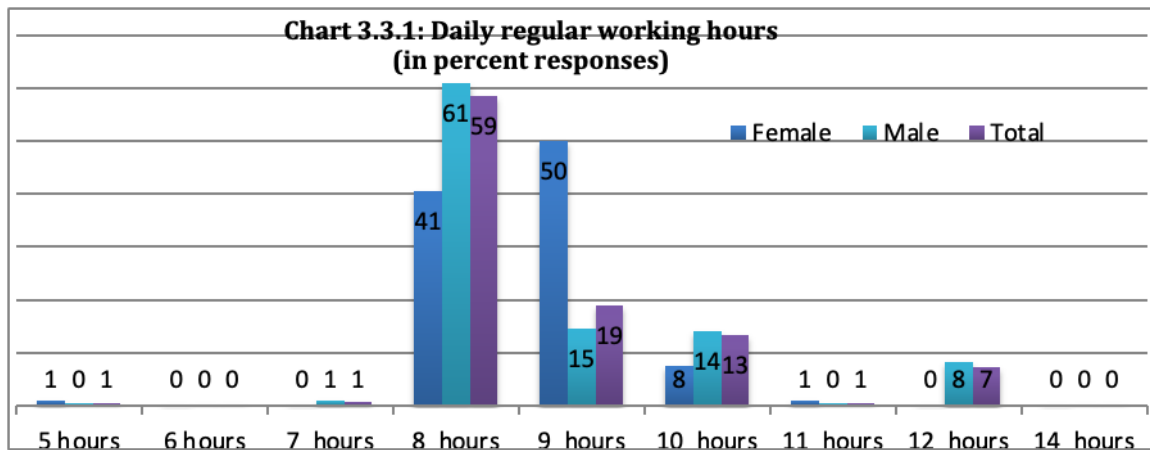
The majority (58.8%) of the respondents further claimed that workers who lost jobs did not get any other benefits like gratuity and service benefits after job loss since providing such benefits is not practiced in this sector. Workers predominantly work on 'no work, no pay' basis. A large number of respondents (37.3%) also do not know whether any benefits were provided. The situation was almost similar for both workers under individual/private employers and workers under the companies.

Precarity dominates the realm of work of the construction workers. 63.3% of the respondents perceive that, jobs in the construction sector are unsecured. An FGD participant explains: *"Our work is based on oral contract only; we have no appointment letter. Even, the developer companies also do not provide appointment letters to the workers working at their sites. Truly we do not have any value."* (FGD, Dhaka). In contrast, only 18.8% of respondents perceived that their jobs are secured in this sector. The sense of insecurity is highest among the respondents of Khulna (90%), while the sense of a secured job is the highest among respondents of Rajshahi (55%).

In sum, the construction sector is highly non-compliant in terms of the employment security-related provision of BLA 2006, which states that employers are to provide workers with appointment letters, identity cards and service books, and job termination is subject to prior notice and providing due benefits. Lack of awareness among the workers regarding the availability of legal provisions on employment security is widespread. Non-implementation of the legal provision along with the nature and scope of work and employment pattern have left workers in a situation that is unstable and insecure in most cases.

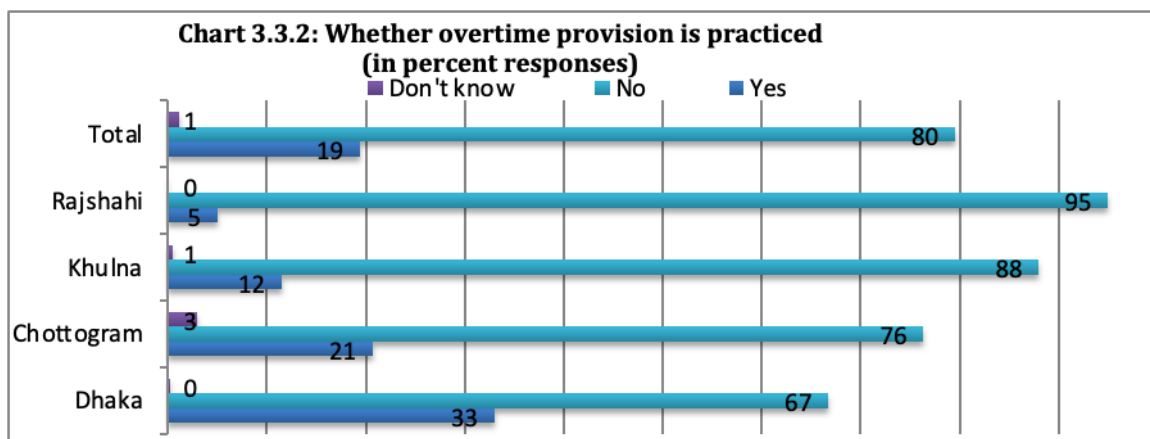
### 3.3 Decent Working Time

Mostly the basis of working hour calculation is daily hours. Gender variation is not remarkable in this regard. Generally, 8 hours of work every day is the standard for the majority of the workers. For 32.2 % of respondents, the daily working hour is 9-10 hours, and for about 8% of workers, the requirement is more than 10 hours/day. However, there are also instances of not having a fixed standard basis for working hour calculation. Gender-segregated data shows that in terms of working hour, there is no variation for male and female workers. The majority (57.5%) of the female workers work 9-10 hours daily, while the majority (61%) of men work 8 hours every day (Chart 3.3.1).



Source: Field Survey 2022

Eight of every ten workers claim that there is no provision for overtime. However, geographical variation shows that the presence of overtime is comparatively more in Dhaka (33%); and less in Rajshahi (5%) (Chart 3.3.2). Based on gender, there are no significant differences in the response pattern.



Source: Field Survey 2022

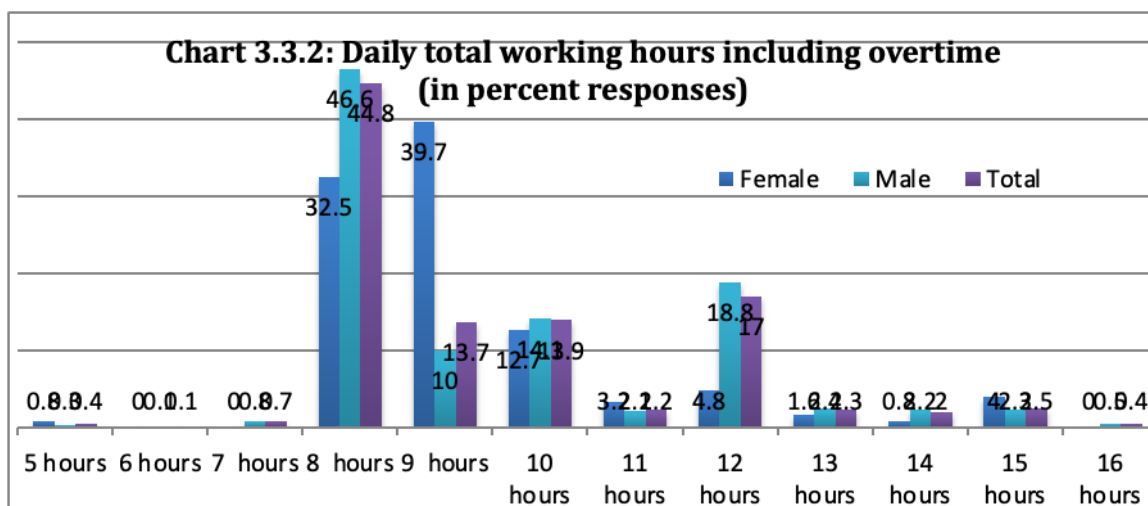
As regular working hours, the majority of the respondents work 8 hours daily. One of every three workers works 9-10 hours, and one of every ten workers works

more than 10 hours daily, but not counted as overtime. More than 10 hours of daily work is higher among men compared to women workers.

Regarding overtime, 22% of workers, among those who have reported overtime provisions at the workplace (n=194), work up to 2 hours, which is the legally permitted limit. Therefore, in most cases, the legal provision is violated where overtime is practiced; 78% work more than two hours daily overtime. This practice is more common among the men workers (80%) compared to the women (65%). An FGD participant informed: “Although from 8 am to 5 pm is usually considered as our regular work hour, it indeed extends until dusk. During winter sun sets around 5 pm, but during summer, the daytime gets longer, and we need to work for more hours before the evening, but that work is not counted as overtime. Contractors consider overtime if they engage us after evening that continues till 9-10 pm.”<sup>16</sup> Non-implementation of overtime provision has been also evident in discussions with key informants. A key informant notices— “Workers do not get overtime bills. They start work on time, but they have no stipulated working time for leaving the workplace.”<sup>17</sup>

Due to the nexus between a contractor and an employer, sometimes workers are deprived of overtime. It happens commonly in cases of individual/private-owned sites. “If at the end of the day, it is seen that a small portion of the work has remained incomplete, the individual owner requests the contractor to finish it to save his time and money. Then the contractor asks us to work for some additional minutes/hours, but we are not paid for those additional minutes/hours.” (FGD, Dhaka).

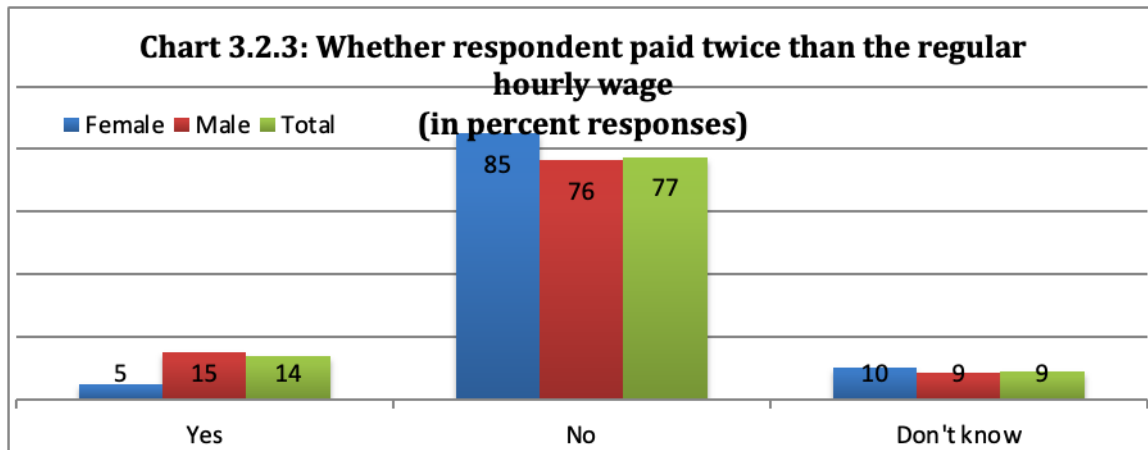
Daily working hours including overtime are more than 8 hours for the majority of the workers. For one in every four workers, the daily hours exceed 10 hours limit, whereas the working hours are usually long for the male workers (Chart 3.3.2). The reality is that in most cases workers for their overtime work are not paid twice of the normal hours of work (Chart 3.3.3), which is legally binding. Few workers are also not aware of the rate of overtime pay. Therefore, a high level of lack of compliance concerning overtime payment is evident in this sector.



Source: Field Survey 2022

<sup>16</sup> FGD, Dhaka

<sup>17</sup> KII with Hasan Hasiburzaman, Project Director, Charuta Pvt Ltd.



Source: Field Survey 2022

Working after 10 pm is not that common according to the responses of the survey respondents. More than 80% of the workers claim that none of their workplaces works after 10 pm. The response pattern is similar for both male and female respondents. However, a different scenario does prevail; in large urban areas, overnight construction work is now a common practice.<sup>18</sup> Work at night (after 10 pm) primarily depends on the nature of construction work and the employer's demand. "The iron/rod binding workers and the roof casting workers have to work at night," said Rejaul, a rod binding worker. Shakil, a roof casting worker, said that they had to work till 11 pm to 12 am as the casting of the roof had to be completed within the stipulated time. Further, 20% of respondents have noticed that women never work after 10 pm. Even when women work after 10 pm, employers never take written consent, which is a legal requirement, from them.

Although the majority of workers have claimed that there is a specific rest period for them, many workers are still deprived of it. 18% of workers have noticed that the rest period is nonspecific. Even some workers claimed that there is no rest period for them.

The rest period is usually one hour for most of the workers among those who have reported its availability. In cases of tiffin breaks, the majority (54%) get a 30-minute time, followed by 15 minutes (21%). Most of the FGD participants in Chattogram said that they got a 10-minute break for taking tiffin or refreshment daily, particularly during the summer, whereas the workers in Rajshahi claimed that they did not have specific tiffin breaks.

Overall, the construction sector is standing far from ensuring decent working hours for its workers. Workers work long hours and, in most cases, consistent and uniform practice regarding daily working workers is absent. They are mostly deprived of overtime despite working more than 8 hours. Even, when overtime work is considered, workers are not paid following the legal provision. Further, the absence of

<sup>18</sup> Saqib Sarker, Complaints of noise fall on deaf ears, The Dhaka Tribune, July 3, 2022, <https://archive.dhakatribune.com/feature/2019/06/12/complaints-of-noise-fall-on-deaf-ears-2-2>

adequate and specific rest time for many workers also indicates a deficit in decent work conditions in this sector.

### 3.4 Adequate Earning and Productive Work

According to decent work agenda, adequate income and productive work is a right of an employee. Decent work promotes sufficient income for workers so that they are able to provide a reasonable standard of living for their families. Adequate income is significant for the economic security of workers' families. In terms of indicators, adequate earnings and productive work can be measured by wage rate and workers' participation in work-related training provided by employers. Work-related training enhances workers' productivity as well as paves the way for their future income. This section highlights the present situation of workers' earnings and productivity in terms of— minimum wage and workers' income, gender discrimination in wage payment, Income-expenditure gap and maintaining decent life, impact of COVID-19 on wages and other benefits, and skill development training.

#### *Minimum wages and workers' income*

**Workers' awareness of minimum wages:** The Government of Bangladesh has set the minimum wages for construction sector workers<sup>19</sup> (updated in August 2021), but lack of awareness about government-declared minimum wages is apparent among the construction sector workers. Only about five percent of the respondents claimed that they knew about the government-declared minimum wage for the sector.

Respondents who claimed having knowledge about minimum wages were asked whether they know about the amount of government declared minimum wages. Though majority of them gave positive response, no workers of any type of construction work e.g. mason, piling, rod/iron binding, and electric could say the exact amount of the minimum declared amount. Similar findings are evident in the FGDs. Majority of the participants of FGDs said that they do not know whether there is any government declared wage structure for construction workers. Some of the participants who have affiliation with trade unions claimed that they are informed that there is a government declared minimum wage, but do not know about either the recent update of the minimum wage declaration or the amount declared as minimum wage for diverse construction work.

**Workers' monthly income:** The decent work agenda promotes workers' adequate earnings for ensuring a minimum standard of living for workers' families, however, the workers in the construction sector are paid very poorly. The present study reveals that majority of the workers monthly income is in the range between BDT 10,001 to 15,000 followed by BDT 15,001 to 20,000. It is evident that wages of construction workers vary according to location/region and the ownership of construction work. Area wise distribution of workers monthly income (during the month preceding interview) depicts that the workers of Chattogram earn more than the workers who

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<sup>19</sup> According to Bangladesh Labour Law 2006 (section-140), the Bangladesh government has declared six grade minimum wage for construction sector workers.

work in Dhaka, Rajshahi, and Khulna (Table-3.4.1). Similar findings have been evident in FGDs. A construction worker (who works under a company), Barik said that the wages of construction workers vary from region to region. For example, he told, “The wage is higher in Dhaka compared to Chattogram and Feni. In Rajshahi, the wage is much lower”.<sup>20</sup>

The present study finds that the income of workers who work under construction companies is higher than those who work under individual/ private ownership. While the average income of a company worker, found in the present study, was BDT 14,066, the average income of a worker who works under individual ownership was BDT 12,984. The FGD findings however revealed a different picture. Workers during FGDs said that when workers work under a contractor at a company-owned site, they get scope to work for longer periods and wages are comparatively low than those who work at individually owned sites for short periods. For shorter periods or for daily work, wages are comparatively high, they added.<sup>21</sup>

**Table 3.4.1: Area wise distribution of monthly Income of respondents**

Income (BDT)	Dhaka		Chattogram		Khulna		Rajshahi		Total	
	N	%	N	%	N	%	N	%	N	%
There was no work	1	0	5	2	0	0	1	1	7	1
Less than 5000	21	7	8	3	5	3	9	5	43	4
5001 to 10000	73	24	24	8	29	15	78	39	204	20
10001 to 15000	135	45	123	41	93	47	81	41	432	43
15001 to 20000	53	18	133	44	49	25	25	13	260	26
20001 to 30000	16	5	7	2	24	12	6	3	53	5
Over 30000	1	0	0	0	0	0	0	0	1	0

Source: Field Survey 2022

A construction worker’s monthly average income is very minimal compared to government declared minimum wage. The survey result depicts that a mason earns in an average BDT 12,627, whereas the government declared monthly minimum wages for masonry is BDT 24,580. Similar result is observed in case of other type of construction works like painting, plumbing, and rod binding (Table 2.4.2). It is also evident that no construction workers earn according to government declared minimum wages; their average income ranges from 44% to 63% of the government declared monthly minimum wages for urban areas (Table 2.4.2). When the FGD participants were informed about the newly declared minimum wages for construction workers, almost all the workers participated in FGDs in Rajshahi informed that majority of the mechanic’s (mistry’s) daily wage is less than the daily minimum wage for a helper declared by government. The government has declared daily minimum wages for a helper of urban area—BDT 680 per day.

<sup>20</sup> FGD2, Rajshahi

<sup>21</sup> FGD, Dhaka, and Khulna



**Table 2.4.2: Government declared minimum wages and workers' average monthly income**

Type of construction work	Entitled Income (Government declared monthly minimum wages for urban areas) (BDT)	Workers' Income (Average monthly income of Respondents) (BDT)	
		Average Income in BDT	% of Entitled Income
Masonry	24,580	12,627	51
Electric work	24,580	14,528	59
Painting	24,580	14,088	57
Plumbing	26,680	14,419	54
Rod binding	24,580	14,525	59
Carpentry	24,580	15,380	63
Glass/aluminum setting	26,680	14,561	55
Tiles/mosaic	28,780	12,687	44

Source: Field survey 2021, and Government Gazette, Construction Sector Minimum Wage, published August 17, 2021.

**Benefits other than wages:** No other wage related benefits are available for the construction workers in Bangladesh. Though survey findings show that more than 12 percent workers get the festival bonus, almost all the FGD participants of current study confirms that there is no provision of festival bonus in construction sector, like as government employees enjoy. Owners/contractor sometimes provide some amount of money ranging from BDT 500 to 1500 as charitable refreshment amount during festival time, and lacking awareness on the government rules on festival bonus lead workers to claim in acceptance of the festival bonus.

**Wage payment time:** As most construction workers work on a daily basis, the daily payment system is apparent in majority of the construction work. About two-thirds of respondents said that they were paid daily. Only about nine percent of workers said that their wage payment date was fixed and they received the wages within 7 to 10 dates of the subsequent months. Of the workers who responded that their wage payment time is not fixed (16%) (Table 2.4.3), the majority received the payment after 10 dates of the subsequent month indicating a violation of labour law provisions. According to Bangladesh Labour Law 2006, workers should be paid within the 7 working days of the subsequent month.<sup>22</sup> Wage payment system is however an exception in many cases particularly for those who work under the contractors. A portion of the daily wage is kept due and paid in different ways e.g., once a week, once a month, or even at the end of the work. In this regard Momin, a masonry helper said, "I am paid 400 Tk daily and 30 Tk at the end of the month."<sup>23</sup> Another worker Mohammad Al-Amin said that his wage is BDT 600 per day. He is paid BDT 300 daily for food and the rest of the amount is paid by 10 to 15 days of the next month.<sup>24</sup>

<sup>22</sup> GoB, Bangladesh Labour Law 2006, Section 123

<sup>23</sup> FGD2, Rajshahi

<sup>24</sup> Ibid

There were many examples that workers did not get full or a part of the due wage. In all FGDs in Dhaka and Khulna, many participants (workers) shared their experiences where they were the victims of this. A key interviewee, Hasan Hasiburzaman said about the wage payment:

Contractors and sub-contractors submit their bills on a weekly basis to the construction company. The company pays the bills for the first week on time but most of the cases they pay bills one or two weeks later. Sometimes owners pay 50 percent of the wages after completion of the partial works. As a result, the contractor or sub-contractor do not able to pay wages to their workers.<sup>25</sup>

**Table 2.4.3: Wage and overtime payment time (by ownership of construction work)**

	Private ownership		Company-ownership		Total	
	N	%	N	%	N	%
Fixed	30	7.6	59	9.8	89	8.9
Not fixed	27	6.8	134	22.2	161	16.1
Daily paid	286	72.2	377	62.4	663	66.3
Weekly	5	1.3	1	0.2	6	0.6
After end of work/contract	5	1.3	14	2.3	19	1.9
Do not know	33	8.3	11	1.8	44	4.4
Other	10	2.5	8	1.3	18	1.8

Source: Field Survey 2022

**Wage deduction:** Deduction of wages is not frequent in the construction sector. Only 12 percent of workers reported that the employer rarely deducted worker's salary. As reasons for wage deduction, they mentioned—absence at work or enjoying leave, doing wrong in work, loosing construction material and cheating at work. About 8 percent of workers inform that wage deduction is not frequent in this sector (Table 2.4.4). Similar findings are also evident in the FGDs, where the majority of the participants informed that wage deduction is not frequent where they work. *“However, if someone makes any mistake in work, contractors/ owner scolds him,”* said a worker participating in FGD.<sup>26</sup>

**Table 2.4.4: Deduction of wages**

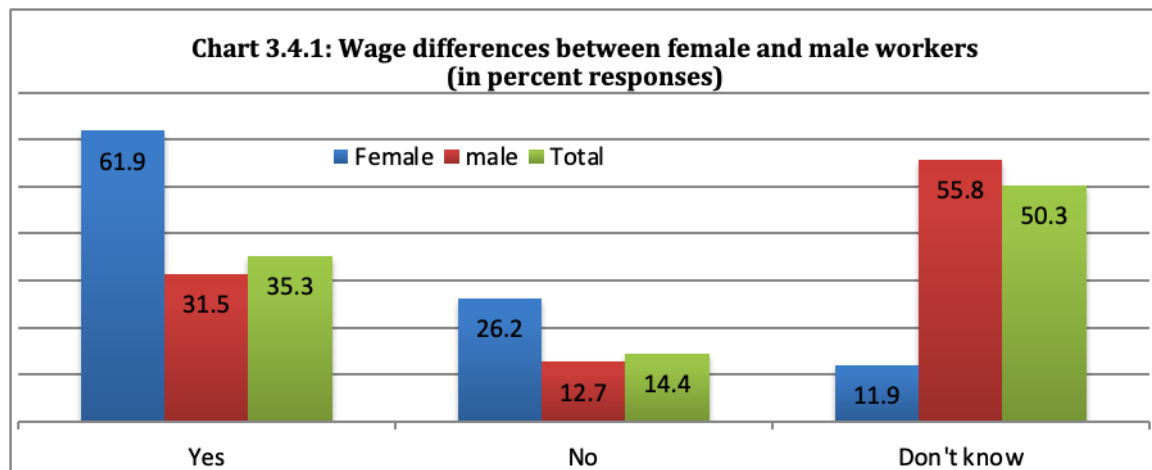
	Private ownership		Company-ownership		Total	
	N	%	N	%	N	%
Frequently	30	7.6	2	0.3	5	0.5
Not frequently	27	6.8	46	7.6	76	7.6
Rarely	286	72.2	65	10.8	121	12.1
Never	5	1.3	382	63.2	591	59.1
Not willing to answer	5	1.3	61	10.1	134	13.4
Do not know	33	8.3	48	7.9	73	7.3

Source: Field Survey 2022

<sup>25</sup> KII with Hasan Hasiburzaman, Project Director of Charuta Pvt Ltd, Dhaka.

<sup>26</sup> FGD2, Chattogram

**Gender discrimination in wage payment:** Gender based wage discrimination is evident in construction sector. It is noticed that the daily remuneration of the female workers' is less than the male workers for similar nature of work. When the respondents were asked whether there are wage differences between female and male workers, majority of the female workers (62%) and more than 35 %of the male workers gave positive response. About half of the total respondents and 15 %of female workers however said that they do not know in this regard (Chart 3.4.1).

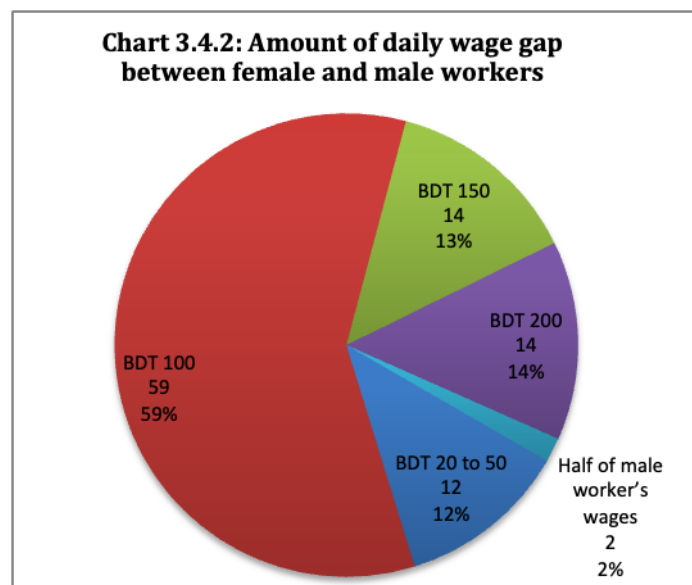


Source: Field Survey 2022

The study reveals that even many female workers are not aware of wage differences with their male counterparts. Surprisingly, many female workers also hold the same opinion as male workers concerning wage discrimination. – *“It is natural that male workers will get more than the female workers as a female worker cannot do as much work as the male workers can.”*<sup>27</sup> The wage difference is found from BDT 20 to 200.

Majority of the respondents (59%)

informed the wage gap is BDT 100, followed by BDT 150 to 200(28%). Six respondents said that they get half the amount of male workers' wages (Table 3.4.2).



<sup>27</sup> FGD 1 Rajshahi and FGD 1 Chattogram

### *Income-expenditure gap and maintaining decent life*

Workers' income-expenditure gap is evident in the present study. Almost all types of construction workers' average income is less than their average family expenditure, and the gap is around BDT 900 to 3000 (Table 3.4.5). Income-expenditure gap was apparent in the FGDs. Rahim, A mason calculated the income-expenditure gap in this way—"a general construction workers (helper) earn 400 Taka daily. Whereas he spends daily—BDT 200 for food, BDT 50 for personal purposes, BDT 50 for children and BDT 200 for house rent. How will he maintain a decent life?"<sup>28</sup>

**Table 3.4.5: Average Income-expenditure gap of construction workers**

	Average Income in BDT	Average expenditure in BDT	Expenditure Income Gaps in BDT
Masonry	12627	14109	1482
Electric work	14528	16709	2181
Painting	14088	15742	1654
Plumbing	14419	17461	3042
Piling	14967	16504	1537
Iron work/rod binding	14525	15425	900
Welding	12719	15866	3147
Carpentry	15380	16863	1482
Roof-casting	11681	14777	3095
Glass/aluminum setting	14561	17315	2753
Tiles/mosaic	12688	14561	1873
Road-casting	9205	8855	-350
Total	13526	15367	1841

Source: Field Survey 2022

Workers face difficulties to maintain a minimum life standard with their limited income. When the respondents were asked whether their current income is sufficient for maintaining a minimum standard of living, majority of workers (63 percent) said that it is not sufficient (Table 3.4.6). Md. Alam Hossain, a key interviewee said, "*The adequate earning is impossible for a construction worker as they are day labourers and sometimes, they are deprived of daily fair wages.*"<sup>29</sup> About 31% respondents however said that it is somehow sufficient to maintain their family expenditure (Table 3.4.6). "The workers who have more than one family members in their family, do not face difficulties to run their family," said an FGD participant. All the FGD participants informed that their income is inadequate to maintain a minimum standard of living.

<sup>28</sup> FGD1 Chattogram

<sup>29</sup>KII with Md. Alam Hossain, Director, Occupational Safety, Health and Environment Foundation (OSHE Foundation).

**Table 3.4.6: Whether respondent's current income sufficient for maintaining a minimum standard of living?**

	Private ownership		Company-ownership		Total	
	N	%	N	%	N	%
Sufficient	22	5.6	33	5.5	55	5.5
Somewhat sufficient	122	30.8	187	31.0	309	30.9
Not sufficient	252	63.6	382	63.2	634	63.4
Do not know	0	0.0	2	0.3	2	0.2

Source: Field Survey 2022

### *Impact of COVID-19 on wage and other benefits*

Evidence shows various impacts of COVID-19 on construction workers' wages and other benefits. The majority of workers (43 %) said there was no work throughout the lockdown periods. More than (36 % of workers also faced the problem of irregular payment. Other impacts include keeping wages and overtime due and lack of income. About one in every ten workers said, there was no impact of COVID-19 on wages and other benefits of them (Table 3.4.7). Particularly, the workers had fallen in more vulnerable situation in the last two years.<sup>30</sup> "There was a lack of work in the first year of Corona, the construction workers were struggling to find work in that time" said Abdul Akar Ali, a construction worker.<sup>31</sup>

**Table 3.4.7: Impact of COVID 19 on wage and other benefits**

	Private ownership		Company-ownership		Total	
	N	%	N	%	N	%
Wages due	13	3.3	40	6.6	53	5.3
Wages cut	2	0.5	4	0.7	6	0.6
Irregular payment	176	44.4	185	30.6	361	36.1
No bonus	44	11.1	13	2.2	57	5.7
Partial bonus	1	0.3	1	0.2	2	0.2
Keeping Overtime due	15	3.8	36	6.0	51	5.1
No income	3	0.8	21	3.5	24	2.4
No work	154	38.9	275	45.5	429	42.9
No impact	41	10.4	60	9.9	101	10.1
Others	14	3.5	36	6.0	50	5.0

To protect livelihoods and the economy during lockdown, the government has adopted a range of monetary and fiscal policies for different sectors including construction sector but except one, no workers reported in FGDs about receiving any social security support from government.

<sup>30</sup> FGD1, Rajshahi

<sup>31</sup> Ibid

### *Skill development training*

An important factor affecting adequate earning and productivity of workers is skill development training. Training leads to higher productivity. Employer-provided skill development training is almost absent in the construction sector. Only six workers in the current study said that they were trained on their tasks before starting their work at construction sites. No FGD participants reported that their employers arranged any skill development training for them. Although a construction company owner acknowledged the need for skills development training for the workers, he, however, said, "It is not employers' responsibility to provide training to the workers, as they contract with the contractor for skilled labour supply. It is rather the contractor's responsibility to train the workers."<sup>32</sup> The workers in FGDs said that the new workers/helpers take on job training or take help from their senior colleagues for their own interest to develop their skills.<sup>33</sup>

### **3.5 Equal Opportunity and Treatment in Employment**

Several types of discrimination exist in the construction sector, and the grounds of discrimination are multifarious. 31% of all respondents under this study claimed that they had found several discriminations at their respective workplaces that included wage, overtime, leave, working shift time, task/assignment, the scope of rest, and retrenchment. In contrast, few (5%) workers do not know whether any discrimination exists. However, gender-based wage discrimination is the most common. Almost all the workers in FGDs acknowledged that the wage of a female worker is less than a male worker engaged in the same work. For example, if a female piling worker (helper) gets Tk, 300 per day, a male worker for the same task will get Tk. 350. Some workers claimed that there was wage discrimination of about BDT 100 between male and female workers.

Holding the traditional patriarchal attitude, both contractors and even men workers perceive/believe that women are paid less since they cannot do as much hard work as men. Further, they consider that women are employed in simpler/lighter work in construction work. FGD participants of both Dhaka and Khulna have informed that women get less than men since they cannot perform equally that men do. In Dhaka, women get 15-20% less than men<sup>34</sup>. Along with wage disparity, gender-based discrimination is also evident in worker recruitment, as owners/contractors generally are somewhat reluctant to recruit female workers.

It is to be mentioned that the pattern of discrimination in terms of wage is similar in the construction sites of both company-owned and private/individual-owned. There is further no significant difference in the prevalence of discrimination in other areas, mentioned earlier.

Gender discrimination is also evident in task/assignment, although many workers are in oblivion about the discrimination. Survey data shows that 45% of workers do not know whether women get equal opportunity in case of task

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<sup>32</sup> KII with Md. Nazrul Islam, Chairman, Venustas Design and Development.

<sup>33</sup> FGD Rajshahi

<sup>34</sup> FGD, Dhaka

distribution according to experience. Another 45% has reported that discrimination is available, and only 9% has noticed that women get equal opportunity. Construction sites' ownership-wise data segregation shows a slight difference, where lack of awareness is higher among the workers of company-owned sites.

Discrimination is also evident in workplace facilities. Gender segregated toilet, which is a legal requirement, is still not available in most workplaces. *“Separate toilet facilities aren’t available for women construction workers at the workplace.”* – said AB Sidique Mintu, a key informant<sup>35</sup>. Noteworthy, the nature/pattern of availability is similar in both private and company-owned sites. Only 15% have claimed its availability.

Construction workers' workplaces are not harassment-free. 30% of the workers have claimed that they face different types of harassment (Table 3.5.1). Among the several harassment types, verbal is the most common one, followed by psychological. Though few cases, there are also instances of physical and sexual harassment. Workers of both company-owned and individual-owned sites predominantly face harassment inside the workplace. The harassment incidences are slightly higher in company-owned construction sites compared to private/individual-owned sites (Table 3.5.2).

**Table 3.5.1: Whether workers face harassment at workplace**

	Private ownership		Company-ownership		Total	
	N	%	N	%	N	%
Yes	100	25.3	195	32.3	295	29.5
No	256	64.6	368	60.9	624	62.4
Do not know	40	10.1	41	6.8	81	8.1
Total	396	100.0	604	100.0	1000	100.0

Source: Field Survey 2022

**Table 3.5.2: types of harassment**

	Private ownership		Company-ownership		Total	
	N	%	N	%	N	%
Physical	8	8.0	21	10.8	29	9.8
Verbal	93	93.0	178	91.3	271	91.9
Psychological	32	32.0	75	38.5	107	36.3
Sexual	3	3.0	2	1.0	5	1.7
Total	100		195		295	

Source: Field Survey 2022

Despite having the harassment, most workers lack a complaint mechanism at their workplaces. The absence is slightly higher in privately/individually owned sites compared to company-owned sites (Table 3.5.3). Just one in every ten has informed that workplaces have assigned a person to look after the complaints. Although, every workplace is required to have a complaint box, only 1.3% of workers have noticed its availability. Worth mentioning, 17.8% of workers have talked about other means of complaint handling at workplaces, which are mainly of noninstitutional/informal

<sup>35</sup> KII with Acting General Secretary of Bangladesh Nirman Sramik League.

nature where the contractor, sub-contractors, head *mistri*, labour *sardar*, foreman plays an influential role.

**Table 3.5.3: Complaint mechanism at workplaces**

	N	%	N	%	N	%
No mechanism	288	72.7	393	65.1	681	68.1
Complaint box	2	0.5	11	1.8	13	1.3
An assigned person	40	10.1	59	9.8	99	9.9
Workplace helpline	0	0.0	1	0.2	1	0.1
Do not know	12	3.0	23	3.8	35	3.5
Others	58	14.6	120	19.9	178	17.8
Number of cases	396		604		1000	

Source: Field Survey 2022

To encapsulate, the construction sector is characterized by a high presence of gender discrimination, especially in employment opportunities, wages, and tasks/assignments, which are against the spirit of decent work and equal rights. Besides, the high prevalence of verbal and psychological harassment and the absence of a complaint mechanism also hinder the development of a decent working environment.

### 3.6 Child Labour and Forced/Bonded Labour

Existences of child labour and forced/bonded labour at workplaces are against the spirit of ILO Declaration on Fundamental Principles and Rights at Work. The field survey asked the respondents whether there is an existence of child/ adolescent workers (below the age of 18). Over one-fifth (22%) of the respondents perceive that their workplaces do recruit child/adolescent workers. In fact, the analysis of the respondents' age range reveals that 42 workers, representing 5% of all respondents, were below the age of 18 (see Annex Table for age ranges of respondents). The existence of child/adolescent workers in the sector is continuing as any employer/contractor hardly verifies age while hiring. Only 2 respondents out of 1000 workers claimed that their employer checked documents to see the age of the workers, which is required according to BLA 2006.

The terms of recruitment of children/adolescents are no different from adults. The workers below the age of 18 also are hired mostly on a daily basis or on piece/contact rate. The work hours are similar to adults. 89% of respondents claimed that the work hours are the same as adults. No child/adolescent workers in the study sample were found to work below 8 hours per day. The long workhour for adolescents is a violation of the provisions of the Bangladesh Labour Act, which obliges employers to ensure work hours of no more than 5 hours per day for adolescent workers.

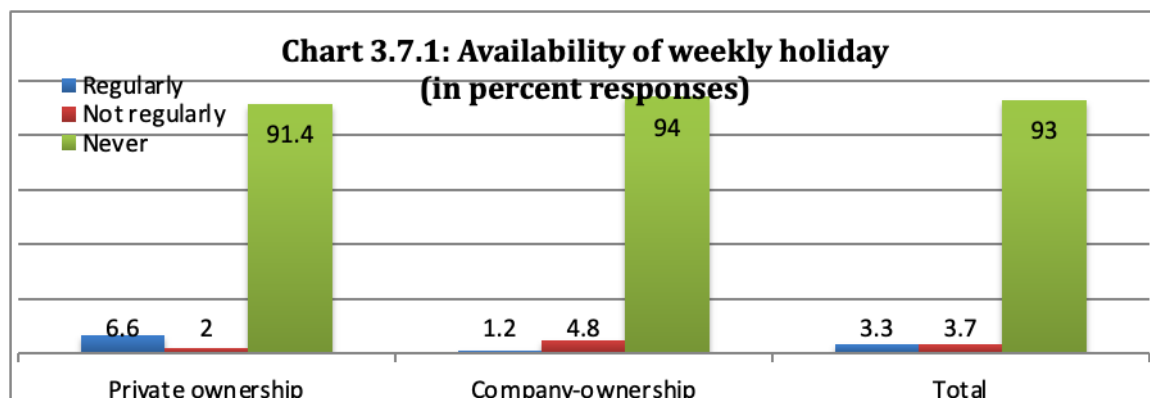
As per the BLA 2006, adolescent workers are to be provided light work. But the field survey amply reveals that not all adolescent workers are treated specially and differentially in terms of the nature of work. While 43 % of respondents claim that child and adolescent workers are treated differently, and are provided with simple tasks or light work, for the rest of the respondents were of the view that all are treated equally in terms of work tasks.



Despite the fact that the adolescents are not treated differentially workers do not perceive that treating all workers—both adults and adolescents—equally in terms of work hours and work nature do not lead the work to be either forced or bonded labour. Irrespective of age, workers physical abilities define many of tasks in the sector. As such, workers choose willfully the tasks they perform. A lack of awareness on the age restrictions for work and the issues that lead work to be treated as forced or bonded labour is obviously prominent amongst construction workers.

### 3.7 Combining Work, Family and Personal Life

Weekly, holiday with pay is not practiced generally in the construction sector. Both survey data and FGDs have come out with the similar findings. For example, 93% of all the surveyed workers are not provided with such leave. Although just 7% (70 of 1000) of respondents have such leave, more than half of them (37 respondents) do not enjoy it regularly. The situation is similar in all locations of this study, and even irrespective of their employers/recruiters (Chart 3.7.1).



Source: Field Survey 2022

According to the participant workers in FGD, there is indeed no practice of providing weekly holidays for construction workers. Although most workers take a day off weekly, it is at the expense of the wage of that particular day. “There is no practice of leave for construction workers. If we do not go to work, we will not get any income” —said the FGD participants in Dhaka and Khulna. However, an FGD participant in Dhaka has reported quite a different picture. He has said that when any construction worker works under a foreigner (particularly in megaprojects), they get a weekly holiday.<sup>36</sup>

Workers further have informed that employers/recruiters never provide annual leave, casual leave, and maternity leave. "In construction work", said Shushil, a masonry worker, "there is no work no pay. "Therefore" he added, "the questions of enjoying casual leave, sick leave, festival leave, annual leaves are immaterial for us." Nevertheless, in exceptional cases, few workers get annual leave. Only 1% has claimed to get such a leave, all of them worked under company and on a monthly basis.

<sup>36</sup> FGD, Dhaka

Although construction workers enjoy leave/day off at the cost of their daily wage, getting leave is not an easy task always. According to survey data, majority perceive that obtaining a day off is easy while many (27%) consider the process 'not easy'. Besides, some others (10%) are unaware of the difficulties involved in the process of getting a day-off. Workers who perceive the process as 'easy' is higher among the women respondents compared to men counterparts. However, recruiter/employer-wise data shows no remarkable variation. While discussing in the FGDs with workers, two different views have been observed. A group of workers opined that since they work on "no work, no pay" policy, it is easy to get leave or to take a day off. On the other hand, the other group perceive it hard (not easy) due to several reasons including employers'/recruiters' reluctance to allow leave since they want to finish/complete the work as early as possible; fear of losing the job and not to be recruited by contractors in future; scolding from the recruiters; heavy workload.

Scope of rest and level of hard work often differ according to the nature of recruiter. "Under the private/individual owner generally small number of workers work, and scope of rest is very limited. However, the case of work under contractors is somewhat different. In long term work under the contractors, scope of rest is more, and the work is less hard (FGD, Dhaka).

Pregnant workers generally are not recruited at construction sites. Nine of every ten workers have claimed that they are not recruited. The situation is almost similar at both privately-owned and company-owned sites. In contrast, only a few workers (2%, 21 out of 1000) have informed that pregnant workers get scope/change to work in this sector. Most of these workers (18 of 21) further notice that no special measures are taken for the pregnant workers at construction sites.

Likewise, maternity leave is also not provided to women workers except for a few exceptions. The level of unawareness is also remarkable concerning this issue. Survey data shows that 56% of workers do not know whether such practice is available in the construction sector. 30% of workers have informed that there is no such leave in this sector. Only 3 of 1000 of respondents, one from the privately-owned site and two from company-owned sites, claimed that women workers get leave but without pay, which is a violation of the labour law provision of the country. KIIs also have revealed identical information. A key informant from CSO states – "The number of women construction workers is increasing gradually but they do not enjoy maternity leave as they are daily labourers."<sup>37</sup>

Construction workers are still deprived of the daycare and breastfeeding facilities at the workplaces. In the words of a key informant: "There is no space or corner for breast-feeding for women workers at the construction sites."<sup>38</sup> Thus, the sector is not compliant with the BLA 2006 in the case of daycare. The lack of awareness among the workers is also remarkable. 76% of the respondents have reported the non-availability of daycare at their workplaces, while 20% does not know whether such a facility exists. Lack of awareness is slightly higher among the respondents of the

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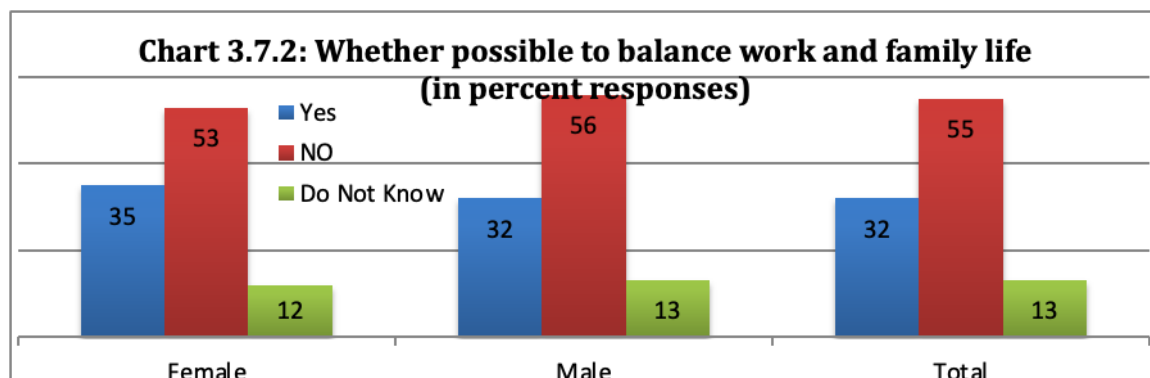
<sup>37</sup> Md. Alam Hossain, Director of Occupational Health, Safety and Environment (OSHE)

<sup>38</sup> Farid Ahmed, General Secretary of Dhaka Mahanagar Imarat Nirman Union

company-owned sites. Since daycare is absent, workers usually leave their children at home where other family members look after them.

The practice of flexible working hours is not seen in this sector. The situation is the same in both types of construction sites – privately owned and company-owned. 87% of the respondents have replied that they are not provided with such an opportunity.

The majority (55%) of the respondents have claimed that it becomes very difficult to bring the balance between work and family life (Chart 3.7.2). Multiple factors and reasons, which are related to both living places and workplaces, play a role in this regard. Workers perceive that the workload at both places is heavy/too much. Besides, absence of leave and long working hours make it difficult to manage family responsibilities, and they do not get enough time to spend with family members. In contrast, 32% of the respondents do not face difficulties in bringing the balance because of having a smaller family and supportive attitude of family members. Along with the survey findings, FGDs also inform that construction workers face difficulties in balancing work and family life. Abdul Barik, a rod binding worker, said, "It is very difficult to maintain family to do this work. I have been working outside of the home for four years. I have a baby girl at home. I cannot spend enough time with her; sometimes it feels too painful to me,"



Source: Field Survey 2022

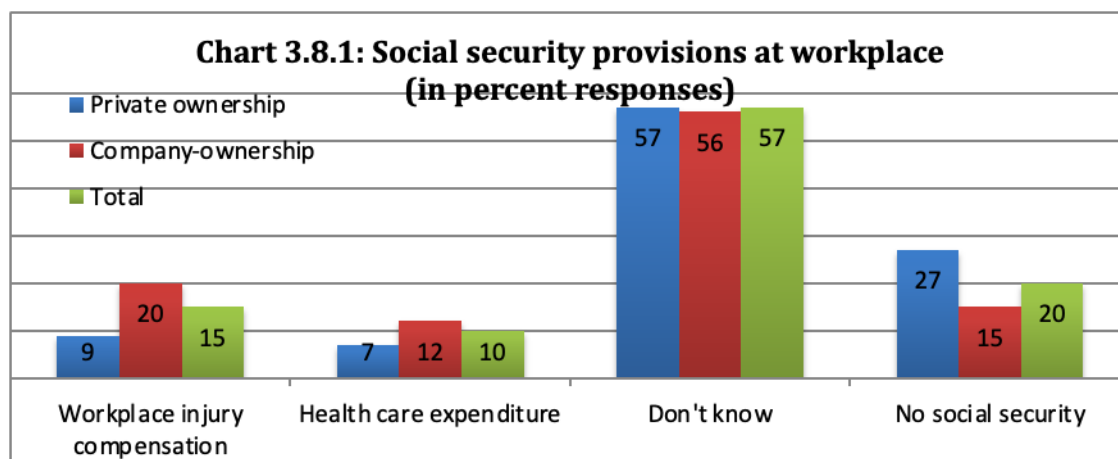
Overall, lack of paid leaves including maternity leave, long working hours, and absence of daycare and breastfeeding corners are the common scenarios in the construction sector of the country. Therefore, achieving decent work, in terms of combining work with personal and family life, for the workers in this sector has remained far away.

### 3.8 Social Security

The right to social security is internationally recognized human rights as well as a worker right. The BLA 2006 has stipulated many provisions concerning employers' liability for workers' social security, e.g., provident fund, gratuity, death and injury compensation, and group insurance. Both survey data and the FGDs confirm that construction workers mostly are deprived of social security rights. A key informant

noticed, “Construction workers have no social security, as they work as a day labourer.”<sup>39</sup>

Survey data shows that only in a few cases do workers get compensation and health care expenditure (Chart 3.8.1). The availability of these provisions is slightly higher for workers under the companies than individual privately-owned sites. A large proportion of the construction workers are not aware about the social security provisions.



Source: Field Survey 2022

The evidence from FGDs reveals that the construction workers hardly receive compensation according to the legal provision in case of accident injury or death. Md. Nasir a masonry worker informed that a construction worker died at his workplace, but neither owner nor contractor provided any amount of compensation to his family. Later his family received one lakh taka from the workers welfare fund with the support of trade unions. Another worker Hasan said in the same FGD that his hand went into the machine two years ago, he had to spend a big amount of money for his treatment but did not get any help from the owner and contractor. He also said, “Owner will give 50000 to the police but do not give 500 to the workers.”

However, there are good examples also. In some cases, developers and contractors provided a bigger amount of money to the accident victims’ families than the stipulated amount in BLA 2006, although not compliant with international standards. For example, in one case, BDT 3 lac was provided to two families each, and in another case, the developer provided 7 lacs to the accident victim’s family.<sup>40</sup> Al-Amin, an FGD participant said, "One of my brothers died while working in a construction company. His family has been paid BDT 2,50,000 as compensation, and for the last two years, his family has been receiving BDT 5000 per month from the company.”

To support workers of both formal and informal sectors, there is a government fund, the Labour Welfare Fund, from which construction workers can get assistance when needed. However, getting support from this fund is not easy always; there is a

<sup>39</sup> AB Sidique Mintu, Acting General Secretary of Bangladesh Nirman Sramik League

<sup>40</sup> FGD, Dhaka

lack of awareness among the workers about this fund.<sup>41</sup> A key informant stated, “The government is working for the welfare of workers. It has created a welfare fund from which construction workers can get money for their treatment, and children’s education, but the workers have to be aware of the funds.”<sup>42</sup>

Overall, non-implementation of the employers’ liability concerning workers’ social security is a predominant feature of the construction sector. Even where some assistance is provided (e.g., injury compensation), those are not compliant with national labour law.

### 3.9 Safe Work Environment

#### *Risks and Accidents at Workplace*

Risks and hazards as well as workplace accidents are very common at construction sites. According to a report from the Safety and Rights Society, 875 workers died in 718 workplace accidents in Bangladesh in 2023. Of the total deaths, the construction sector witnessed 174 fatalities (which account for about 20% of all workplace deaths) from 125 incidences.<sup>43</sup>

All the construction workers perceive different types of risks from injuries to deaths from workplace accidents. The construction workers were asked about their perception of risks at their workplace. Only 3 percent respondents (n=30) said they do not perceive any risk at construction sites and 1.2 percent (n=12) do not mention any risks. But almost all the respondents perceive different types of risks like getting hurt (14%), to be injured (19.5%), fall from height (21.5%), cutting hands/legs (23.2%), life risk (12.3%), slip and falls (10.4%) and electrocution (8.3%).

When the respondents were asked about the types of accidents and injuries they were witnessing or experiencing at the construction sites, multiple responses were coded. Most of the workers witnessed fall from heights (61.7%), followed by being hit by falling objects (50.1%), electrocution (36.7%), wall/roof/piling tower collapse (19.7%), fall in hole (12.6%), cutting hands/legs (5.5%), getting hurt (1.4%), and ear/eye injury (0.4). Only 2.6% respondents said that they do not know or do not witness any of the accidents or injuries at the construction sites. These workplace accidents or injuries occur while construction workers do masonry, electric work, painting, plumbing, pilling, ironwork/binding carpentry, roof casting, glass aluminium setting, tiles/mosaic, and iron casting, they observed. These data actually show that almost all construction workers face or witness workplace accidents and injuries. The workers face such accidents while they do different types of work like masonry, electric work, painting, plumbing, pilling, iron binding, and roof casting.

The construction workers were asked whether they witnessed any accidents in the last one year or not. This study reveals that most of the respondents (72.8%) didn’t witness any accidents at construction sites while 16.5% witnessed such accidents in the

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<sup>41</sup> FGD, Dhaka

<sup>42</sup> KII with Enamul Haque, Director of the Department of Labour

<sup>43</sup> This figure illustrates deaths reported in newspapers but not all the accidents across the country are reported. Bangladesh Workplace Death Report 2023, Safety and Rights Society, Dhaka.

last one year. 10.7% of the respondents said they do not know whether the accidents occur or not in the last one year. 165 respondents who witnessed workplace accidents in the last one year were working at the construction sites of individual ownership (37.6%) and private construction companies (62.4%).

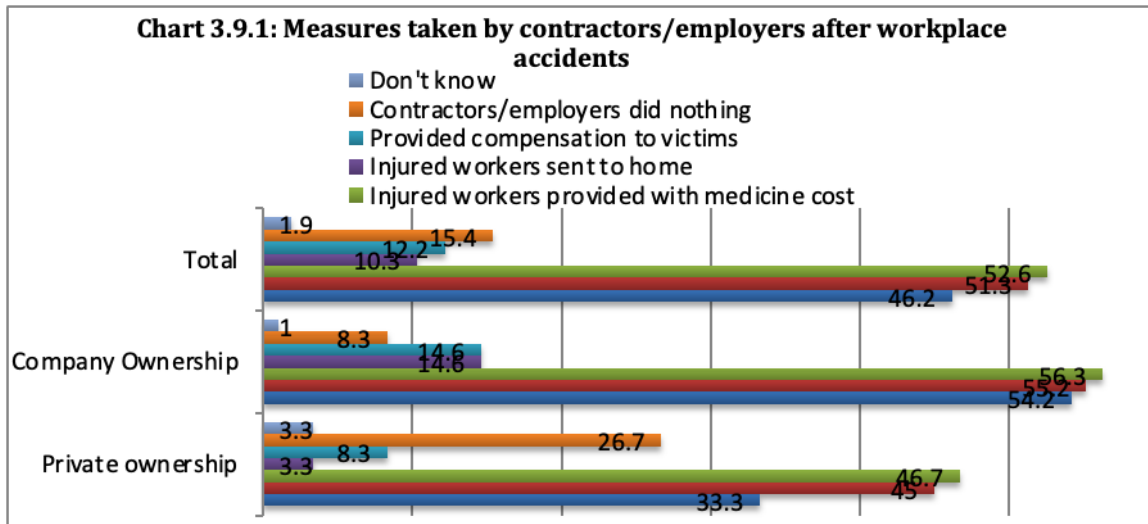
The respondents (n-165), who were witnessing workplace accidents, were asked again whether they were witnessing casualties (deaths and injuries) or not. Almost all the respondents (94.5%) witnessed casualties from workplace accidents in the last one-year and only 5.5% didn't witness such casualties.

The respondents (n-156) witnessed casualties from workplace accidents in the last one-year. Of the respondents, 36.4% (n-60) were working at the construction sites of individual ownership and 61.5% (n-96) in sites owned by companies in the last one year.

Of the 165 respondents, 70.9% witnessed one incident in the last one year while 18.8% two incidents, 6.7% three incidents, 1.8% four incidents, and 0.6% each six incidents, seven incidents and eight incidents.

The 156 respondents who witnessed casualties from workplace accidents were also asked about the measures taken by contractors/employers after workplace accidents. Chart 3.9.1 shows multiple responses found from this question. It reveals that 46.2% of the respondents said that injured construction workers had been sent to hospitals by contractors/employers after workplace accidents in last one year. 51.3% of the respondents said that victim injured workers had been provided with treatment costs while 52.6% said they had been given only medicine costs by the employers. Only 12% stated that injured workers had been given compensation by the contractors/employers. 10.3% claimed that injured construction workers had been sent to their home. It finds that 15.4% respondent construction workers said that contractors/employers did nothing for the injured workers after workplace accidents.

Of the six respondents (four workers from individual ownership and two from construction companies) said that the employers had committed to give compensation to the injured workers but did nothing while another respondent stated that one fellow worker died from a workplace accident but didn't get any compensation. Three respondents said that they witnessed that contractors/employers gave very little amount of money to the injured fellow workers for treatment costs.

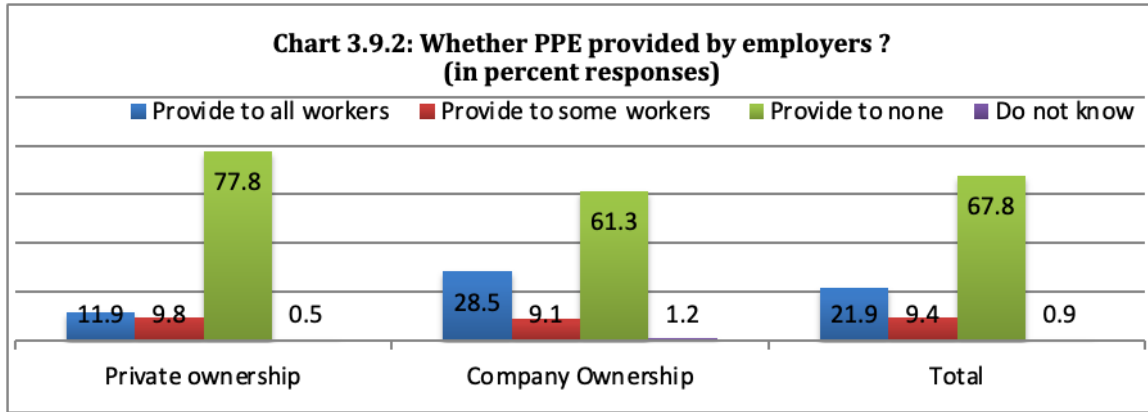


Source: Field Survey 2022

***Prior information about occupational risks and provision of Personal Protective Equipment (PPE)***

40% of the respondents (24 respondents from individual ownership sites and 280 from construction companies) stated that their employers provided information about occupational risks to all workers before assigning them to work at construction sites while 1.7% of respondents (8 from individual ownership sites and 9 from companies) said that they disseminated such information among some workers. However, 56.3% of the respondents (261 from individual sites and 302 from companies) recalled that the employers didn't disseminate prior information on occupational risks among workers. Only a few respondents could not recall or do not know whether the information on occupational risks were noticed or not.

67.8% of respondents (308 respondents from individual ownership sites and 370 from construction companies) stated that their employers didn't provide Personal Protective Equipment (PPE) to none of the workers. Only 21.9% respondents (47 from individual ownership sites and 172 from companies) said that the employers gave PPE to all workers, while only 0.9% could not recall or do not know whether PPE was given to workers or not (Chart 3.9.2). Moreover 9.4% of the respondents (94 respondents—39 from individual ownership and 55 from ownership companies) stated that employers provided PPE to a section of workers. Of the 94 respondents, 29.8 % of them said the employers allocated PPE to those workers who worked outside at the construction sites while 21.3% stated that the PPE given to such workers who need/do hazardous works while 8.7% said for Head Masson, 7.4% for roof casting/rod casting workers, 10.6% for welding/rod iron binding workers and only 2.1 for pilling workers.



Source: Field Survey 2022

When the respondent construction workers were asked about their PPE using habits at workplaces, 83.4% of the respondents (n-261) stated that if the employers offer them PPE, the construction workers use them all the time while working. Only 13.7% (n-43) said the construction workers do not use PPE and 1.6% stated that they use PPE sometime during their work and only 1.3% (n-4) do not know or do not mention any habit of the using of PPE. The data also reveals that the percentage of PPE using habit (86.3%) at private ownership company's sites is larger than that of individual ownership sites.

At a FGD, Mahboob, a masonry worker, said: "99 percent owners do not provide PPE to the workers."<sup>44</sup> However, some workers said some big construction companies and contractors provide PPE to the workers, the individual owner rarely provides PPE to them. Kabirul Islam, a rod-binding worker (helper) claimed that the company as well as the contractor provided the safety belts and gumboots. However, workers alleged that the quality of the PPE is not good always.<sup>45</sup> Few workers at the FGD said workers sometimes are reluctant to use PPE. Mohinuddin, a tiles/mosaic worker, said: "Workers know about the risk of construction work; however, they do not use the PPE as it is not mandatory." He also informed that there is a construction company named STS construction that has provided PPE to the workers and if any workers work without PPE, he has to pay a fine of BDT 5000.<sup>46</sup>

Emphasizing the awareness raising among the workers, Enamul Haque, Director of the Department of Labour, in an interview<sup>47</sup> said: "Construction workers sometimes do not want to use safety gears." But without awareness and training, the habit of using safety gears is impossible as this study supported this statement. It finds that "almost all the construction workers (91.4) said their employers never impart training for risk prevention/reduction." Hasan Hasiburzaman, Project Director of Charuta Pvt Ltd., also in an interview<sup>48</sup> echoed this statement and said: "Most of the

<sup>44</sup> FGD, Chattogram.

<sup>45</sup> FGD, Rajshahi

<sup>46</sup> FGD, Chattogram

<sup>47</sup> KII with Enamul Haque, director of the Department of Labour, on 5 January 2022.

<sup>48</sup> KII with Hasan Hasiburzaman, Project Director of Charuta Pvt Ltd. on 30 January 2022.



companies do not provide safety gears. On the other, when some large companies provide them with the safety equipment, they do not use those believing that these tools will reduce their working capacities. This situation happens as they aren't habituated with or due to lack of safety training." Hasiburzaman, who also owns a small construction company, added:

"International level companies assign safety officers at the construction sites. The numbers of such projects in Dhaka are not more than five or six. As per the work order and contracts, they provide safety equipment, but some middlemen hide those safety gears without providing them. The International work order follows all safety and service benefit issues. But local companies and individual ownership construction works do not follow any safety rules or service rules. However, only a few large Bangladeshi companies follow these rules."

Contactors or sub-contractors or individual owners want excessive labour outputs from workers to minimizing construction costs. A worker said: "No safety for us. No helmet and safety belt. But we are always told to complete our work swiftly – go to your work and carry on!"<sup>49</sup> Echoing his statement, another worker said: "Small contractors are reluctant to provide PPEs, because, as they think using PPE show down the pace of work."<sup>50</sup>

Almost all the construction workers (91.4%) said their employers never impart training for risk prevention/reduction. Only 3.4% of workers said they got safety training and 5.2% said they do not know the matter.

### *State Agency's Inspection and Monitoring*

The respondent construction workers were asked whether they witnessed any inspection from the government agencies (such as the Department of Inspection for Factories and Establishments-DIFE) at their workplace. Almost all the workers (97.3%) said they never witnessed any inspection from the government agencies (such as DIFE). Only 2.7% of the respondents said they saw government officials at the construction sites.

The findings from this study bear the reality of unsafe construction workplace in Bangladesh. Workers die and get injured from workplace accidents for lack of safety training, safety equipment, and defiance of safety rules, safety inspection and safety awareness of the construction workers. This indicates that all the parties –employers, contractors, sub-contractors, workers, the government inspection, and labour departments--can be held responsible for unsafe work environments.

A Labour department official said: "Laws are not enforced in the construction sites due to lack of inspection this is true but it is also true that human resources are not adequate and even not minimum level for the inspection."<sup>51</sup> Countering his arguments, Md. Alam Hossain, director of Occupational Health, Safety and Environment (OSHE) in an interview<sup>52</sup> said: "No monitoring or watch on the

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<sup>49</sup> FGD, Dhaka.

<sup>50</sup> FGD, Dhaka

<sup>51</sup> KII with Enamul Haque, director of the Department of Labour

<sup>52</sup> KII with Md. Alam Hossain, director of Occupational Health, Safety and Environment (OSHE)

construction sites due to lack of human resources this is true. But the officials of the Department of Inspection for Factories and Establishments do not know how to enforce building safety rules due to lack of training.”<sup>53</sup> Enamul Haque, director of the Department of Labour, also in an interview<sup>54</sup> admitted that “sometimes the government bodies can’t enforce the laws in the construction sector due to lack of capacity, and human resources.” But AB Sidique Mintu, Acting General Secretary of Bangladesh Nirman Sramik League, in an interview pointed out different observation: “Officials from the Department of Labour (DoL) and the Department of Inspection for Factories and Establishments do not visit any construction sites. If any construction company invites the officials, they visit the sites where safety measures are arranged for that day only. However, such instances of invitation of the officials are also a very rare.”

### *Accident Compensation*

It is worrying that after workplace accidents, the contractors or employers do not provide compensation to the victim construction workers and even do not arrange treatment. Hasan Hasiburzaman, Project Director of Charuta Pvt Ltd., in an interview<sup>55</sup> said: “Sometimes construction companies keep First Aid Box without available medicine at the construction sites. If any worker is injured, no one rushes for the first aid box.” This study finds that 46.2% of the construction workers said that injured construction workers had been sent to hospitals by contractors/employers after workplace accidents in last one year while 51.3% of the respondents said that injured workers had been provided with treatment costs and 52.6% said they had been given only medicine costs by the employers. Only 12% stated that injured workers had been given compensation by the contractors/employers while 10.3% claimed that injured construction workers had been sent to their home. It is revealed from the survey that 15.4% respondent construction workers said that contractors/employers did nothing for the injured workers after workplace accidents.

In cases of accidents and fatalities, employers/contractors try to solve the issue involving the local influential persons. Sometimes partial treatment cost is provided. In cases of death, costs are paid only to send the dead body to the village. Because of their vulnerability and due to the role of the local influential persons, workers’ families mostly opted not to file cases; instead, accept a lump sum amount which is offered to them.<sup>56</sup>

Enamul Haque, director of the Department of Labour<sup>57</sup> said: “The employers have a tendency to defy rules relating to compensation against workplace injuries or deaths.” While asking why no compensation is provided, Farid Ahmed, General

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<sup>53</sup> KII with Md. Alam Hossain, director of Occupational Health, Safety and Environment (OSHE),

<sup>54</sup> KII with Enamul Haque, director of the Department of Labour.

<sup>55</sup> KII with Hasan Hasiburzaman, Project Director of Charuta Pvt Ltd. on 30 January 2022.

<sup>56</sup> FGD, Dhaka

<sup>57</sup> KII with Enamul Haque, director of the Department of Labour, Department on 5 January 2022.

Secretary of Dhaka Mahanagar Imarat Nirman Union, in an interview<sup>58</sup> said: “If any worker dies in a workplace accident, the employers do not want to take the responsibility for being hired by the contractor or the sub-contractor.”

Hasan Hasiburzaman, Project Director of Charuta Pvt Ltd., said: “Most of the cases, companies are not responsible for the compensation against any injuries or deaths from workplace accidents as such terms and conditions are not included in the work order with contractors. But such terms and conditions are followed in the international Notification of Contract Award.”

However, there are a few good examples also. In some cases, developers and contractors provided bigger amounts of money to the accident victims’ families. For example, in one case BDT 3 lakh was provided to two families each, and in another case, a developer company provided BDT 7 lakh to the accident victim’s family.<sup>59</sup>

### 3.11 Social Dialogue and Trade Unions

Social dialogue is one of the four pillars of decent work where the trade union is an important actor. However, in construction sector, most of the workplaces lack registered trade/labour unions (TU). Many workers even are not aware of whether any trade union is available at their workplaces. Only 4.5% of all the respondents claimed the availability of trade unions. Even where workers unions are present, many (40%, n=45) are not members.

Those who are not members of TU, despite its presence, have mentioned several reasons why they have not been members. The lack of interest is the number one cause among the workers of both types of construction sites. Lack of time and awareness also refrains workers from joining the union. Participants of an FGD have informed: “We do not have enough ideas and even we are not more interested in joining and participating in union activities”. The union’s partisan position, some union leaders’ roles, and anxiety about the work opportunity demotivate many workers. A key informant explains— “Some of the trade union leaders are not performing their due role. They are loyal to local political leaders and always seek opportunities for their personal gain.”<sup>60</sup> Another key informant also expressed a similar opinion: “It is difficult to bring construction workers under any trade unions because most trade unions are loyal to political parties. Furthermore, a section of construction workers believes that if they join any trade union, employers will not recruit them.”<sup>61</sup>

The initiative to form TU at the respondents' workplace is also remarkably absent. According to the survey finding, 88.5% of the respondents, among those who have reported non-availability of TU at their workplaces (n=955), have not seen any such initiative. Some are not aware even; they do not know whether such initiative

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<sup>58</sup> KII with Farid Ahmed, General Secretary of Dhaka Mahanagar Imarat Nirman Union, 12 January 2022.

<sup>59</sup> FGD, Dhaka

<sup>60</sup> Farid Ahmed, General Secretary of Dhaka Mahanagar Imarat Nirman Union

<sup>61</sup> B Sidiq Mintu, Acting General Secretary of Bangladesh Nirman Sramik League

was taken. The situation is almost the same in both privately-owned and company-owned sites.

Except the TU, workers' organization/association in any other form is also unavailable in most workplaces. 78.7% of respondents noticed the non-availability. Further, about 20% respondents are not aware in this regard. Similar responses have been observed from the workers of both workplace types. Only 15 workers (of 1000) have mentioned the availability of welfare associations and cooperatives.

Regarding TU and other associations, many participants of FGDs perceive that lack of unity among workers is a key problem in forming their association.<sup>62</sup> However, many others realize the necessity and importance of unions and organizations. An FGD participant claimed – “We feel that workers organization is needed. If we, the workers, are organized, we will be able to achieve our rights. However, we do not know where to go, and how to be a union member.”<sup>63</sup>

Construction workers' participation in workplace-related decision making is infrequent (Table 3.10.1). 41.6% of all the respondents have claimed that they sometimes have the chance of participation. Workers of company-owned sites marginally get more scope to participate than the workers of individually owned sites. Spatial data show that this scope is higher in Khulna (66%) and lowest in Chattogram (17%). On the other hand, 18.2% of workers do not know whether workers can participate.

**Table 3.10.1: Workers' participation in workplace-related decisions.**

Instances of workers' participation	Private ownership		Company-ownership		Total	
	N	%	N	%	N	%
Always	24	6.1	50	8.3	74	7.4
Sometimes	141	35.6	275	45.5	416	41.6
Never	152	38.4	176	29.1	328	32.8
Do not know	79	19.9	103	17.1	182	18.2

Source: Field Survey 2022

Because most workplaces lack TU and other forms of workers' organization/association, the processes of raising issues/demands to the employers/recruiters are mostly informal and noninstitutionalized. The workers sometimes individually raise their demands and grievances while sometimes collectively. Further, 31.0% of the workers raise their issues through the immediate supervisor/managers. The overall situation in privately-owned and company-owned sites are almost similar (Table 3.10.2).

There are diverse ways of workplace dispute settlement (Table 3.10.3). However, discussion and negotiation are the most used way to solve the disputes between construction workers and their recruiters/employers. Formal processes like conciliation and arbitration are rarely used; rather informal processes and individual persons play important roles in dispute settlements. For example, foreman/contractors, labour *Sardar* play influential roles in this regard. Besides, 10.1%

<sup>62</sup> FGD, Dhaka

<sup>63</sup> FGD, Dhaka

of workers do not know how disputes are settled at their workplaces. The pattern of responses of the workers from privately-owned and company-owned sites are almost similar.

**Table 3.10.2: How do workers raise their demands/issues to the employers?**

Means of raising demands	Dhaka		Chattogram		Khulna		Rajshahi		Total	
	N	%	N	%	N	%	N	%	N	%
Individually	131	43.7	183	61.0	148	74.0	31	15.5	493	49.3
By trade unions	29	9.7	3	1.0	63	31.5	0	0	95	9.5
Workers collectively	113	37.7	91	30.3	148	74.0	82	41	434	43.4
By immediate supervisors/managers	66	22.0	175	58.3	44	22.0	25	12.5	310	31.0
Welfare association/cooperative	4	1.3	2	0.7	0	0.0	1	0.5	7	0.7
Do not know	29	9.7	20	6.7	1	0.5	5	2.5	55	5.5
Others	40	13.3	24	8.0	1	0.5	66	33	131	13.1

Source: Field Survey 2022

**Table 3.10.3: How are disputes settled?**

Means of settling disputes	Private ownership		Company-ownership		Total	
	N	%	N	%	N	%
Workers collectively	19	4.8	26	4.3	45	4.5
Individually	18	4.5	61	10.1	79	7.9
Through discussion/negotiation	175	44.2	258	42.7	433	43.3
Through foreman/contractor	70	17.7	90	14.9	160	16.0
Conciliation	35	8.8	54	8.9	89	8.9
Labour sardar/head mistri/supervisor	50	12.6	72	11.9	122	12.2
Creating pressure	4	1.0	3	0.5	7	0.7
Through manager	18	4.5	30	5.0	48	4.8
Arbitration	26	6.6	68	11.3	94	9.4
By trade union	2	0.5	1	0.2	3	0.3
No dispute	16	4.0	21	3.5	37	3.7
No system	2	0.5	1	0.2	3	0.3
Do not know	39	9.8	68	11.3	107	10.7

Source: Field Survey 2022

In sum, a dismal picture has been evident regarding the state of TU practice and the presence of other organizations (e.g. workers' welfare association) at construction workers' workplaces. The absence of the TU and other organizations is pervasive. Multiple factors obstruct workers to join unions where it is available. Workers have a limited scope to participate in workplace-related decisions. They primarily depend on the noninstitutional means to communicate their issues with employers/recruiters and resolve disputes.

### 3.11 Human rights abuses, impacts on environment and remedial measures

This section finds out ownership of land for construction sites, impacts of construction operations on community's movements, and environment, human rights, and its remedial mechanisms in case of rights violation. Out of the 1,000 respondents of this study, 604 have been questioned under this section as they were working at the private ownership companies' sites.

**Ownership of land for construction sites:** The respondents were asked whether the company owned the land of the worksites, 33.8% (n-204) of the respondents said the companies for which they were working owned the land of the worksites while 20.5% said No. 45.7% do not know about the ownership of land. Of the companies (n-204) which own land for construction sites, 27% of the respondents (n-55) said the companies purchased the land while 5.6% respondents (n-12) stated that the companies took lease of the land.

**Impacts of construction works on environment, surroundings etc.:** Respondents were asked whether construction sites they were working damaged/displaced/affected any trees, water bodies, religious or cultural establishments or common properties, multiple responses have been found. 7.3% of the respondents (n- 44) said that the construction sites/operations damaged trees, while 6.6% (n-40) mentioned water bodies, 1.3% (n-8) temples/mosques, 4.5% (n-27) historical place/building, 1.8% (n-11) playground, 0.2% (n-1) community place/hall, 8.4% (n-51) people's individual houses, 2% (n-12) slums, 6.5% (n-39) people's workplaces, and 2.5% (n-15) stated graveyards. But (60.8%) of the workers (n-367) said that they do not know about such incidents.

Although workers often observe obstacles on roads created by construction works and damage to common properties, they have nothing to do. When any objections/opposition arises, it is usually settled by the company with the help/assistance of the local influential persons.<sup>64</sup> An FGD participant says:

"A low-lying land in a community at Mirpur was damaged due to construction work of a renowned company. The land was used as a playground by the community children. After starting construction in an adjacent land, the playground was inundated with knee-deep water. Some youths who were loyal to a political party came and the company provided them with some money, and they went away. Nothing happened but the children lost their playground."<sup>65</sup>

**Complaints against companies:** The respondents were asked whether any complaint against company operations was raised from the neighbours. Only 8.1% of workers said the neighbours raised complaints against construction operations and 48.7% said no complaint was lodged for any construction works. 43.2% said they do not know about such complaints. Those respondents (n-49) knew about complaints mentioned

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<sup>64</sup> FGD, Dhaka and Khulna.

<sup>65</sup> FGD, Dhaka.

various issues of allegations like noise (71.4%), blocking road by keeping construction materials (6.1%), nighttime noise (4.1), and falling objects from heights (18.4).

**Remedy to resolve disputes over construction operations:** The respondents were asked whether their construction companies resolved disputes when the community people fell victim to ongoing construction works (loss of playground, hurt by falling objects). 26.3% of the respondents said their companies resolved disputes while the community people fell victim to the construction operations. 30.1 % said the companies took no initiative to resolve the problems while 43.5% stated that they do not know such measures. Of the 159 respondents, the majority of them (84.9%) mentioned a discussion with community people as a way of resolving the disputes while 11.3% said that the employers gave compensation to the victims.

## 4. CONCLUSION AND STRATEGIC DIRECTIONS

### Key Findings

#### **Employment opportunities**

The construction sector while provides employment opportunities for workers to be engaged in various tasks (e.g., masonry, plumbing, painting, electric work), the workplaces are of mostly smaller sizes, employing less than 30 workers. The sector provides more opportunities for young male workers. The work availability is not equally applicable across gender—women are perceived to be less skilled and mostly absent in some types of work like plumbing and electric work. The work availability is neither permanent, since workers mostly work on a daily basis, nor provides regular work in the sector.

#### **Stability and security of work**

Stability and security of work is characterized by lack of formal worker hiring practice, absence of long-term work, non-implementation of employment security-related provision of BLA 2006, and practices of expulsion from job. The worker hiring process is mostly informal and dominated by intermediaries like sub-contractors and labour sardars. Personal relationships and networks of the workers also help to be hired. Although workers have been involved in construction work for many years, due to the nature of work, they usually work for a short period, 1-3 months, in each location. Short work period is more frequent when they are hired by individual owners compared to work under company.

Non-implementation of the employment security-related provisions relating to appointment letters, service books and identity cards are widespread—97.2% have no identity cards; 90% have no service book. Workers' attendance is recorded primarily by traditional and old-fashioned means like register khata and notebooks and for many workers there is absence of any means.

Expulsion without serving a written notice is frequent since the recruitment/hiring process is informal and non-implementation of employment stability/security provision like appointment letter. In cases of expulsions, many of the workers do not get their due wages (or a portion of due wages). During the COVID-19 pandemic many workers lost jobs due to lack of work (non-availability) and stoppage of work by the employers. However, those workers mostly neither received any prior notice, nor did some workers get the whole of their due wages.

As whole, precarity dominates the realm of work of the construction workers. Around two-thirds of the respondents perceive that jobs in the construction sector are unsecured.

#### **Decent working time**



The construction sector is standing far from ensuring decent working hours for its workers. Longer working hours without overtime and the absence of adequate and specific rest periods are predominant features. Although the working hour is calculated considering the daily hours; there are also instances of not having a fixed standard basis for it. Practices show that daily working hours including overtime, if any, is more than 8 hours for the majority. It exceeds the maximum 10 hours, the legally permitted limit including overtime, for 25% of workers. Despite working more than 8 hours, 80% of workers claim that there is no provision for overtime. Even, when overtime work is considered, it is not practiced following the legal provision. Sometimes, due to the nexus between a contractor and an employer, workers are deprived of overtime.

The absence of adequate and specific rest time for many workers also indicates a deficit in decent work conditions in this sector. Even some workers claimed that there is no rest period for them. Although working after 10 pm is not that common, violation of the legal provisions in cases of women's night work is rampant. Employers never take written consent, which is a legal requirement, from them.

### **Adequate earnings and productive work**

Generally, construction workers are not aware of the minimum wage declared for construction sector workers. The average income of construction workers is less than the legal minimum wage and it is inadequate for workers' families to maintain a minimum standard of living. The impact of various adverse situations like the COVID-19 pandemic further increases construction workers' vulnerability. Wage discrimination between female and male workers is also noticed in this sector. A violation of labour law provisions regarding wage-related other benefits and wage payment dates is also evident. Besides, company/employer-provided skill development training for workers is hardly to happen in the construction sector.

### **Equal opportunity and treatment in employment**

The construction sector is characterized by presences of discrimination, harassment, and absence of formal complaint mechanism. Several types of discrimination exist, and the grounds of discrimination are multifarious. However, gender-based wage discrimination is the most common one, women get 15-20% less than men. Moreover, gender discrimination also exists in employment opportunity, task/assignment, and workplace facilities. Owners/contractors generally are somewhat reluctant to recruit female workers because of traditional patriarchal attitude and think that women cannot do as much hard work as men. Gender segregated toilet, which is a legal requirement, is still not available in most workplaces.

Construction workers' workplaces are not harassment-free. They face different harassment where verbal type is the most common one, followed by psychological. Harassment incidences/prevalence is slightly higher in company-owned construction sites compared to private/individual-owned sites.

Despite experiencing harassment, most workplaces lack a complaint mechanism. Even in a few cases where complaint handling means are available, those are mainly non-institutional/ informal.

### **Child labour and forced labour:**

Although Bangladesh is committed to eliminating child labour, the construction sector is not fully free from the labour of children and adolescents. The existence of child/adolescent workers in the sector is continuing as any employer/contractor hardly verifies age while hiring.

The terms of recruitment of children/adolescents are no different from adults. They are not treated specially and differentially in terms of the nature of work. The long work hours for adolescents is a violation of the provisions of the Bangladesh Labour Act, which obliges employers to ensure work hours of no more than 5 hours per day for adolescent workers. Further, a lack of awareness of the age restrictions for work and the issues that lead work to be treated as forced or bonded labour is obviously prominent amongst construction workers.

### **Combining work, family, and personal life**

Achieving decent work by combining work with personal and family life has remained far away for the majority of the construction workers. Long working hours coupled with the absence of paid leaves including maternity leave, daycare and breastfeeding corners have made the balance harder for the workers.

There is indeed no practice of providing weekly holidays with pay, so is the casual, medical, festival, and annual leave. Although most workers take a day off weekly, it is at the expense of the wage of that day. Even getting a leave without pay is not easy always and workers have the fear of losing the job and not to be recruited in future.

Pregnant workers generally are not recruited at construction sites. If they are recruited, in very few cases, no special measures are taken for them, even maternity leave is also not provided. Further the workplaces are not women-friendly; facilities like the daycare and breastfeeding corner are not available. Besides, the practice of flexible working hours is also absent in both privately-owned and company-owned construction sites.

Due to multiple factors and reasons related to both living and working places, bringing balance between work and family life becomes very difficult for the majority workers.

### **Social security**

Social security rights are highly neglected in the construction sector. Non-implementation of the employers' liability is a predominant feature in this sector. Only in a few cases workers get compensation and health care expenditure, though not legally compliant, from employers; and other employers' liabilities e.g., provident fund, gratuity, group insurance are never implemented. Many workers are indeed unaware of social security facilities.

Regarding compensation, the good examples, however, are also not compliant with international standards. Although there is a government fund (Labour Welfare Fund), to support workers of both formal and informal sectors, getting support from this fund is not always easy; there is a lack of awareness among the workers about this fund.

### **Safe work environment:**

The construction sector is highly prone to accidents and injuries. The risks, as perceived by workers, of this sector include getting hurt, being injured, falling from a height, cutting hands/legs, life risks, slips and falls, and electrocution. Indeed, this is the sector where the fatality is the highest for workers in the country.

Despite having a high risk of accidents and injury, in the majority of cases, employers do not provide workers with prior information about occupational risks, nor do they supply PPEs to the workers. Even where PPEs are provided, those are not adequate in terms of the number of workers and often are not of good quality. Lack of awareness among workers concerning the importance of using PPEs and their reluctance to use them have also been evident. However, the underlying fact behind workers' reluctance to use PPEs is that they are not properly trained, and they are always under pressure to complete the task hurriedly where using the PPEs is perceived to slow down their work pace.

Although DIFE is responsible to inspect and monitor construction sites, most workers have not witnessed any inspection.

### **Social dialogue and trade unions**

A dismal picture has been evident regarding the state of trade union (TU) rights practice and the presence of other organizations (e.g., welfare association, workers' cooperatives) at construction workers' workplaces. The absence of the TU and other organizations is pervasive. Even where workers unions are present, many are not members. Initiatives to form TU are also remarkably absent. The situation is almost the same in both privately-owned and company-owned sites. Indeed, multiple factors obstruct workers to join unions where it is available including because of lack of interest, lack of time, and awareness.

Due to the lack of formal channels like TU and other associations/organizations, workers' chances to participate in workplace-related decision-making are highly infrequent and many even never have the opportunity. Workers of company-owned sites marginally get more scope to participate than the workers of individually owned sites. Further, the process of raising issues and demands to the employers are mostly informal/noninstitutionalized. When necessary, workers generally raise demands either individually or by some workers collectively. The dispute settlement processes in both privately-owned and company-owned sites are also mostly informal where individual persons like foreman, sub-contractors, labour sardar play influential roles.

Overall, the dismal picture of the construction workers in respect of their work, living condition and rights situation not only affects them but also affects the efforts and initiatives of the nation in achieving various national and international

commitments and goals. The long work hours without overtime allowance, wage discrimination and non-availability of welfare provisions at the workplace, and poor safety conditions and marked unavailability of protective equipment, non-availability of trade unions indicate the lack of decent work situations for the construction workers which the government is committed to achieve for all workers. Moreover, the insufficient income and income-expenditure gap, and the absence of social protection of the workers aggravating the poverty condition of the workers and hence are affecting the country's poverty reduction targets.

### **Human rights abuses, impacts on environment and remedial measures**

Although construction works often impact the environment and surroundings (e.g., damage to water bodies, playgrounds, community spaces, religious places, people's houses, and property), the majority of the construction workers do not know what impacts their construction sites have left. The majority of the workers are also not aware of whether the construction companies committed any coercive and deceptive act as well as violence while implementing the construction project.

It is also important to mention that although due to construction work, incidents like high noise, blocking of roads, nighttime noise, and falling objects from heights happen, not all companies take measures to mitigate these negative effects. And even not all companies take the initiative to resolve disputes/problems, arising out of the construction work, with community people.

### **Strategic Directions**

The construction work provides workers with the opportunities to secure livelihoods and at the same time have fueled vulnerabilities as the sector is beset with precarity with unfulfilled needs and lack of rights. Workers' interests and needs include adequate decent income, either earned or in the form of social security and other benefits; opportunities for adequate income-earning activities; protection against loss of income-earning work; shielding from unsafe working conditions; access to basic education as well as vocational training to develop capacities and acquire qualifications; and individual and collective representation. Any intervention in the construction sector should enable the workers to access opportunities and address the vulnerability. In view of the national and international obligations, and instruments available on construction workers' rights as well as the distinctive socio-economic context of the country, the construction workers' rights focused interventions by the government, employers, and workers may dwell on the following– (1) employment relations, (2) occupational safety and health, (3) welfare and social protection, (4) labour relation and social dialogue, and (5) rights promotion, enforcement, and initiatives.

#### ***Employment Relations***

- Construction workers are deprived of many of their rights like appointment letters, identity cards, and compensation because of the informal nature of their recruitment and employment. The recruitment process of the construction workers should be made formal to make the labour law provisions applicable.

- Construction workers often cannot claim their rights due to lack of appointment letters and ID cards. Therefore, the employers are required to ensure all employment relations provisions e.g., appointment letters, identity cards, service books and orderly termination practices. Government monitoring by the DIFE on the establishment of employment relations rights provisions must be ensured.
- Working hours fixed by law need to be ensured for construction workers across construction sites by the employers. Compulsory labour should be stopped, and extra timework should be counted as overtime and be paid as per law by the employers.
- Legal minimum wage including other wage-related benefits should be provided to construction workers by the employers, and government monitoring through the DIFE is required in this regard. Initiatives are needed to address the gender pay/wage gap. The implementation of the statutory minimum wage would be instrumental in eliminating the existing wage discrimination in this sector. Besides, the rate of annual increment of wage should be fixed by law.
- Attendance bonuses, transport costs, and refreshment allowances are to be introduced by the employers for the workers to face contingencies (to provide income and earning security).
- Workers should be allowed to enjoy weekly holiday along with other leaves, e.g. sick leave, festival leave and maternity leave. The provisions are to be maintained by the employers, and the government is required to ensure monitoring of the enforcement of leave provisions.
- Child labour should be progressively abolished. The government needs to enforce the child labour elimination provisions of laws, and employers should be made aware of the law provisions.
- Employers need to ensure the establishment of functional anti-harassment committees at the company level following the verdict of the High Court.
- Female workers should be given equal opportunities for employment and acquire skills, as well as paid fairly and equitably by employers.

### *Occupational Safety and Health*

- The workplace should have a well-designed policy on workplace safety. Drawing on the OSH policy and BLA, the employers' policy must articulate the guidelines of PPEs and their availability, quality, and uses. Besides, the policy should focus on how the workers are provided with trainings and adequate information on occupational risks and hazards at workplaces.
- Measures/trainings should be taken /arranged by the employers to enhance awareness of the workers about occupational safety and health. By nature, construction workers are more prone to accidents. Thus, to prevent accident, injuries and deaths, supply of adequate number of safety tool/equipment must be ensured by the employers for all workers irrespective of the size of the workplace.

### *Welfare and Social Protection*

- Pension scheme/enhanced gratuity system should be introduced. Different forms of Insurance (micro, group, health, accident, life) should be run by the employers. In this regard, policies should be designed considering the socio-economic conditions and specific needs of construction workers. Along with two government insurance corporations, the private insurance agencies should come forward.
- State-owned and run contributory funds with the participation of government, employer and workers should be formed. Different Financial Incentive schemes/pay to performance/, financial premium plans, and profit sharing) can be introduced by the employers.
- The government should ensure workers' access to existing social safety net schemes and introduce a separate safety net scheme exclusively designed for construction workers.
- Develop a database and register construction workers including their name, mobile number and nature of work. As there is no database of construction workers it is difficult to find out them for skill development training. Database and registration are also important to engage construction workers in universal pension scheme.
- Construction Workers' Welfare Fund' should be established with the contribution of both employers and construction workers as well as the government so that the workers could get financial assistance from the fund during their contingencies.

### *Labour Relations and Social Dialogue*

- Workers should be allowed to form and join occupation-based unions/associations/ cooperatives without fear and resistance. Trade unions are to be formed and other appropriate mechanisms are to be developed and followed to ensure workers' participation in workplace-related decision making. Steps from the government are necessary so that the unions can act truly as the voice of the workers, not of the construction (sub)contractors.
- Due to the lack of a formal complaint mechanism at the workplace, workers are susceptible to various forms of harassment. Establishing effective complaint mechanism would be helpful to provide them with workplaces with lesser incidences of harassment, or in other words, greater opportunities to have a decent working environment.

### *Rights Promotion and Enforcement, and stakeholders' Initiatives*

- Trade unions must prioritise the issues of the construction workers in their agenda. The national labour movement should increase the organising efforts, select specific issues, and determine the organising strategy considering the sectors' specific nature.

- Many workers are not aware of the workplace issues that affect decent work situations. Their lack of awareness has been evident, especially in areas of minimum wage, overtime provision, workplace discrimination, risk, and harassment, all of which are integral part of decent work elements. Making these workers aware of issues of decent work is necessary which ultimately will make them capable of claiming their rights as well as achieving decent workplace. Both the government and employers and employers' associations and workers' associations can take initiatives to aware workers of their rights.
- Employers' associations must take responsibilities for the upliftment of the conditions of the workers. Employers' associations could undertake skill development training of the workers.
- The Government should take initiatives to bring all construction workers under the coverage of the labour law. The government initiatives are needed towards the execution of labour law provisions.
- An appropriate mechanism is to be established involving both government and employers to certify the skills of the construction workers.
- It is required to broaden the scopes of inspection and increase the role of the inspectors. The government may involve local civil administration in the inspection of different informal workplaces and trial of charges, offences, and unfair practices regarding the provisions of labour law. Regular and proper inspection can ensure the application of the provisions of labour law and National Building Code.
- A complete/comprehensive guideline for the construction industry with a particular focus on protecting construction workers rights and ensuring their occupation safety is to be formulated with stakeholder's engagement.
- To protect human rights abuses in the construction sector the National Action Plan towards UNGPs-BHR has to be formulated and implemented.

## ANNEXES

**Annex Table 1.1: Profile of Respondents**

### Age distribution of workers by gender

	Female		Male		Total	
	N	%	N	%	N	%
<15	1	1	16	2	17	2
15-17	2	2	23	3	25	3
18-29	8	6	347	40	355	36
30-35	44	35	227	26	271	27
35+	71	56	261	30	332	33
Total	126	100	874	100	1000	100

### Marital Status of Respondent

	Female		Male		Total	
	N	%	N	%	N	%
Unmarried	5	4	242	28	247	25
Married	95	75	617	71	712	71
Separated	7	6	8	1	15	2
Widow/widower	19	15	7	1	26	3
Total	126	100	874	100	1000	100

### Level of education by gender

	Female		Male		Total	
	N	%	N	%	N	%
Illiterate	40	32	67	8	107	11
Can sign only	58	46	114	13	172	17
Can read only	2	2	48	5	50	5
I-V Class	14	11	144	16	158	16
Primary Pass	2	2	152	17	154	15
VI-X Class	7	6	268	31	275	28
SSC	2	2	49	6	51	5
HSC	1	1	22	3	23	2
Bachelor and above	0	0	7	1	7	1
others	0	0	3	0	3	0
Total	126	100	874	100	1000	100



**Annex Table 1.2: Sample Profile**

	Dhaka		Chattogram		Khulna		Rajshahi		Total	
	N	%	N	%	N	%	N	%	N	%
<b>Type of construction work respondents work with by area</b>										
House-building	170	57	245	82	136	68	120	60	671	67
Commercial	69	23	46	15	15	8	10	5	140	14
Both (House-building & Commercial)	60	20	9	3	47	24	0	0	116	12
Road Construction	0	0	0	0	0	0	42	21	42	4
Government/City Corporation/Autonomous Body institution building	1	0	0	0	2	1	28	14	31	3
<b>Gender distribution of construction workers by area</b>										
Female	58	19	21	7	10	5	37	19	126	13
Male	242	81	279	93	190	95	163	82	874	87
<b>Area wise distribution of ownership of the construction work</b>										
Private ownership	61	20	146	49	106	53	73	37	386	39
Company-ownership	239	80	154	51	94	47	127	64	614	61
	300	100	300	100	200	100	200	100	1000	100
<b>Gender distribution of construction workers by ownership of the construction work</b>										
	Male		Female		Total					
	N	%	N	%	N	%				
Private ownership	326	37	60	48	386	39				
Company-ownership	548	63	66	52	614	61				
<b>Type of construction work respondents work by gender distribution</b>										
House-building	71	56	600	69	671	67				
Commercial	9	7	131	15	140	14				
Both (House-building & Commercial)	13	10	103	12	116	12				
Road Construction	26	21	16	2	42	4				
Government/City Corporation/Autonomous Body institution building	7	6	24	3	31	3				