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**The Rights of Driver under the Labor law in Bangladesh “Laws
& reality”**

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DECLARATION

This is **Fahta Noor Angon, ID NO: 151-26-760**, a regular student of Bachelor of Laws Program under the Department of Law, Daffodil International University, hereby declaring that this Research Monograph on “The Rights of Driver under the Labor law in Bangladesh Laws & reality”

Only for the requirements of the Department and for the partial fulfillment of LL.B. (Honor’s.)Degree.

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Abstract

This research has been conducted by finding out the real scenario of driver under the labor law in Bangladesh reality. The research show that lack of implementation & execution the labor law for driver profession. The Non-government & government sector are deeply unaware for these sector employee in our country. In this sector most of the employee are less educated then actual scenarios & their training level are insufficient for doing this job with full safety & road protection. This job sector are growing & every year nearly five thousand people are dead by road accident.SO from this research it is clearly showing that if our administration government sector are strict with their laws & decision then every individual will be more discipline & systemize.

Chapter 01 Introductory

Peoples republic of Bangladesh, It is a south Asian country with a huge population. After Independence, It is now fastest developing country in Asia side. Most of the population are under the age of 40 & most of them have no proper permanent sources of income. Mostly population of the are working mainly skilled based job and get payment on day basis. Country has own constitution & legal administration body. Right now the country is growing rapidly in economic sector. Every company needs for highly skilled man power for continuing the growth speed but implementation of the labor laws are very rare in employment sector.

1.2 Problem of statement

According to Daily star every day nearly 3000 cars added to our Dhaka city that means we need every day nearly 3000 driver for driving these car or motor vehicles. Every driver work for someone, it can be a individual benefit or a group of company or semi-government or institutions or major peoples. Everyone have their individual rights in our society. So driver have also too,. But the scenario is they do not get every rights & benefit according to our legal conditions.

1.3 Important of study

Importance of this area are huge, nearly 6 lac driving job in present situation in Bangladesh. Every year nearly injured & dead by road accident number are 6,000+. Driving job needs physical movement with clear eye sight & skilled motor technician. For this research driver related professionals will understand about their rights & print media with others institutions will get deep insight about the industry. Our Court and administration body will get notify about the problem & solution of the sectors. National & Internationals agency will take steps for solving the scenario.

1.4 Significance of study

Every year huge number of employee get suspended or dismissed or failed to get proper employee rights and benefits. This number is daily growing fastly. Government & Private sector still unable to find proper decision for erase this problem in our job industry. Family & poverty level group of peoples suffer most.

For solving this scenarios, our government & other sector specialist taken few steps for reconstruct this employee industry in Bangladesh.

1.5 Research question

1. Whether the driver get actual benefit according to our law mention in constitutions?
2. Whether the driver get basic rights of employee mention in labor law?
3. Whether the driver get Insurance benefit?
4. Whether the driver get provident funds according to our laws?
5. Whether the driver get extra benefit from over working hour duty?
6. Is there any clear job responsibility in laws according to our laws?
7. Who is driver according to our laws?
8. What are the compensation & benefit from institutions for driver rights in society
9. Where are the labor court for driver employee in Bangladesh?
10. What are the driving job scenario in Bangladesh?
11. Whether the any medical facility for injured driver in road transport service?
12. Whether the any extra facility for working under the Industrial zone area in Bangladesh?
13. Whether the basic rights & benefits for driver job scenario in Bangladesh?

Chapter 02 Driver responsibility & job duty

2.1. ¹ Who is Driver?

A person who moves a vehicle car truck or any moveable transport carrier. A person controlled operation and movement of a motor vehicle, including cars, motorcycles, trucks, and buses.

² Example – A car operator, A cycle rider, A motor bike rider, A passenger ship driver, A lorry driver.

2.2 Driving job scenario in Bangladesh

³ In Bangladesh mainly three types of organization here.

1. Government
2. Semi-Government
3. Non-Government or Private.

¹ <https://www.merriam-webster.com/dictionary/driver>

² Oxford English Dictionary

³ Bangladesh Register & joint stock of companies and firms rules.

Every organization must have a transport service and every individual person have their own or hired transport service. These service always needs a driver for operate the transport vehicle. In government job service, they follow mainly regular working time 8 hour job. Few project based government driver working nearly 12 hour daily for job duty. But govt job is much more relax & most of the time, they do not have duty on the spot.

But in Private or Individual transport service, the scenario is totally different. Most of them do job nearly 12 hour on regular working hour. 8 hour regular+4 hour overtime. But they get salary only basic. No extra payment for overtime. They do not have proper work schedule and working area. They have to move very frequently from place to place. They do not get any extra benefit from working company. Even they do not get their job salary on proper day.

Those who are working in production or industrial sector, they always working in dangerous condition without no safety gear,. They always carry heavy load and production pressure. They injured several times on duty.

In passenger transport service, these driver income comes from their target collection sales & daily per trip basis. They do not get permanent income & job security or any other facility which is provide for government job service holder.

They do not get any health insurance or vehicle insurance. They get payment from only owner of the transport. They do not get any working area or office space.

2.3 Driving job responsibility & duties

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A driver must have follow few organization rules and their duties.

5

They have trained for doing their job perfectly and controlled. Every organization have their own rules & regulations & target market.

6

The most common job responsibility & duties are

1. Transport the Goods & other products to the destination
2. Complete the supply on demand & retail products delivery on outlets in any area.
3. Carrying the passenger & securely move them on their destination.
4. Complete the every duties which is command by the superior officer by authority.
5. Always maintain the check-book and transport maintain & others technical work.
6. Be proactive and hardworking, physically fit & proper knowledge about the BRTA rules and regulation.
7. Others work given by management body under their job responsibility.

4

BDJobs Private Limited

5

Chakri.com

6

Sheikh Md Afsar group HR & payroll officer, Ifad group Limited

Chapter 03 Laws and act under the ministry of labor & employment of Bangladesh

3.1 Driver rights in labor law

7

Employment law in Bangladesh is governed by the Labor Act, 2006 (“Act”) and the Labor Rules, 2015 (“Rules”). The Act and Rules applies to workers (laborers) who are employed in commercial enterprises and industrial undertakings. The Act and Rules prescribe the working hours, weekly holidays, annual leave, and medical leave. It also provides for gratuity payments, provident funds and participation in the profits of the company.

The labor law of Bangladesh clearly describes all things related labor and workforce including wage and salary, termination, redressing, work environment, female worker, recruitment, unionization, child labor and so on. According to the latest labor act ‘The Labor Act 2006’ some important points Bangladesh labor law are described as follows-

A permanent employee at a company must give his employer 14 days’ notice if he wishes to quit or one month notice if the employee is paid on a monthly basis. Termination is considered a "discharge" in the case that an employee is fired for reasons of mental or physical incapacity, illness or other reasons not related to misconduct by the employee. An employer must pay compensation when a termination is unrelated to discharge or dismissal, and must give justification when they do terminate on grounds of discharge or dismissal. [12]

8

Section 100 makes a provision of 8 working hours a day for an adult worker, but an adult worker may work 10 hours a day provided all the conditions of section 108 have been fulfilled. According to that section the employer is required to pay the worker, overtime, double the rate of his/her usual wages. i.e. basic & dearness allowance, if any. The employer is also required to maintain an overtime registrar as per the law. The new law makes a provision of total 48 (forty eight) working hours for a worker, but it can be extended up to sixty hours, subject to the payment of overtime allowances as per section 108 of the law. [13]

According to the labor Act 2006, every worker must enjoy paid sick leave, casual leave, and festive holyday. Female worker will get paid maternity leave also to a certain limit. This act tells about employee safety, health and resolving any kind of disputes and unfairness also.

7

Bangladesh Labor Act 2006
http://bdlaws.minlaw.gov.bd/bangla_pdf_part.php?id=952

9

100. Daily working hour. No adult worker shall ordinarily work or be required to work in an establishment for more than 8 (eight) hours in a day: Provided that subject to the provisions of section 108, any such worker may work in an establishment up to 10 (ten) hours also in a day. 101. Interval for rest or meal. In an establishment no worker shall be liable to (a) work for more than 6 (six) hours in a day, unless he is given an interval of 1 (one) hour for rest or meal during that day; (b) work for more than 5 (five) hours in a day, unless he is given an interval of half an hour for the said purpose during that day; or (c) work for more than 8 (eight) hours in a day, unless he is given 1 (one) interval under clause (a) or 2 (two) intervals under clause (b) for the said purpose during that day²;

10

102. Weekly working hours. (1) No adult worker shall ordinarily work or be required to work in an establishment for more than 48 (forty-eight) hours in a week. (2) Subject to the provisions of section 108, an adult worker may work for more than 48 (forty-eight) hours also in a week: Provided that the total working hours of such worker shall not exceed 60 (sixty) hours in a week, and on the average 56 (fifty-six) hours per week in a year:

103. Weekly holiday. Every worker employed in an establishment (a) shall be entitled to 1 (one and a half) day holiday in a week in the case of a shop or commercial establishment or an industrial, establishment and 1 (one) day in a week in the case of a factory and establishment;

"Compulsory deposit" means a subscription to, or deposit in, Provident Fund which, under the rules of the Fund, is not, until the happening of some specified contingency, repayable on demand otherwise than for the purpose of the payment of permit in respect of policy of life insurance or the payment of subscriptions or remain in respect of a family pension fund, and includes any contribution and any interest or increment which has accrued under the rules of the Fund on any such subscription, deposit, or contribution, and also any such subscription deposit, contribution interest or increment remaining to the credit of the subscriber or depositor after the happening any such contingency;

11

Provident fund act 1925

12

Contract Act 1872 fully prohibited for employment a job holder.

http://bdlaws.minlaw.gov.bd/bangla_sections_detail.php?id=952§ions_id=29427

10 Bangladesh http://bdlaws.minlaw.gov.bd/bangla_sections_detail.php?id=952§ions_id=29427

11

MD Faruk Monjur Ahmed Truck Driver Ifad Group

¹² Prothom alo round table job employment discussion 2017.

Chapter 04 Rights violation in Organization sector

4.1 ¹³ Violation rights in government sector

1. They do not get any extra dress or tools for car maintenance.
2. They do not get any superior promotion on officer level.
3. They do not get any foreign tour or any travel tour facilities.
4. ¹⁴ They do not get any huge loan or specialized loan from financial company
5. Most of them do not get any fixed office desk or resting area.
6. Mostly project based worker job duty area in rural area.
7. Project based worked get salary lately from officers and mentally pressure on working area.
8. They do not get public holiday & other festival holiday.
9. They do not get any proper house facilities and other hygiene health related conditions
10. They do not get pension or provident fund amount on proper time.

4.2 ¹⁵ Violation of rights in non-government job sector.

1. ¹⁶ Most of them working hour nearly 12 hours with every weekend holidays.
2. They do not get any vacations on festival holidays and religious days
3. They do not get any job security & permanent staff.
4. ¹⁷ Their job always are contractual & temporary based.
5. Their income are always depends on trip and target numbers.
6. ¹⁸ They do not get any extra benefits except their basic salary.
7. They do not get any provident fund or insurance policy or other rights which is in labor law & employment benefits act.
8. ¹⁹ Their family member do not get any health & house facility like government sector.
9. They do not have any association & structure for rising their rights
10. No accommodation and meal benefits for them.

¹³ BRTA Bilal Majumder Computer operator cum data entry.

¹⁴ Raton, Driver, BIM College Dhanmondi. www.bim.com.bd

¹⁵ Ifad Group HR Officer Policy

¹⁶ Daraz BD private Limited Policy

¹⁷ Daraz Express delivery man.

¹⁸ Group HR policy in Ashok layland Bangladesh

¹⁹ Bangladesh Press council

Chapter 05 Statistic & scenario in job sector

5.1 Statistic review of Rancon Motor Limited & Ashok layland Limited

20
Their driver job designation have 5 types.

1. Full & permanent Employee.

These driver get all the benefits which is mention in Labor law & employment act 2018
They get also provident fund & company insurance policy.
Provident funds act 1925 and Insurance act 2010.

2. Part time & Project based.

They get only labor law and employment act 2018 benefits mention.
But they are not eligible for insurance and provident fund.

3. Contractual Employee

They are mainly follow the contract under the company agreement under Contract act 1872.

4. Temporary Employee.

5. Freelancer Driver.

They have no applicable for any rights under the ministry of law

21
Daraz Bangladesh Limited & E-Courier Private Limited

Their organization have two types of facilities for employee

1. Full time

Full time are applicable for Labor law and employment act 2018.
They are also applicable for Insurance and Safety act 2010.

20
Rubina Haque HR Executive Dhaka area. Ifad Group

21
Daraz indoor Warehouse Mirpur 10

2. Part time.

They are like individual & freelancer type rider. They will not applicable for any rights and laws under the company. They are employment by other 3rd party agency.

Chapter 06 Project taken by authority

22 6.1 Government plans to train 136,000 drivers

Of the 1.36 lakh, BMET alone will train 100,000 while BRTC will train the rest under the guideline of Bangladesh Road Transport and Highways Division

The government has taken an initiative to train more than one lakh people to be skilled in driving for both heavy and light vehicles by 2023.

The project, undertaken by Bureau of Manpower, Employment and Training (BMET) and Bangladesh Road Transport Corporation (BRTC), will kick off this year to mitigate crisis of skilled drivers, according to a member of the cabinet.

23
Of the 136,000 lakh, BMET alone will train 100,000 while BRTC will train the rest under the guideline of Bangladesh Road Transport and Highways Division, according to the Finance Division. The project will be financed by the Asian Development Bank (ADB).

24
The government has set a target of giving motor vehicle training to one lakh people free of cost to make them efficient drivers in a bid to reduce road accidents by 50 per cent by 2020 and meet the growing local and international demand of competent drivers, reports BSS. “The government has currently decided to give training to 52,000 drivers under the project of Skills for Employment Investment Programmer (SEIP) in the next three years from 2018 to 2020,” Syed Nasir Ershad, AEPD (public -1) of the SEIP

²² Dhaka Tribune 2017 December edition

²³ www.bmet.com.bd

²⁴ SEIP Project in Bangladesh

Chapter 07 Conclusion of proposals.

Every country's first priority are to secure their peoples life. If our driver do not get proper rights & training, they will suffer the whole country. Because every year thousands of people dead by road accident. Driver rights are very important because every individual employee pay tax & vat for our mother land. It is their rights to get proper working rights for every organization & individual transport owner. If they improve then our lives & country will improve.

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