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Introduction

Newsletter12号では、バングラデシュ労働法における労働者の不正行為に関するご紹介をしました。「常習的および一度に10日を超える無断欠勤」などかなり具体的に懲戒理由が定められている点など、日本との違いに驚かれる例も多かったと思います。

今回は、労働者による不正行為について焦点をあてつつ、EPZ労働法に基づく懲戒処分の規定をご紹介します。

本ニュースレターの受信者の皆様にとって関心のあるテーマのご要望がございましたら、fsaori@tny-legal.com までご連絡頂けると幸いです。

EPZ 労働法に基づく懲戒処分の規定

(1) 懲戒処分の対象となる不正行為

EPZ労働法 (Bangladesh EPZ Labour Act 2019) は、EPZ/EZにおける雇用を規制する主要な法律であり、同法は、労働者の規律及び不正行為に関して、バングラデシュ労働法と同様の規定を設けています。

EPZ労働法に基づくEPZ労働規則2022の規則23(1)により、次の行為は不正行為とされ、使用者は不正行為に対して懲戒処分を行うことができます。

- (a) 上長からの適法または正当な指示に対して、個人または複数で故意に従わないこと
- (b) 事業や使用者の資産に関連した窃盗、横領、詐欺、不正行為
- (c) 業務に関連した贈収賄
- (d) 常習的および一度に10日を超える無断欠勤
- (e) 常習的な遅刻
- (f) 常習的なルール違反や規則違反
- (g) 事業所における無秩序、暴動、放火、破壊行為 (例外要件あり)
- (h) 常習的な職務怠慢
- (i) 検査官から承認を受けた、業務遂行や規律を含む雇用に関するルールの常習的な違反
- (j) 所有者の公式記録を改変、改竄、毀損、喪失
- (k) 工場内の禁止区域での喫煙
- (l) 会社、事業所、工場またはEPZ内での薬物服用、無秩序な行為
- (m) 性的嫌がらせまたは身体的暴行
- (n) 所有者の同意のない会社、機関、工場の敷地内で目的を問わず資金集めやキャンペーンの実施
- (o) 氏名、年齢、学歴、前職について虚偽申告
- (p) 雇用申請において虚偽の情報を提供し、証明書を偽造すること
- (q) 会社、事業所、工場敷地内で金銭の貸し借りや金融業を行うこと
- (r) 会社、事業所または工場敷地内で、適切な当局の承認なしに、チラシ、パンフレットまたはポスターを配布または展示すること

(2) 懲戒処分の手続き

EPZ/EZ 内の労働者に対する懲戒処分のプロセスは、バングラデシュ労働法に基づくものと類似しています ([Newsletter No.12](#) 参照)。EPZ 労働規則 23 (2) は、以下の通り、使用者が労働者に対して行うことができる懲戒処分を規定しています。

- (a) 退職（「不正行為に対する処分としての解雇」ですが、Dismissal（懲戒解雇）と異なり、補償金が支払われます）
- (b) 1年を超えない期間の降格・減給
- (c) 1年を超えない期間の昇進の保留
- (d) 1年を超えない期間の昇給の保留
- (e) 罰金
- (f) 7日を超えない期間の賃金または特別手当なしの出勤停止
- (g) 厳重注意および警告

Provisions for Misconducts and Disciplinary actions under Bangladesh's EPZ Labour Laws

(1) Misconducts under the Bangladesh's EPZ Labour Laws

The Bangladesh EPZ Labour Act 2019 (the "EPZ Labour Act") is the primary legislation governing employment in the EPZ/EZs.

The EPZ Labour Act provides similar provisions regarding employee discipline and misconduct as the Bangladesh Labour Act.

An employer in an EPZ/EZ may take disciplinary action against an employee for the following reasons:

As per Rules 23(1) of EPZ Labour Rules, 2022 the following acts shall be deemed to be misconduct, namely:

- (a) willful disobedience or disobedience, singly or in association with others, in carrying out any lawful or reasonable order of a superior, taking hostage or working in rhythm or observing strike;
- (b) theft, embezzlement, destruction, fraud or dishonesty of the owner's business or property;
- (c) taking or giving bribe in connection with his or any other worker's employment under the employer;
- (d) habitual absence without leave or absence for more than 10 (ten) days at a time without obtaining leave;
- (e) habitual late attendance;
- (f) habitual breach of any law or rule or regulation applicable to the establishment;
- (g) Disorderly conduct, rioting, arson or vandalism in the establishment or any act prejudicial to order:
Provided that the conduct of any orderly activity without disrupting the production or day-to-day work of the establishment and without causing any loss of property for the recovery of the lawful dues of the worker shall constitute disorderly conduct as mentioned in this clause. will not understand;
- (h) Habitual negligence in work, sleeping while working, failure to wear protective clothing if prescribed, improper use or sloppy work;
- (i) habitually violates any rules relating to employment, discipline or conduct as approved by the Additional Inspector General;
- (j) altering, falsifying, wrongfully altering, damaging or losing official records of the owner;
- (k) smoking in prohibited areas of the factory;

- (l) taking or consuming drugs and disorderly conduct within the company, establishment, factory or EPZ;
- (m) sexually harassing or physically assaulting;
- (n) conducting fundraising or campaigning for any purpose in the premises of the company, institution or factory without the consent of the owner;
- (o) giving false information about name, age, educational qualification and previous employment;
- (p) providing false information and forging certificates in employment applications;
- (q) lending or borrowing money or carrying on any financial business within the company, establishment or factory premises; and distributing or displaying handbills, pamphlets or posters within company, establishment or factory premises without the approval of the proper authority.

(2) Procedure of disciplinary action

The process for taking disciplinary action against an employee in an EPZ/EZ is similar to that under the Bangladesh Labour Act (please refer [Newsletter No.12](#)). The Rule 23(2) of EPZ Labour Rules provides several types of disciplinary actions that an employer can take against an employee same as the Bangladesh Labour Act.

1. removal;
2. reduction to a lower post, grade or scale of pay for a period not exceeding one year;
3. stoppage of promotion for a period not exceeding one year;
4. withholding of increment for a period not exceeding one year;
5. fine;
6. suspension without wages and subsistence allowance for a period not exceeding seven days;
7. censure or warning.

2023 年 6 月 7 月に発出された主な法令情報(6 月 11 日~7 月 10 日)/ Major updates on Legislations in June & July 2023 (11 June to 10 July)

Official Extraordinary Gazette Notification and other Circulars

Issue Date	Title	Issuing Ministry
11-Jun	S. R. O. No. 181-Act/2023/181/Customs.--Passenger (Non-Travel) Baggage (Import) Rules, 2023.	Ministry of Finance
12-Jun	Ba. Ja. S. Bill No-22/2023.--Bill to amend the Bank Deposit Insurance Act, 2000.	National Parliament of Bangladesh
20-Jun	S.R.O. No. 195-201-Act/2023.—Amendment of different SRO, HS Code, rate etc.	Ministry of Finance
20-Jun	Ba. Ja. S. Bill No.-24/2023.-- Bill brought for the purpose of creating provision for providing and receiving loans by keeping immovable property as collateral and providing protection in the transactions of lenders and borrowers, including registration of financing statements related to this.	National Parliament of Bangladesh
22-Jun	Ba. Ja. S. Bill No-25/2023.--Repealing the Food (Special Courts) Act, 1956 and the Foodgrains Supply (Prevention of Prejudicial Activity) Ordinance, 1979 for the prevention of criminal activities in relation to the production, storage,	National Parliament of Bangladesh

	transfer, transportation, supply, distribution, marketing or related matters of foodstuff a bill brought for the purpose of enacting new laws.	
22-Jun	Act No. 12 of 2023.--Income Tax Act 2023.	National Parliament of Bangladesh
26-Jun	S.R.O. No. 206-210-Act/2023.—TDS Rules, 2023.	National Board of Revenue (NBR)
26-Jun	Act No. 14 of 2023.--Finance Act, 2023.	National Parliament of Bangladesh
26-Jun	Act No. 13 of 2023.--The Bank-Companies (Amendment) Act, 2023.	National Parliament of Bangladesh
04-Jul	Br. Ja. S. Bill No. 27/2023.--Copyright Act, 2000 repealed and modernized new bill brought in.	National Parliament of Bangladesh
05-Jul	Ba. Ja. S. Bill No. 28/2023.—Public Procurement Authority Bill, 2023	National Parliament of Bangladesh
05-Jul	S. R. O. No. 213-Act/2023.--Amendment of Import Policy Order, 2021-2024.	Ministry of Commerce
05-Jul	S. And. O. No-212-Act/2023.—Amendment of Registration Act, 1908	Ministry of Law, Justice and Parliamentary Affairs
09-Jul	Act No. 18 of 2023.--Government Employment (Amendment) Act, 2023.	National Parliament of Bangladesh
09-Jul	No. 26.00.0000.096.20.003.22.162.—Amendment of Fee for RJSC Services	Ministry of Commerce
11-Jul	Act No. 19 of 2023.--Bangladesh Public-Private Partnership (Amendment) Act, 2023.	National Parliament of Bangladesh
11-Jul	Act No. 21 of 2023.--Production, Storage, Transfer, Transport, Supply, Distribution and Marketing of Foodstuffs (Prevention of Harmful Activities) Act, 2023.	National Parliament of Bangladesh
11-Jul	Act No. 22 of 2023.--Bangladesh Industrial Design Act, 2023.	National Parliament of Bangladesh
11-Jul	Act No. 24 of 2023.--State Acquisition and Tenancy (Amendment) Act, 2023.	National Parliament of Bangladesh
11-Jul	No. 03.068.022.09.00.22.2014-407.-- Regarding formation of processing committee for appointment of Developer of Economic Zone under Bangladesh Economic Zones (Appointment of Developers) Rules, 2020	Prime Minister's Office

Bangladesh Bank Circular

Issue Date	Title
15-Jun	FEOD Circular Letter No. 01: Regarding Online Reporting of Foreign Exchange Transactions.
15-Jun	BRPD Circular Letter No. 18: Paid-up Capital of branch-based bank-companies and branchless digital bank-companies.
15-Jun	BRPD Circular No. 08: Issuance of 'Guidelines to Establish Digital Bank'.
19-Jun	BRPD Circular No. 09: Interest/Profit Rate of Loan/Investment
19-Jun	BRPD Circular No. 10: Guideline on ICT Security
20-Jun	BRPD Circular Letter No. 19: L/C Margin on Import Financing.
20-Jun	DFIM Circular No. 07:Interest/Profit Rate of Deposit and Loan/Lease/Investment
20-Jun	MPD Circular No. 02: Introducing 'Interest Rate Corridor (IRC)'
21-Jun	FEPD Circular No. 10: Maintenance of foreign currency (FC) accounts for foreign investment

25-Jun	SMESPD Circular Letter No. 06: Renaming the 'Small Enterprise Refinance Scheme' and Augmentation of Funds.
26-Jun	FEPD Circular No. 11: Extension of usance period against imports of industrial raw materials

ご案内

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また、事業の進め方や取引方法について、バングラデシュの法令に基づいて最善の方法を検討したいというお客様には、法令調査や関係機関へのヒヤリングなどの法律調査も承っております。

- ✓ 株式譲渡手続きをしたい
- ✓ 取締役、株主の変更手続きをしたい
- ✓ 支店から現地法人に変更したい
- ✓ 計画している事業について、外資規制があるか確認したい
- ✓ 雇用契約のリーガルチェックをして欲しい
- ✓ 契約書を作成して欲しい
- ✓ 労働者のストライキへの対応について相談したい
- ✓ 従業員を解雇したいが、どのように進めればよいか
- ✓ 金銭トラブルを解決したい
- ✓ 法務に関する事案は日本の親会社の法務部が管轄するが、現地でのサポートが欲しい、etc....

といった方、個々の案件ごとにお見積りを差し上げております。突発的に生じる、契約書作成やレビュー、就業規則をはじめとする社内規定類の見直しなど、お気軽にお問合せください。

編集後記/ Editor's Note

前号でお伝えしていたヤモリの卵が孵化しました！
ヤモリの赤ちゃんの誕生です。

The egg of the gecko I wrote about in the previous issue has hatched. Baby Gecko!



本稿は、2023年7月15日現在の情報に基づきます。

The information in this Newsletter is the information as of 15 July, 2023.

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