

DISSERTATION

ON

Protection of Health Care Workers during Pandemic in Bangladesh

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Consent For

The dissertation titled “Protection of Healthcare Workers Right during Pandemic in Bangladesh” prepared by Israt Jahan, ID- 2018-2-66-044 submitted to Nabila Farhin, Lecturer, Department of East West University for the fulfilment of the requirement of Course 406 (Supervised Dissertation) for LLB (Hons.) degree offered by the Department of Law, East West University is approved for submission.

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Declaration

I declare that this research paper is solely done by myself. Also it has not been submitted partly or wholly in any previous application for a degree. I confirm that this research is presented for the purpose of an undergraduate programme as Law 406 (Supervised Dissertation) of the Department of Law, East West University. This research paper is composed entirely by myself solely and this the result of my own work and has not been submitted to any other degree. All the information and contents that has been contributed here is with references and with acknowledgements.

Protection of Healthcare Workers during Pandemic in Bangladesh

Abstract

The pandemic highlighted that the healthcare workers are also at the peak of the hill to save the world. All the healthcare workers from the whole world were at the heat of the moment as healthcare workers from Bangladesh were. So what is the protection during a pandemic by Bangladesh is a question. On the pandemic they were the most sufferer groups and their protection was one of the main concern issues. And also for solving the problem there has been a lot of laws and guidelines but not properly implemented towards the private sectors. The purpose of the research is to ensure if the labour laws are enough to protect the rights of healthcare workers. This research is qualitative research and there is both primary and secondary data. The labour laws and regarding policies are not well enough to protect their rights. Basically those laws and policies failed to provide.

Table of content

Protection of Health Care Worker during Pandemic in Bangladesh

Abstract.....	
1.1 Introduction and Backgrounds.....	01
1.2 Scope & Methodology.....	02
1.3 Research Question.....	02
1.4 Limitation.....	02
2.1 International Definition of Health Care Worker.....	03
2.1.2. International Protections.....	04
2.2. Bangladesh Definition	05
2.2.1.Constitutional Protections.....	06
2.3 Protections from Labour Act.....	08
2.4 Protections under Special Act.....	09
3.1 Problem Facing During Pandemic.....	11
3.2 Health Care Worker Protection & Incentive during Pandemic.....	12
3.3 Aftermath of the implementation.....	14
4.1 Findings.....	15
4.2 Recommendation.....	17
4.3 Conclusion.....	18
Bibliography.....	19

Protection of Health Care Worker during Pandemic in Bangladesh

Chapter- 1

1.1 Introduction

In this Pandemic situation when the whole world was in fear of survival, the front liner specially the healthcare worker were in the front to help the people. Where most of the workers were in the home and took proper steps to not contract the virus, only the healthcare workers were beside all the patients until their recovery. This Covid-19 reminds us how significant healthcare workers are. Also it has to be mentioned WHO provided that there is no country even if no hospital, no clinic to save its patient without healthcare workers.¹ So that line highlighted how extended we need the healthcare worker. And also to protect the other patient first the need of protection is towards the healthcare worker.

The thesis topic is the protection of the healthcare worker rights during pandemic that basically indicate that in this pandemic the protection must be given to the healthcare worker first. To provide proper care of others first the healthcare worker must be protected first. The covid-19 situation, mainly in its first condition, was out of control and at that time there were no exact guidelines by WHO or any state. So the situation was getting worse and worse. And the worst situation was for the healthcare service provider as they were at the bottom of the connection with the disease. So protecting healthcare worker rights is the major issue in this period. Mainly to reduce the ratio of the healthcare worker patient the protection is must. If the patient ratio regarding the healthcare worker is less, then the patients will be less infected. And also to become a healthy nation the protection of healthcare workers is the utmost importance of this era. However this pandemic situation created a great impact towards the mental conditions of the healthcare worker. It's very unfortunate that their mental condition was not concerned before the pandemic. Moreover during this pandemic the pressure towards them was the highest. Because of all these issues arising pandemic the necessity of protection of the rights of the healthcare worker is the most important.

¹World Health Organisation New Covid-19 Policies, Accessed date: 13 March, 2022

The paper is divided into four chapters. First and last chapter is the introductory parts and conclusion. The second chapter provides the definition of the healthcare worker in international and in Bangladeshi law in both ways. Then this chapter also provides the protection of the law by international law, constitutional law and in special law. The fourth chapter indicates the problem facing the healthcare worker and the protection for their problems. Also it provided what the situation is after all the protection was given.

1.2 Scope & Methodology

The research scope is the protection of healthcare worker rights under labour laws during pandemic situations in Bangladesh. The research will only cover healthcare worker protection under labour laws. Also the research is limited in the pandemic situation only. The only focusing issue is during pandemic what kinds of problems are facing the healthcare worker and is the law enough for their protection. Also the thesis will be focused on the implementation of new laws during the pandemic situation.

This research is qualitative research. Both primary data and secondary data were included. The primary data are Laws, International guidelines and some new requirements and policies. As the Secondary sources are used for analysis of the study. Secondary data has been collected by scholarly writings and documents related to the subject matter

1.3 Research Question

Are the labour laws being enough to protect the rights of the healthcare workers?

1.4 Limitation

The limitation of this research is mainly the non-availability of the resources. Moreover there is no availability of the case laws. And there are no exact books for the research topics. The researcher also will get some more outcomes if there are no limitations of time. There is a lack of current information and four months is not enough. Perhaps, I tried my best to reach

out to a new topic within this short time period. However, there was a lack of journals, articles regarding this topic. Even there was no exact law on the basis of my project. Overall, there are lots of limitations in this research topic.

Chapter- 2

Regarding Laws

2.1 International Definitions of Healthcare Worker:

Healthcare Worker mainly means those workers who work outside and inside of the healthcare setting. In this healthcare setting the doctor, nurses, administrative staffs and healthcare staff all are included. According to the ILO(International Labour Organization) there is no standard or specific definition for Healthcare Worker rather they are included in the Worker definition.

Health professionals should be all persons engaged in actions whose primary intention is to improve health. This meaning derives from the WHO (World Health Organisation) definition of the health system as encompassing those activities whose primary objective is to improve health.² Mainly, Under WHO's definition The Healthcare Worker included all those workers like the health professionals, nursing professionals, health association panel, pharmacist, health care assistant, health care manager, clerical support worker, plant and machine operators, elementary workers like cleaner, food presentation assistance those are also included.³

According to the World Global HealthCare Worker Force Database provided that medical doctors, nursing and midwifery personnel, dentistry personnel, environmental and occupational health and hygiene personnel, medical and pathology laboratory personnel,

² The World Health Report, 2006 <Accessed Date: 08 April, 2022>

³International Standard of Classification and Occupation, 2008 <Accessed Date: 08 April, 2022>

traditional and complementary personnel and community Health Workers are under the definitions of the Healthcare worker.⁴

Health professionals are people whose job it is to protect and improve the health of their communities. Together, these health workers, in all their diversity, constitute the global health workforce.

2.1.2 International Protections

The international protection for Health Worker mainly provided in ILO (International Labour Organization) and WHO (World Health Organization). As Bangladesh is part of the United Nations, the healthcare worker also has those international protections. Mainly in this Covid-19 pandemic situation the ILO (International Labour Organization) and WHO (World Health Organization) both jointly framed the policy and rights of the health sector.⁵

In the eight ILO Conventions declared a new forum which is Decent Work.⁶ Decent Work mainly indicates the productive work for the worker in accordance with freedom, equality, security and human dignity.⁷ In this forum Healthcare Worker are also included and also they are secured under Decent Work forum. So under international practice the healthcare worker has the right to freely work, access to equality, have all kinds of security in the workplace and be protected under law.

The ILO, WHO and International Council of Nurse combined made a guideline for those who work in the health sectors.⁸ In this framework the time schedule of the working is divided into hourly processes in which time the healthcare worker will get the time for breaks, lunch times

⁴ The 2022 updated, Global Health Workforce Statistic, World Health Organisation, Geneva, < Accessed Date: 25th march 2022 >

⁵ Framework guidelines for addressing workplace violence in the health sector, ILO Home Page, < Accessed Date: 25th March 2022 >

⁶ Jorma Rantanen, *, Franklin Muchiri and Suvi Lehtinen, Decent Work ILO's Response to the Globalization of the Work Life: Basic Concept and Global Implementation with Special Reference to Occupational Health, 2020,

⁷ ibid

⁸ Frameworks Guidelines for Addressing Workplace Violence in health sector: The Training Manual, 2005, < Accessed Date: 16th March 2022 >

and working times. ⁹So it protects the healthcare worker from having forced labour. Mainly in this framework, the violence in the workplace both physical and psychological violence has been addressed. And to prevent those violence the healthcare worker has the right to take necessary steps to prevent the violence. These guidelines also work for the health management system, union creation and also other policies have been input.¹⁰ These protections will be upon the Bangladeshi healthcare worker too that it is part of the United Nations.

Protecting healthcare worker health and safety in the workplace is the new agenda of WHO in the pandemic situations.¹¹Healthcare workers have a high range of risk in the workplace, like contract with the diseases is the most risk. Also, associating with the dangerous chemical, many physical issues and also mental pressure is hampered in the workplace. So to prevent this situation the WHO has created the forum that advocacy and training should be given to healthcare workers.¹² During the pandemic it has been seen that the United Nations has created a lot of training sessions on what should do or not do during the pandemic situation to protect the own safety of healthcare workers.¹³

2.2 Bangladeshi Definition

Article 2(65) of The Labour Act 2006 provided the definition of worker. A worker is who works in any establishment or industry doing any skilled, unskilled, clerical, manual or any technical work. The Act also mentioned that those who have decision making power or any administrative power are not under worker definition.¹⁴The Health Ministry of Bangladesh Government has defined the healthcare worker.

⁹ ibid

¹⁰ ibid

¹¹ World Health Organisation 8th Convention, 2020 <Accessed Date:15 April, 2022>

¹² ibid

¹³At war with no ammo: Constitutional rights of healthcare workers, The Daily Star, Reshma Imam, April 18, 2020

¹⁴ Managing Director, Rupali Bank Limited VsMdNazrul Islam Patwary&Ohters (1996) [48 DLR AD 62]

Labour Act 2006 falls under the private hospitals so the definition of the worker will be followed in the health sector's worker too. The code does not properly specifically define the definition of the Health Worker. But by this definition it has been established that the nurses, midwifery, clerical worker, technical worker and fourth class worker are included in the definition of the healthcare worker. Here in Bangladesh there is an ambiguity in the case of the medical specialist. As it has been mentioned those who are the decision makers are not included under the definition of worker in labour law.¹⁵ So according to this case law the doctors are not included as they are the decision makers. But this definition is vague with the international laws because medical professionals are included in the definition of health workers.

Basically, Health workers are those who are engaged in the promotion, protection or improvement of the health of the population. This is consistent with the WHO definition that health systems encompass all activities whose primary purpose is to improve health.¹⁶ Also ILO has accepted this definition. So, according to this definition the medical professionals are also included in the healthcare worker definitions. But in this part there is the ambiguity with the mentioned case laws and international laws. And it is also a problematic situation that Doctor will be included under labour laws definition or not.

And it has to mention that in Bangladesh Labour Act and also in other act the healthcare Workers are not specifically defined.

2.2.1 Constitutional protection

Healthcare workers are now needed the most because of the intolerable global situations. It doesn't mean they will do all the work which we demand for and also that will count as violations of human rights. The Constitution of Bangladesh 1972, does not specifically mention the rights of the workers directly but through some provisions the rights of workers shall be established. As they are citizens, they have all the rights which a citizen can have and those are ensured to their constitutional protection.

¹⁵Sonali Bank and Other VS Chondan Kumar Nodi (1996) [48 DLR 330]

¹⁶ See Note: 02

Article 40 of The Constitution of Bangladesh 1972, specifically provided that every citizen who has the right qualification has the right to do work and that must be lawful. So, the healthcare worker has this right upon them as a citizen of this country. All classes of healthcare workers get this constitutional protection.

As Article 32 provided “The Right to Life” and if we interpreted it in a wide sense then it also covers the right to have proper health care. As a citizen, a health care worker has this right too. So in this pandemic situation as a frontline worker it’s the constitutional right to test and vaccinate both first. Also, in the pandemic situation, it has been seen that for not having adequate PPE which is one of the most necessary objects not to contract with Covid-19 the healthcare worker suffered a lot.¹⁷ So if any of the health care workers refuse to give any medical help to the covid-19 patient for not having proper PPE then by this constitutional provision the person can have his or her protection.¹⁸

Basically not only the right to life or right to work, A healthcare worker has all protection as a citizen and can have all the fundamental rights. Article 34 of The Constitution of Bangladesh 1972 provided the provision of the “Prohibition of forced labour” and the health care worker is also under these provisions. In the pandemic the healthcare worker, the front liners worked for almost 24/7. It has been already mentioned that if any health worker refuses to give service to the patient then he can not be forced. And also in the case where he or she has reasonable doubt to contract with the co-virus then he or she can not be forced. Where the whole world is given the peak point of respect to the healthcare worker for beating the life taking virus, the scenario of Bangladesh is different.

Article 35 of The Constitution of Bangladesh 1972, stated that every citizen has the right to protection of trial and justice and that also be for healthcare workers too. Where frontline workers are working continuously to save one more life, the mass people are messing up their situations more and more. The doctors and other workers have even been killed by the patient's family. Not only physically, they also suffered mentally a lot and were also harassed by the patient’s relatives. And the excess to justice is not used properly as the amount of reported cases were not more.

¹⁷At war with no ammo: Constitutional rights of healthcare workers, The Daily Star, Reshma Imam, April 18, 2020

¹⁸ibid

Moreover, Article 29 of The Constitution of Bangladesh 1972, provided the equal opportunity of occupation. In description, it means that all the citizen of the Bangladesh has equal right to do work and there shall not be any discrimination on the grounds of sex, cast, race, religion or place of birth. So, if we consider it as the rights of healthcare workers then the worker will not be discriminated against by providing those grounds. Male and female both healthcare workers have equal opportunity to do work. And also in case of having other religion or in different cast, all the healthcare workers would be equally treated.

A constitution is the powerhouse of a nation and by this a citizen can be protected in every aspect of his or her life. In this pandemic the front liner, healthcare Workers are those heroes who work unconditionally. As a citizen and also as a life saver, their rights shall be protected according to the constitutions.

2.3 Protection from Labour Act

In the Labour Act 2006 there is no exact provision of protection for healthcare workers. But as they fall under the definition of worker as in labour act, the rights under this act will be enjoyed by the healthcare worker. During the pandemic situation the healthcare workers do their duties unconditionally but they have some privilege too.

Where the whole world had gone under the holiday, all the professionals went under the leaves, only the healthcare workers were on the duties. According to sections 10 and 11 of the Labour Act 2006 all the workers have the right of asking for leaves and holidays. As the worker has casual leaves (section: 115), sick leaves (section: 116), Festival leaves (section: 116) and Annual leaves (section: 117). So as a worker healthcare workers also have this kind of leaves but in the pandemic situation the scenario was different. Even they have to provide their services online.¹⁹Under section 103 they have the right to a weekly holiday which is one and a half days. So that can be had upon them.

The healthcare workers are those who work restlessly. In the Labour Act 2006, section 100 provided that the daily basis of working hours is eight hours for adults. And section 105 of the act stated that if there is overtime that will not be more than ten hours. Also section 106 of the Labour Act 2006 has the night shift provisions. But in pandemic situations all the phases

¹⁹ Covid-19 and Rights of the Healthcare Worker, The Daily Star, S.U. Amin, June 30, 2020

are different. The healthcare worker works timelessly. It has to be mentioned that if any healthcare worker wants to have those rights then they can have.

The most important aspects of this pandemic were the safety of the health and hygiene. The chapter five, six, seven and eight of The Labour Act 2006 provided the provisions of health and hygiene, safety and welfare respectively.²⁰In pandemic situations the first protection must be given to the front liner first. Because first the healthcare worker must be safe and healthy and then they can provide the exact health care to the patients and other staff. It was the utmost situation for the healthcare worker to take proper health care. The PPE, Vaccine and other necessary instruments must be given to the healthcare worker first.

Any worker must be paid his or her wage within the working periods. Under section 122 of The Labour Act, 2006 stated that the time of paying wages must not exceed more than one month. So the healthcare worker as well must be paid as regarding these rules. And also it must be checked that minimum wages must be given to the workers. The National Minimum Wage Board fixes the minimum wages and it will be changed after five years.²¹ And according to this board the minimum wage of the worker must be 1,500 taka per month not applicable in the RMG sector.²²So by the labour act the wages of the frontline healthcare worker is fixed.

In the pandemic situation, there has been seen that there was some violence and harassment on healthcare workers.

2.4 Protection from Special Laws

In the pandemic situation, there have been many special laws for the whole world for healthcare workers. WHO, ILO and each government from each country combined make special laws for protection of healthcare workers.

²⁰ Textbook on Bangladesh Labour Code, Md. Abdul Halim, Published: June 2015

²¹ Minimum Wage Organisation, International / Bangladesh, <Accessed date: 20th April, 2022>

²² ibid

WHO director general provided no county's patients can be safe unless the healthcare workers are safe.²³ For this each member state the WHO has taken five steps to protect the rights of the healthcare worker.²⁴ And each member state is obliged to follow those new five steps. As Bangladesh is a member of WHO so the new rules are also implemented in Bangladesh as well as. The first step is to establish all the policy to patient and healthcare worker for ensuring their health safety, Second one is developed and implement the national programme in occupational health safety for healthcare worker, Third one is not to be physically violated in the workplace, fourth one is to take proper care of mental health of the healthcare worker and lastly to protect any kind of health hazard.²⁵ Those are the special regulations during the pandemic for healthcare workers. Bangladesh is bound to follow those steps as a member of WHO.

During the pandemic, there have been changes regarding rules made by the Ministry of Health for the healthcare worker. Under the Ministry of Health the Director of Nursing Service implemented a lot of new rules.²⁶ Covid-19 situation was like the war for us and it was the most challenging for the health sectors. Mostly a lot of new regulations were made. In the nursing sector the main focus was to give them proper knowledge of how they will provide services towards the patient and also to themselves.²⁷

There was established a compensation scheme for the covid-19 frontline.²⁸ In this scheme it has been provided that all the healthcare workers who have sacrificed their life in the pandemic will be compensated with a number of money. This is for all sectors of Bangladesh. But it is very misfortunate that in the private sector the healthcare worker was not properly recognized in the database rather there was a general data-base. And the compensation was not given to them.

²³ World Health Organisation, <Accessed date: 17th April, 2022>

²⁴ ibid

²⁵ ibid

²⁶ Ministry of Health and Family Welfare Policies,< Accessed Date: 18th April, 2022>

²⁷ Director of Nursing Service Guidelines< Accessed Date: 04 May, 2022>

²⁸ Covid-19 Compensation Scheme, 2020

Chapter- 3

Pandemic Situation

3.1 Problem Facing During Pandemic

In the pandemic period along with the whole world Bangladesh faced a lot of difficulties. The most challenging situation was for the frontline healthcare workers. Their challenges are mainly increasing day by day by the spreading of coronavirus rapidly.

The first step of not contracting the corona virus is social distancing. It was the most effective way to stop the spread of the disease.²⁹ It has even become the law of the whole world and if it has been violated then there will be fine or punishment. But the situation was different in the case of healthcare workers. They had to attach with them to provide the necessary treatment. As a result they put high risk to their life and get affected by the disease. This was one of the reasons to get infected and also put them in a high risk to get infected. Also for that they have to maintain a physical distance with their family members too.³⁰ Most of the time the workers have to stay in the hospital.

Moreover, almost all the workers have to work for almost 17 to 18 hours.³¹ For this reason they become so weak and vulnerable during this situation. As earlier mentioned, they are bound to give treatment at any cost so for this reason they contracted with the most in number. Because the working hour had no limits, they had many health complications. Like most of the workers suffer from insomnia, fatigue, sleep disorder and also some mental disorders. Beside psychological health they had the most fear of being infected. As most of the time they even give treatment beyond the restriction so it was quite possible to be infected.

The main equipment PPE and mask by which the healthcare worker can rely upon that they can be safe from the infection and also their patient can not be infected.³² But there was a lack

²⁹Razu SR, Yasmin T, Arif TB, Islam MS, Islam SMS, Gesesew HA and Ward P (2021) Challenges Faced by Healthcare Professionals During the COVID-19 Pandemic: A Qualitative Inquiry From Bangladesh. *Front. Public Health* 9:647315. doi: 10.3389/fpubh.2021.647315

³⁰ ibid

³¹ ibid

³² Shortage of Personal protective equipment endangering health workers worldwide, March3, Geneva, WHO <Accessed Date: 27th April, 2022>

of PPE and masks in every hospital.³³As a result in most of the hospitals they had to share PPW which is so much unhygienic for them.³⁴ This one can be infected very easily.

Then the most important problem of their life in the pandemic was the mental stress. Most of the workers in this situation fall into depression, anxiety and so on.³⁵ Beside Covid-19 mental health problems was another issue in the pandemic. As there was a lack of PPE and also the outbreaks of sudden virus, a lot of death cases all this was very stressful for the healthcare workers. Not only mental stress but also they have professional stress too.³⁶ In the hospital due to the sudden contract of the virus, there were no proper guidelines. Also in professional life, the healthcare worker did not even maintain the ethics of professionalism.

Social stigma was another problem for the frontline healthcare workers.³⁷ Most of the people were in fear in the Covid-19 situation that society refused to accept the healthcare worker. In most cases the healthcare worker lost their residence, and the neighbourhood even did not talk to them.³⁸ So sometimes the social distance becomes cruel for them.

The biggest problem facing this pandemic was the heavy workload.³⁹ In the pandemic the healthcare worker actually has no proper working hour. Even there was a shortage of medical doctors and also workers.⁴⁰ For this reason those who are in the hospital have to do other work too.

3.2 Health Care Worker Protection & Incentive during Pandemic

During the world crisis, when all the people were trying to escape from the whole world, at that time only the front liners, basically the healthcare workers, were there at each moment. The situation was new for each and every person. For the rest of the world the main motive was to protect themselves only but in the case of healthcare workers they had to protect the

³³ Protecting frontline healthcare worker should be the top priority in low resource health system in Bangladesh, 14th June 2020, MdZakir Hassan

³⁴ *ibid*

³⁵ *ibid*

³⁶ See Note 29

³⁷ See Note 17

³⁸ *ibid*

³⁹ *ibid*

⁴⁰ *ibid*

patient first. In the pandemic period they actually implemented some new rules for the protection of the healthcare worker.

At first the lack of knowledge of proper guidelines of the Covid-19 was an issue.⁴¹ The nurses and the other staff of the hospital mainly didn't know how to manage the situation. As the disease spread so easily and also the life taking tendency made everyone afraid. In the early stage of the pandemic most of the healthcare workers were infected because of not having adequate knowledge. As the infections of healthcare workers become more and more, the Infection Prevention and Control (IPC) was given training to the healthcare worker.⁴² In this training they basically received all the policy of health and safety development assessment.⁴³ Also in the training is still now given. Mainly in this training is the way by which healthcare workers find out in which way they will work or not. The training helps each healthcare worker to deal with the situation in a capacity manner and to understand the situation.

The shortage of PPE, safety mask and the other healthcare measurements were one of the top issues during the pandemic. The country received a minimum number of all of those instruments. It has to be mentioned that China has provided testing kits, PPE and all the staff but that is in a small number according to the number of our healthcare workers.⁴⁴ Also the Canadian company provided a number of testing kits to the private hospitals.⁴⁵ As mentioned earlier, PPE is one of the measurements by which the healthcare worker can have some relief not to contract with the disease. So, the right to life is somehow connected with the PPE in the pandemic situation. But it is unfortunate that the government in most private hospitals fails to give the proper number of PPE, ventilation and other staff.

To be vaccinated is one of the ways to reduce the transmission of the coronavirus. As many countries and scientists working day to night have invented vaccines. Bangladesh was provided a vaccine by China, Canada and by WHO. According to The Vaccination Guideline, 2010 provided the first scheme is to give vaccine to the front liners as they were directly

⁴¹Nath, T.K., Paul, A., Sikdar, D. *et al.* Capacity development and safety measures for health care workers exposed to COVID-19 in Bangladesh. *BMC Health Serv Res* **21**, 1079 (2021). <https://doi.org/10.1186/s12913-021-07071-2>

⁴² *ibid*

⁴³ *ibid*

⁴⁴ Covid-19 and Bangladesh: Challenges and How to address them, Sayeed Anwar, 30th April 2021

⁴⁵ Covid-19 and Bangladesh: Challenges and How to address them, Sayeed Anwar, 30th April 2021

attached with the disease. So by this scheme it was established that the healthcare worker as a front liner has the right to be vaccinated first. But there was no exact data chart of giving vaccines to healthcare workers during the pandemic in Bangladesh.

The pandemic situation was worse than the war. In this situation healthcare workers were the heart of the whole situation. As I mentioned earlier that the healthcare worker is not even defined properly in any code of conduct of Bangladesh rather they would have rights. We have lost an unexpected number of people because of the coronavirus.

3.3 Aftermath of the implementation

This pandemic was as worst as war. In war the soldiers are the backbone of the state and during this pandemic the healthcare workers were the main soldiers of the whole world. During Covid-19 all the health policies were in some portions changed for all the patients and also for all the healthcare workers. Some new laws and guidelines were implemented by the WHO to its member state and some also made by the state. As we mentioned earlier, only the private hospital's healthcare workers are only under the definition of worker. In implementation of those laws and guidelines, there was a huge mess regarding the private sector.

The most important step taken during covid-19 was to make a database based on how many people were affected by the disease. Most of the front liners were affected severely and the number of healthcare workers was the highest.⁴⁶ By the National survey there is a general number of covid-19 cases. In one survey there had been established that 12000 healthcare workers were contracted with the disease because of lack of covid-19 equipment.⁴⁷ But this number doesn't exactly provide how many private hospital's healthcare workers are affected. So, for this reason the exact amount of compensation was not given properly to them.

As we mentioned earlier that there is a Compensation Scheme for the healthcare workers but that compensation was not for the private sector. The Government of Bangladesh in one press conference said that there will be two months of basic salary as incentive for the health care

⁴⁶ DGHS, <Accessed Date: 03 May, 2022>

⁴⁷Bangladesh: Nearly 1,200 healthcare workers have contracted COVID-19, lack of protective equipment and inadequate testing to blame, Shihab Sumon, 14th June 2020

workers.⁴⁸ Also in this press conference the prime minister said that there would be insurance coverage according to their rankings and also if anyone dies then the healthcare workers will get five times the insurance money.⁴⁹ But as a result they did not receive anything in the private sector.

The most important implementation of the healthcare sector was the hygiene and mental healthcare sectors. There was a huge change regarding this sector. In all sectors there will be supply of enough equipment.⁵⁰ But as a result of the private sector's lack of proper equipment, a lot of healthcare workers lost their lives.⁵¹ Mental health was another issue during the pandemic as I mentioned early. There were a lot of training sessions for the healthcare workers.⁵² In the private sector there is no such training for the development of mental growth.

The implementation of the law and guidelines are not that much enough for the protection of the healthcare workers right. There are laws and policies but those are not implemented properly towards the private sector's healthcare workers.

Chapter:4

4.1 Findings

Pandemic is like a bad nightmare for all of us. In this situation the one sector, the healthcare sector, was the only hope that we wouldn't have to see any more death cases. So as they have provided us such wonderful services, they need proper protection too. The research topic is based on the fact that the law is enough to protect the rights of healthcare workers during a pandemic in Bangladesh.

⁴⁸Incentives for those on the front line, The Daily Star, Rejaol Karim, Byron, 20th April, 2020

⁴⁹ibid

⁵⁰ World Health Organisation Covid-19 Policies, <Accessed Date: 12th May, 2022>

⁵¹Capacity development and safety measures for health care workers exposed to COVID-19 in Bangladesh, tapan Kumar Nath, 11 October 2020

⁵²Mental health status of informal waste workers during the COVID-19 pandemic in Bangladesh, Md Razanul Haque

This sudden pandemic was a bad dream for the world. And the front liner specially the healthcare worker was the heart of this critical situation. Mostly there were changes of laws during this pandemic and even if implementation of new laws as well as. Where the whole world bowed to the healthcare worker, in Bangladesh the scenario was different. It is unfortunate that in most cases the law was not enough to protect the rights of the healthcare worker.

The research's findings are below here:

1. In ILO, there is no exact definition of healthcare worker. Under WHO those who work related to the healthcare services those under the definition of healthcare worker. After analysing the whole fact, there is no exact definition of healthcare worker in Bangladeshi law. There even ambiguity regarding the definition. In international law doctor's are included under the definition but in Bangladesh they are not included under healthcare worker definition. Whereas in the whole world doctor's are under the definition of the healthcare worker, in Bangladesh the nurses, midwifery and technicians are only under the definition of healthcare worker.
2. Under worker definition only the private hospital healthcare worker will be defined, not the government hospital's healthcare worker.
3. It was found that there were many training sessions for healthcare workers and Bangladesh was part of those training. After gathering all the information it has been established that throughout IPC the healthcare gained trained for the pandemic.
4. The necessary covid-19 guidelines made by the Director General of Health Services would be followed. The guidelines of the Director of Nursing and Midwifery Service will be followed. The Compensation Scheme was only for the government hospital.
5. As healthcare workers are the citizens of Bangladesh, so all the fundamental rights will be upon the healthcare worker. All the constitutional rights will be applicable towards healthcare worker. The researcher also found that in the pandemic there the rights from Labour Acts are also be upon to the healthcare worker. During the pandemic, the time management by the Labour Act, 2006 was not fully followed as they have to work till day to night.

6. All the covid-19 requirements like PPE, mask and vaccine shall be provided to the front liner first. The social distancing was not the concern of the healthcare worker. There was inadequate number of PPE for healthcare worker. There was no exact time period of working.
7. The healthcare worker has suffered not only physical problems, they suffered a lot of mental pressure. Even if social stigma is one of the threatened problems of their life.
8. The researcher found that there is an inadequate number of manpower.
9. The private hospital healthcare workers were not vaccinated by the government vaccination scheme.
10. The researcher said that there was no exact database of how many private hospital's healthcare workers died.
11. It has been established that the private hospital's Healthcare worker did not receive the compensation from the compensation scheme by the government.

4.2 Recommendations:

Covid-19 impacts a serious issue all over the world. Each country has paid a huge loss during the pandemic and lost a valuable number of people. The front liners, especially the healthcare workers were those warriors who worked so hard.

As with the whole world, Bangladesh adopts some laws regarding healthcare workers but this is not enough. The main problem is that there is no specific law for the healthcare worker. And also the labour act does not define the healthcare worker. Moreover, the protection of healthcare workers has not been recognized fully. As mentioned that the government sector was having much in this sector, but the private sector is still now in the dark. There was no proper health care towards them and did not even give mental support to them. It is a great problem that even though they paid a huge loss they did not even properly compensate.

The first step that Bangladesh has to do is to make a new law regarding the protection of healthcare workers. And also can amend the labour law. They must be recognized properly as the worker and all the worker rights must be upon this. Then for betterment, there would be a monitoring department for providing rights to the healthcare worker. Whatever the government sector's healthcare worker achieved, that must be achieved by the private healthcare worker too.

4.3 Conclusion:

In the pandemic situation where there is crisis of each matters even if the proper health services the healthcare worker plays a vital role to save the life and to stop the transmission of the diseases. As they are the frontline in response to the coronavirus, they are at high risk of contracting the disease. Also Where whole world was in fear, the healthcare workers were without thinking about their lives and gave services to the general people. But it is a great problem that their protection was not properly given. The rights of the healthcare workers were not even properly recognized. As it has to mention that the labour law will be only implemented towards the Private sector's workers only.

So it is a big question that the law is enough to protect the rights of the healthcare worker. The answer would be not enough. As the worker has not been recognized properly then how can they be protected properly?

So the Government must have some effects regarding this topic. All the private hospitals must be under implementation of proper guidelines. If the rights of healthcare workers are protected, then the world will be more benefited nowadays.

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