



DISSERTATION

ON

**Labour Rights of Private Security Guard in Bangladesh: Prospects
and Challenges**

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The dissertation titled “**Labour Rights of Private Security Guard in Bangladesh: Prospects and Challenges**” prepared by **Jannatul Ferdous Tazim** ID- **2018-2-66-031** submitted to **Department of Law** for the fulfillment of the requirements of Course 406 (Supervised Dissertation) for LL.B. (Hons.) degree offered by the Department of Law, East West University is approved for submission.

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Declaration

I, Jannatul Ferdous Tazim, with student ID 2018-2-66-031, declare that I am the author of the dissertation "Labour Rights of Private Security Guard in Bangladesh: Prospects and Challenges" This is my original work, and all sources of information used in this paper have been properly cited. This work has not been published in any journal, newspaper, or article.

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ABSTRACT

Private security service industry is flourishing rapidly around the world due to increased security threats. Bangladesh is of no exception. Private security guards are providing service to divergent businesses. These businesses serve a variety of industries, including the textile industry and the pharmaceutical industry, as well as embassies, high commissions, international organizations, NGOs, educational institutions, offices, and apartment complexes. Although the demand of private security guards is skyrocketing, the labour rights of the private security guards are not ensured. Consequently, the said security guards lead miserable life due to lower income and insufficient labour rights. The aforementioned concern made it imperative to conduct a study on the labour rights of the private security guards. This study examines the existing labour legislation in Bangladesh and attempts to identify the gaps in the labor rights protection of private security guards. This study has also provided recommendations to the issue which can be a foundational work for the policymakers.

CHAPTER- ONE

INTRODUCTION

1.1. Background of the Study

In Bangladesh, it took time for the private security service sector to expand and pick up steam. However, more businesses started to run mostly in Dhaka by 1994–1995.¹ Following the terrible attack on the World Trade Center in New York in September 2001, the security industry had a significant growth in Bangladesh and throughout the rest of the world.² The threats, especially those from militants, radicals, and fundamentalists, caused the greatest worry and terror.³ Private security personnel have long been a somnolent presence in Bangladesh. However, a constant increase in urban population and a deterioration of peace and order have led to both a need for them and some debates over them. Private security firms are seeing an upsurge in demand for their assistance as a consequence of the foreigner killings and the terrorist attack on the Gulshan restaurant.⁴ Currently, there are more than 800 security firms operating across the nation.⁵ More than 700,000 people now have employment options thanks to these businesses.⁶ These businesses serve a variety of industries, including the textile industry and the pharmaceutical industry, as well as embassies, high commissions, international organizations, NGOs, educational institutions, offices, and apartment complexes. Discovering what the private security firms are not doing is necessary. Every day, banks must move billions of dollars using their cash-carrying equipment. The ATM booths and cars are always watched upon by private security firms.⁷ Although the economic value of the industry is thriving, the labour rights of the private security guards failed to gain any attention and consequently, their labour rights are often neglected.⁸

¹Sharif Aziz, 'The state of private security services industry in Bangladesh' (*The Financial Express*, 23 July 2022) < <https://thefinancialexpress.com.bd/views/the-state-of-private-security-services-industry-in-bangladesh-1658593136> > accessed 23 December 2022.

² *ibid.*

³ *ibid.*

⁴Faisal Mahmud, 'Security companies thrive' (*The Financial Express*, 24 July 2016) < <https://www.theindependentbd.com/post/52586> > accessed 23 December 2022.

⁵ Sharif (n 1).

⁶ *ibid.*

⁷ *ibid.*

⁸ *ibid.*

1.2. Hypothesis

The existing legal framework of Bangladesh is not sufficient enough to ensure the labour rights of private security guards due to the shortcomings in the existing legal framework.

1.3. Research Questions

The primary question of the study is as follows:

Is the existing labour legislation of Bangladesh sufficient to ensure the labour rights of private security guards?

The primary question encompasses the following subsidiary questions:

1. What are the challenges in the existing labour rights protection framework in Bangladesh?
2. What are the necessary amendments to ensure labour rights of private security guards in Bangladesh?

1.4. Research Objectives

The broader objective of the study is to inspect adequacy of the existing legal framework on health and safety measures of security guard workers. The specific objectives are as follows:

1. To examine the existing labour legislation of Bangladesh;
2. To identify the shortcomings and challenges in the existing legal framework;
3. To find out the best possible solutions for Bangladesh;
4. To make a comparative study with practices in different jurisdictions.

1.5. Rationale of the Study

Since private security service sector is booming in Bangladesh with the rapid growth of economy, the labour rights of private security guards have become a crucial issue. The concern of lower wages and deprivation of private security guards has made it imperative to examine the existing legal framework. The study would be a guiding literature for the policy makers in future decision-making process.

1.6. Literature Review

There is no substantive scholarly work on labour rights of private security guards in Bangladesh. However, there are some piecemeal works that have addressed the issues relating to the labour rights of private security guards.

Sharif Aziz, in his article titled ‘The state of private security services industry in Bangladesh’,⁹ has discussed the evolved of private security service sector in Bangladesh and its divergent functions. The article has also addressed the neglected status of private security guards. The work has contended that security services make a significant contribution, yet they still don't receive much societal recognition. The major cause is that there is less or no interest in the service because it is often a low-paying job in Bangladesh. A country lady would not settle down with or marry a security guard since the man is uneducated and lacks the same social standing as other uniformed employees.¹⁰

Faisal Mahmud, in his article titled ‘Security companies thrive’,¹¹ has presented the overall scenario of private security industry in Bangladesh. However, the article has not discussed the labor rights issues of the private security guards.

Renowned Indian scholar Nandini Gooptu in her landmark work titled ‘Servile Sentinels of the City: Private Security Guards, Organized Informality, and Labour in Interactive Services in Globalized India’,¹² addressed the labour rights of private security guards in India. This dissertation examines developing labor practices in the increasingly dominant private corporate sector of Developing Nations in the aftermath of economic democratization and globalization through an examination of private security guards in metropolitan India.¹³

The existing literatures of Bangladesh do not address the legal aspect of the labor rights of the private security guards. Therefore, an extensive study on the pertinent legal framework is imperative.

⁹ Sharif (n 1).

¹⁰ *ibid.*

¹¹ Faisal (n 2).

¹² Nandini Gooptu, ‘Servile Sentinels of the City: Private Security Guards, Organized Informality, and Labour in Interactive Services in Globalized India’ (2013) 58 *IRSH* 9-38.

¹³ *ibid.*

1.7. Methodology

This study is qualitative in nature. Both primary and secondary sources have been used in this research. The primary source includes national legislation, international legal instruments, and case laws. The secondary sources include published as well as newspaper articles, books, online journals, articles, reports, newsletters.

1.8. Scope of the Study

The study focuses on the sufficiency of the legal framework on labour the rights of private security guards. The research examines the existing labour legislations of Bangladesh and determines challenges in these provisions. The study attempts to find out the best possible solutions for Bangladesh through analyzing the case laws and practices in other jurisdictions.

The study excludes the socio-economic and technical aspect of the issue due to limited knowledge in the field.

1.9. Limitations

Lack of time, absence of recent data, unwillingness of the stakeholders to share information, lack of access to online materials are the limitations of the study.

CHAPTER-TWO

HISTORICAL BACKGROUND

2.1. Introduction

The employment rights of private security guards have emerged as a critical issue in Bangladesh as the private security services sector is expanding quickly alongside the country's economy. It is crucial to review the current legal system in light of the worries about lower pay and the denial of rights for private security guards. Private security guards' labor rights in Bangladesh are not sufficiently protected by the country's current legal system. The legal framework for private security guards' labor rights is not sufficiently enforced.

2.2. Historical Background of Security Guard Worker

Between the years of 1988 and 1990, a few small-scale businesses in Bangladesh started offering private security services.¹⁴ It took some time for the business to succeed. In contrast, more businesses began to run in 1994–1995, primarily in Dhaka.¹⁵ Bangladesh and the rest of the world both saw significant growth in the security sector after the devastating attack on the World Trade Center in New York in September 2001.¹⁶ Threats were very concerning that time.¹⁷ At that time, a sizable number of private security companies in Bangladesh started to increase the size of their businesses.¹⁸ The previous perception of "Darwan" was suddenly altered. Uniformed security personnel were organized under the company's name and mainly made up of senior-level ex-police and military personnel.¹⁹ They took control of the business in order to make it a professionally run sector.²⁰ But the real impact was felt in Bangladesh on July 1, 2016, when 18

¹⁴Sharif Aziz, 'The state of private security services industry in Bangladesh' (*The Financial Express*, 23 July 2022) <<https://thefinancialexpress.com.bd/views/the-state-of-private-security-services-industry-in-bangladesh-1658593136>> accessed 23 December 2022.

¹⁵ *ibid*

¹⁶Rohan Gunaratna 'The 9/11 Effect and the Transformation of Global Security' (2021) <<https://www.cfr.org/councilofcouncils/global-memos/911-effect-and-transformation-global-security>> accessed on 20 December, 2022

¹⁷ *ibid*

¹⁸Faisal Mahmud, 'Security companies thrive' (*The Financial Express*, 24 July 2016) <<https://www.theindependentbd.com/post/52586>> accessed 23 December 2022

¹⁹ *ibid*

²⁰ *ibid*

foreigners were brutally murdered in Gulshan, Dhaka's diplomatic neighborhood.²¹ The tragic incident is known in history as the infamous "Holey Artisan" attack.²² It caused irreparable damage to our international reputation. The government, however, bravely took on the challenge.²³ The country's security apparatus underwent a thorough overhaul. It was decided to establish a Counter Terrorism Unit with all the required tools.²⁴ To rid the country of terrorism, extensive operations were conducted. Positively, the initiatives were successful, and Bangladesh quickly regained its place as a global player in the war against terrorism.²⁵ It should be noted that the Private Security Services Act-2006, which the government passed in 2006 to regulate the activities of private security companies, was a boon to the industry.²⁶ Through the act, the private security industry rose to prominence and was recognized as a support function for the traditional law enforcement agencies. There are currently many security companies operating all over the country. These companies have provided employment opportunities for people.²⁷ Among their clients are embassies, high commissions, UN institutions, global organizations, NGOs, various industries, and numerous others. Through the years, private security companies have broadened their services to offer investigation, executive and close protection, due diligence, emergency evacuations, remote and critical area operations, event security, conflict resolution, logistical support, , dog squad support (K9), and other services. They also carry out medical / hospital admission certification and death claim investigations for a number of insurance companies.²⁸ Bangladesh's government must actively assist and support the security sector if it wants to grow more powerful. They hardly have the means to provide our employees with top-notch training, despite the sector's excellent work in supporting the regular law enforcement agencies in their work. But regrettably, our efforts are rarely recognized or appreciated.

2.3. Definitions of Security Guard Worker and Relevant concept

²¹Milo Comerford, 'Deciphering Bangladeshi Terror: Fallout and Response to the Holey Bakery Attack' (2017) <<https://institute.global/policy/deciphering-bangladeshi-terror-fallout-and-response-holey-bakery-attack>> accessed on 23 December, 2022

²² ibid

²³ ibid

²⁴ ibid

²⁵ ibid

²⁶Private Security Services Act2006

²⁷Sharif Aziz, 'The state of private security services industry in Bangladesh' (*The Financial Express*, 23 July 2022) <<https://thefinancialexpress.com.bd/views/the-state-of-private-security-services-industry-in-bangladesh-1658593136>> accessed 23 December 2022.

²⁸ ibid

Worker is the person who employed directly or indirectly in any establishments or industry.²⁹ A worker may work in different capacity such as clerical, manual, technical capacity. However, it does not include any person who does the administrative or managerial work. Security guards are also fall under the definition of worker.

Working Hour refers to the time during which employees are at their employer's disposal, excluding intervals for rest and food.

Wages are the remuneration or bonus that are paid under the terms of employment.³⁰ However, it does not include the value of house accommodation, pension fund, provident fund, travelling allowances or other amenities entitled on him by the nature of his employment.

Minimum Wages have been defined as “the minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract.”³¹ This definition reflects the fact that minimum wages are legally binding regardless of how they are set. A minimum wage can be established by law, a competent authority's judgment, a wage board, a wage council, or by labor or industrial courts or tribunals. By making the terms of collective agreements enforceable by law, minimum salaries can also be determined. The goal of minimum wages is to shield employees from unfairly low pay. They contribute to ensuring that everyone receives a fair and equal share of the benefits of progress as well as a decent wage for all people who are working and in need of such protection. By encouraging the right to equal pay for work of equal worth, minimum wages can also be one component of a policy to combat poverty and eliminate inequality, especially those between men and women.

Minimum Wage Theory

It is a well-established truth that the quantity requested of an item or service decreases when its price increases relative to competing goods and services.³² Similarly, when the price of labor (i.e., the pay rate) increases, firms that maximize profits will prefer to substitute other inputs

²⁹The Bangladesh Labour Act 2006, s 2(XLV)

³⁰ Ibid s 120

³¹[General Survey concerning the Minimum Wage Fixing Convention, 1970 \(No. 131\)](#), and the [Minimum Wage Fixing Recommendation, 1970 \(No. 135\)](#), [Committee of Experts on the Application of Conventions and Recommendations, 2014](#)

³²[Zafar Shaheed](#) ‘Minimum Wages and Low Pay: An ILO Perspective’ [International Journal of Manpower](#), Vol. 15, pp. 49-61.< <https://doi.org/10.1108/01437729410059332>> accessed on 20 December, 2022

(e.g., machinery) for labor and reduce their demand for workers.³³ This basic observation supports the conventional textbook conclusion that minimum wage increases limit employment. As real wages rise in a competitive labor market, the demand for labor decreases.³⁴ For a business to maximize profits, the value of the marginal product of labor must equal the actual pay.³⁵ Since, for a given amount of capital and other inputs, each extra unit of labor reduces production, labour demand must be inversely proportional to the real wage.³⁶ In this setting, a minimum wage rule has the effect of reducing employers' demand for labor. In order for a business to minimize expenses, the marginal output of labor must increase when the cost of labor input rises.³⁷ However, because each extra unit of labor creates less output when all other factors are held constant, the only option to enhance the marginal product of labor is to employ fewer workers.³⁸ In other words, labor has diminishing returns. Therefore, the introduction of a minimum wage regulation will reduce job options for workers whose marginal productivity is less than the minimum wage.³⁹ The vast majority of available empirical research on the effects of minimum wage increases on employment supports the conventional assumption that minimum wage increases tend to decrease aggregate employment rates and raise unemployment rates.⁴⁰ Moreover, the young, women, unskilled, and working poor are disproportionately affected by the unemployment impacts of minimum wage rises.⁴¹ This is not surprising given that these people are typically among the least productive members of the labor force and are therefore the most sensitive to minimum wage rises.⁴²

³³ *ibid*

³⁴ Sidney Webb, 'The Economic Theory of a Legal Minimum Wage' (2017) <https://www.jstor.org/stable/1820545#metadata_info_tab_contents> accessed 23 December, 2022

³⁵ *ibid*

³⁶ *ibid*

³⁷ *ibid*

³⁸ Urmi Rani, 'Minimum wages and inequality' (2015) <<https://doi.org/10.4337/9781784712105.000>> accessed on 20 December, 2022

³⁹ *ibid*

⁴⁰ Marc T. Law, 'The Economics of Minimum Wages' <<https://www.fraserinstitute.org/sites/default/files/EconomicsofMinimumWage>> accessed on 23 December, 2022

⁴¹ *ibid*

⁴² *ibid*

2.4. Challenges Faced by the Security Guard Worker

There are some challenges with private security services in Bangladesh. Despite their significant benefits to the country, security services still don't have a good reputation in society.⁴³ Because it is typically a very low-paying profession, the main reason is that there is less or no interest in the service. Because of his social standing in relation to other uniformed services and his poverty, a village girl would not wed a security guard. Even the minimum wage is often not enough for many big businesses in the country to pay a security guard who works more than eight hours per day.⁴⁴ The employees of security guard companies do not get to exercise their labour rights as specified under the law.⁴⁵ Their access to labor rights like reasonable working hours, minimum wages, security, holidays, and termination procedures is not guaranteed.⁴⁶ The yield is actually extremely unfortunate to be so low. Sadly, the Security Company Associations have not been effective negotiators, unlike other associations. Just like the other "Frontline Fighters," these security personnel were praised for their dedication during the Covid-19 incident, but they have not received any rewards or incentives.⁴⁷ They are still considered "Unsung Heroes"⁴⁸ today, unlike doctors, law enforcement, garment workers, and countless other professions. The security officers have received abhorrent treatment. Private security service is a thriving industry.

⁴³Sharif Aziz, 'The state of private security services industry in Bangladesh' (*The Financial Express*, 23 July 2022) <<https://thefinancialexpress.com.bd/views/the-state-of-private-security-services-industry-in-bangladesh-1658593136>> accessed 23 December 2022.

⁴⁴Urmi Rani, 'Minimum wages and inequality' (2015) <<https://doi.org/10.4337/9781784712105.000>> accessed on 20 December, 2022

⁴⁵Patrick Rillorta, 'Labour Rights of Security Guards' (2018) <<https://car.dole.gov.ph/news/labor-rights-of-security-guards/>> accessed on 25 December, 2022

⁴⁶ ibid

⁴⁷Steven Reesor, 'Importance of Security Guards During the Pandemic' (2021) <<https://www.centreforsecurity.com/importance-of-security-guards-during-the-pandemic/>> accessed on 23 December, 2022

⁴⁸ ibid

CHAPTER-THREE

LABOUR RIGHTS OF SECURITY GUARD UNDER NATIONAL AND INTERNATIONAL LEGISLATIVE FRAMEWORK

3.1. Introduction

In Bangladesh, it took time for the private security service sector to expand and pick up steam. The study focuses on the sufficiency of the legal framework on labour the rights of private security guards. The research examines the existing labour legislations of Bangladesh and determines challenges in these provisions. Although the economic value of the industry is thriving, the labour rights of the private security guards failed to gain any attention and consequently, their labour rights are often neglected.⁴⁹

3.2. Overview of the Laws Relating to Labour Rights

The chapter would scrutinize the provisions of the Bangladesh Labour Act, 2006, The International Labour Organization's Fundamental Conventions (ILO) and Private Security Services Act 2006 to assess the sufficiency of existing legal framework to safeguard the private security guard workers right.

3.2.1. The Bangladesh Labour Act, 2006

Worker is the person who employed directly or indirectly in any establishments or industry.⁵⁰ A worker may work in different capacity such as clerical, manual, technical capacity. However, it does not include any person who does the administrative or managerial work. Security guard are also fall under the definition of worker.

Conditions of Employment

The Labour Act 2006 specifies various conditions of employment. Among them three of the conditions have been covered. Every employer is required to give a letter of appointment and id card along a photograph within it to the worker.⁵¹ Service book shall be provided by the

⁴⁹ *ibid.*

⁵⁰ The Bangladesh Labour Act 2006, s 2(XLV)

⁵¹ *Ibid* s 5

employer to the worker. Section 6 provides that the worker shall show the service book to his employer before starting to work for him. Every employer shall keep register of the workers.⁵²

Working Hours and Leave

Chapter IX of the Bangladesh Labour Act 2006 explains the provisions regarding working hours and leave. According to section 100 of the Act the daily working hours of the workers can't be more than 8 hours and for overtime, they cannot be exceed 10 hours. There should be an interval time for resting and eating under sec 101 of the Act. If any worker worked for more than six hours in a day, he should be allowed a one hour resting period. The resting period would be half hour if anyone worked for more than five hours. The total working period including the resting period shall not exceed the total of eleven hours under any circumstances.⁵³ There is a limitation regarding weekly hours under sec 102 as well. A worker is liable to work for a particular time limit in a week. No worker is permitted to work for more than forty-eight hours in any week. If anyone works overtime, even in that case the working hours should not be exceed sixty hours in a week. Every worker is bound to have a weekly holiday under this provision. Section 103 and 104 talks about weekly holiday. Following these sections, if a worker is employed in any industrial establishment or shop or commercial establishment, he is allowed to have one and a half day weekly holiday and in other establishments once in a week. Also if a worker misses a weekly holiday due to work pressure, he or she is required to take an equal number of compensatory holidays as soon as possible. There are provisions for night shift workers as well. A night shift worker weekly holiday begins after the end of his night shift and continues for a period of twenty four consecutive hours. Women workers are not allowed to work in night shift without their consent.⁵⁴ However, if a worker works for more than the time specified in this Act, he will be considered to have worked overtime and will be entitled to an allowance equal to twice his regular rate of basic wage.⁵⁵ No employee may work in more than one establishment at the same time.⁵⁶ Every worker has the right to take casual leave and sick leave in a year under sec 115, 116 of the Act. Also, the workers are entitled to eleven days of paid festival holidays in a calendar year.

⁵² Ibid s 9

⁵³ Ibid s 105

⁵⁴ Ibid s 109

⁵⁵ Ibid s 108

⁵⁶ Ibid s 110

Wages and Payment

Chapter X of the Labor Act explores the provisions of wages for workers. The definition of wages is given in Section 2(XLV). According to section 120, wages are the remuneration or bonus that are paid under the terms of employment. Every employer is required to pay wages to the workers for their work.⁵⁷ Wages are payable for every fixed-wage period.⁵⁸ Wage-period shall never exceed one month. There is a fixed time for the payment of wages, which is within the seventh day of the start of the next wage period. If the worker is dismissed from his work or if the employment is terminated by retirement or for any other reason, the wages shall be payable to him within the specified time mentioned in the Act. All the payments must be made on a working day and in current currency under sec 123, 124. Under certain circumstances, deductions from wages can be made.⁵⁹ However, the grounds for deduction must be those that are specified in the Act, for instance, absence from duty, damage or loss, recovery of loans, income tax, etc. Section 131 stated that if the worker has died before the payment of wages, then it will be given to the person nominated by the worker, or, where no such nomination is made, it will be deposited in the labor court. Section 132 allows a worker to apply to the labor court for any unpaid or delayed wages.

Workers compensation for injury by accident

According to sec 150 of the Act, the employer is liable to pay compensation to the worker on the fulfillment of the following conditions, first, there must be a Personal injury caused to a worker second, such personal injury is caused in an accident, third, the accident has arisen out of and in the course of employment and lastly, it resulted in to death or total or partial disablement. The amount of compensation and method of calculating the compensation are also specified under section 151 and 152 of the Act.

Health and Hygiene and Safety Measures

The Labour Act 2006 of Bangladesh has clear provision to maintain sufficient Health and Hygiene arrangement for the workers. Section 58 of the Act has clearly stated that every establishment shall have effective arrangement to drinking water.

⁵⁷ Ibid s 121

⁵⁸ Ibid s 122

⁵⁹ Ibid s 125

Discharge, Termination and Dismissal

According to the Section 22 if a worker is discharged from the work and if the worker has completed one year will get compensation at the rate of 30 days wages for every completed year of service or in excess of six months or gratuity or whichever is higher. According to the Section 26, termination can be made by both the employer and the worker. The removing method is quite difficult as it amounts the employer to give four-month notice or wages and also compensation. According to Section 23, if a worker is dismissed from the work who has completed one year of service will get compensation at the rate of 14 days wages for every completed year of his service.

3.2.2. Private Security Services Act 2006

The Private Security Services Act-2006 was passed by the government to control the activities of the private security companies. Any person wishing to establish and operate a private security service organization may apply for a license to the Licensing Authority in the manner and form prescribed by the rules. For the purposes of this Act, the District Magistrate in the case of the concerned district and the Commissioner of Police in the case of the metropolitan area shall be the Licensing Authority. **Sec 9** of the Act provides the condition for the recruitment of security guards in private security service companies. No person shall be eligible for employment as a security guard in any private security establishment, if-

- he is under eighteen years of age;
- he is physically and mentally unfit; if he is not a citizen of Bangladesh;
- he has been convicted of any criminal offense and sentenced to imprisonment for a term not exceeding two years, after which not more than five years have elapsed after his release;
- And he is dismissed from the service of any Government or statutory body for misconduct or corruption.

Before appointing a security guard in any private security service organization, the licensee shall verify the identity and previous activity of the applicant for the post of security guard by the Bangladesh Police or any other government agency and also through the UP Chairman, Municipality or Ward Commissioner of the City Corporation as the case may be. The licensee shall provide proper and adequate training to every security guard employed by the authority and

no security guard shall be employed to provide security services without such training. There is a provision for providing uniform and identity card to the security guard under this Act.

3.3. The International Labour Organization's Fundamental Conventions

International Labour Organization has designated eight Conventions as essential to the rights of people at work regardless of the level of development of individual member States.⁶⁰ These rights are a prerequisite for all others because they offer the required foundation for individuals and groups to work freely to better their individual and collective working conditions.⁶¹ These fundamental labor concepts are highlighted in the ILO Declaration on Fundamental Principles and Rights at Work, which was adopted in June 1998. The Governing Body of the International Labour Office called the General Conference of the International Labor Organization to Geneva, and it met there on June 6, 1951. It decided to adopt a number of proposals regarding the principle of equal pay for men and women workers for work of equal value, which is known as the Equal Remuneration Convention, 1951. Article 1 of the Convention provides the definition of remuneration. The term “remuneration” refers the minimum wage or salary by the employer to the worker.⁶² The term equal remuneration means equal wages for both men and women without discrimination. Each member shall determine the appropriate method of remuneration and co-operate with the employers and workers. In a comprehensive Global Employment Agenda created by the three ILO constituents, the ILO identifies policies that help in the development and maintenance of work and income.⁶³ The group studies employment strategies and takes part in international debates about them.⁶⁴ Even though wages may be rising in many nations, many workers still find that they are too low to cover their basic needs.⁶⁵ Even though some employees may spend less time at work, the accompanying unpredictability can make job security less secure and make it more difficult to balance work and family obligations.⁶⁶ Despite being less common in industrialized nations, dirty and hazardous working conditions are still

⁶⁰ International Labour Organization

⁶¹ *ibid*

⁶² Equal Remuneration Convention, 1951

⁶³ Jill Murray 'Labour rights/corporate responsibilities: the role of ILO labour standards' (1st edn, 2002) 12

⁶⁴ *ibid*

⁶⁵ Zafar Shaheed 'Minimum Wages and Low Pay: An ILO Perspective' *International Journal of Manpower*, Vol. 15, pp. 49-61.< <https://doi.org/10.1108/01437729410059332>> accessed on 20 December, 2022

⁶⁶ *ibid*

common in developing nations.⁶⁷ In the meantime, violence and work-related stress are becoming more widely acknowledged as serious issues. Because these elements are crucial to the employment relationship, workers' protection, and significant indicators of economic performance, the ILO is primarily interested in wages, working hours, work organization, working conditions, and adjusting working life to demands of life outside of work. Most people, both men and women, lack adequate social protection. They deal with risks at work as well as insufficient or nonexistent health and pension coverage. The majority of men and women do not have enough social protection.⁶⁸ They deal with workplace risks as well as inadequate or nonexistent pension and health insurance coverage. Many women do not receive maternity benefits, and some are not given enough time to rest.⁶⁹ Social protection is acknowledged as a fundamental human right by both international labor standards and the UN. Furthermore, effective social security systems boost economic performance, which increases competitiveness. The ILO is dedicated to assisting nations in extending social protection to all societal groups and in enhancing working conditions and workplace safety.⁷⁰ Workplace safety varies greatly between nations, industries, and social classes. Deaths and injuries are particularly prevalent in developing nations where a large number of people participate in hazardous activities.⁷¹ Given the progress many industrialized nations have made in reducing serious injuries, it is obvious that workplace safety improvements have an effect.⁷² However, there is a dearth of knowledge, understanding, and information regarding the issue. To close this gap, the ILO uses research, advocacy, and technical support. It aids nations in creating management tools, monitoring services, and informational resources, with a primary focus on hazardous occupations. The ILO places a high priority on developing and implementing a preventive safety and health culture in workplaces around the world.

⁶⁷ *ibid*

⁶⁸Urmi Rani, 'Minimum wages and inequality' (2015) <<https://doi.org/10.4337/9781784712105.000>> accessed on 20 December, 2022

⁶⁹ *ibid*

⁷⁰ *ibid*

⁷¹Jill Murray 'Labour rights/corporate responsibilities: the role of ILO labour standards' (1st edn, 2002) 12

⁷¹ *ibid*

⁷² *ibid*

This chapter gives a brief overview of the national and international legal framework regulating the labour industry. The national and international instruments play a significant role in regulating the activities and safeguarding their rights in Bangladesh and worldwide. Bangladesh's current labour rules are in accordance with international treaties and standards. However, the government is collaborating with local, national, and international organizations to ensure Bangladesh's labour industry remains viable.

CHAPTER-FOUR

LABOURS RIGHTS OF PRIVATE SECURITY GUARDS IN BANGLADESH AND RELEVANT CASE STUDY

4.1. Current Scenario of Private Security Industry in Bangladesh

Currently, there are more than 800 security firms operating across the nation. More than 700,000 people now have employment options thanks to these businesses. These businesses serve a variety of industries, including the textile industry and the pharmaceutical industry, as well as embassies, high commissions, international organizations, NGOs, educational institutions, offices, and apartment complexes. Discovering what the private security firms are not doing is necessary. Every day, banks must move billions of dollars using their cash-carrying equipment. The ATM booths and cars are always watched upon by private security firms.⁷³The functions that private security firms offer now include investigation assistance, executive/close protection services, due diligence, emergency evacuations, critical/remote area activities, event safety, resolving conflict, logistics, electronic protection, maritime security, dog squad assistance (K9), and other facilities.⁷⁴

4.2. Current Status of Labour Rights of Private Security Guards

The government added the private security services industry as the 43rd industrial sector to the minimum wage board in February 2018 and selected owners' and employees' representations to the board to set security guard pay.⁷⁵The board suggested Tk 9,140 as the minimum monthly compensation in district town regions for grade 4 (security guard). The sum consists of a base salary of Tk 5,600, 40% of the basic salary (Tk 2,240) for housing expenses, Tk 1,000 for medical expenses, and Tk 300 for travel expenses.⁷⁶

The life of the private security guards is miserable. Often the companies do not comply with the minimum wage rate fixed by the government. Further, the working hour provision is not

⁷³ Sharif (n).

⁷⁴ Brigadier Sharif (n).

⁷⁵ 'Minimum wage of Tk 9,140 for security guards proposed' (The New Age, 12 June 2021)

<<https://www.newagebd.net/article/140541/minimum-wage-of-tk-9140-for-security-guards-proposed>> accessed 20 December 2022.

⁷⁶ *ibid.*

followed and security guards perform duties almost 24 hours shift with barely minimum salaries. Most of the guards do not even enjoy any weekly holiday. Moreover, some companies fine the guards for silly mistakes.⁷⁷ There are large corporations, businesses, and CSR players in the nation that are hesitant to pay security guards even Tk. 5,000.00 to Tk. 6000.00 per month for an 8-hour job. This translates into a monthly guard fee of more than US\$60. How can you really expect a basic level of decent service from this sector with such a vivaciously low yield? Actually, the situation is quite sad. The Security Company Associations have been pitifully ineffective — they are not strong negotiators, like BGMEA & other Associations in the nation, to make any progress with the relevant authorities.⁷⁸ Any trade unions or representative organization of private security guards is absent in Bangladesh.

4.3. Relevant Case Laws on Worker Status

In order to understand the legal standing on the labour rights of the private security guards, it is crucial to analyze the relevant judgements of the Courts.

General Manager, Shield Ltd. Vs. First Labour Court, Dhaka⁷⁹

The Court held that the respondent was the Chief Inspector of an organization, and the nature of his duties included gathering guard requirements from various organizations and institutions. Given the respondent's line of work, it was determined that he was an employee. A gross monthly minimum salary of Tk 9,140 has been proposed by the minimum wage board for employees in the nation's private security services industry.⁸⁰

Mujibur Rahman Sarkar vs. Chairman⁸¹

The Labour Court held that just because someone has a job as a supervisor doesn't mean they stop being a worker. A worker no longer qualifies as a "worker" if he or she performs management or administrative duties. When deciding between a "worker" and a "manager/administrator," it's crucial to look at the actual work that the person is doing rather

⁷⁷Mir Mohammad Jasim, 'The misery of security guards' (*The Business Standard*, 30 October 2019) <<https://www.tbsnews.net/bangladesh/misery-security-guards>> accessed 20 December 2022.

⁷⁷ *ibid.*

⁷⁸ Brigadier Sharif (n).

⁷⁹ General Manager, Shield Ltd. Vs. First Labour Court, Dhaka (1997) 2 Bangladesh Law Chronicles 366.

⁸⁰ *ibid.*

⁸¹ Mujibur Rahman Sarkar vs. Chairman (1979) Labour Court, Khulna, 31 DLR 301.

than just the title of the role. In each situation, the question of whether a person is a worker or not must be decided in light of the available information.⁸²

Sonali Bank and another vs. Chandon Kumar Nandi⁸³

The High Court Division held that as an Assistant Cashier, the claimant did not perform management or administrative duties; rather, he was performing clerical labor, which is what workers in shops and commercial establishments are considered to be. Therefore, it is without a doubt true to say that the plaintiff is an employee.⁸⁴

Rupali Bank Ltd vs Nazrul Islam⁸⁵

Appellate Division asserts that the term "worker" includes anyone who, while employed, performs any skilled, under skilled, manual, specialized, trade promotional, or clerical jobs for pay or reward, whether the term of employment is express or implied. This includes people who work in commercial or industrial establishments for productive uses.

Dosta Textile Mills vs. SB Nath⁸⁶

The AD held that to determine whether a person is a "worker" or not for the purposes of the Act, the simple identification of the employee is insufficient. Instead, what decides this is the type of job he does, which demonstrates the scope of his power.

Managing Director, Rupali Bank Ltd. vs. Nazrul Islam Patwary and others⁸⁷

In this case a private security guard of the bank was defined as a worker under the Bangladesh Labour Act 2006.⁸⁸

4.4. Chapter Conclusion

Currently, there are more than 800 security firms operating across the nation. More than 700,000 people now have employment options thanks to these businesses. The life of the private security

⁸² *ibid.*

⁸³ (Sonali Bank and another vs. Chandon Kumar Nandi 1996) 48 DLR 330.

⁸⁴ *ibid.*

⁸⁵ Rupali Bank Ltd vs Nazrul Islam 48 DLR (AD) 62.

⁸⁶ Dosta Textile Mills vs. SB Nath 40 DLR (AD) 45.

⁸⁷ Managing Director, Rupali Bank Ltd. vs. Nazrul Islam Patwary and others (1996) 1 Bangladesh Law Chronicles (AD) 159.

⁸⁸ *ibid.*

guards is miserable. Often the companies do not comply with the minimum wage rate fixed by the government. Further, the working hour provision is not followed and security guards perform duties almost 24 hours shift with barely minimum salaries. Most of the guards do not even enjoy any weekly holiday. Moreover, some companies fine the guards for silly mistakes. Analyzing the judicial pronouncements, it is found that private security guards are recognized as worker under the existing labour legislation of Bangladesh.

CHAPTER-FIVE

CONCLUDING ANALYSIS

5.1. Findings

The significant findings of the study are as follows:

1. The private security guards are recognized as ‘labour’ under the existing labour rights related legislation in Bangladesh, the Bangladesh Labour Act 2006. Although the Act contains certain industry-specific provisions, there is no separate provisions on the rights of the private security guards considering their nature of work which different than other workers.
2. The minimum wage rate fixed by the Board and pertinent provisions related to wage under the BLA 2006 are not followed by the employing companies. further, there is no payment for overtime. Furthermore, some employers cut the salaries in the name of fine without following any guideline.
3. The working hour provisions fixed by the legislation is not followed in the majority cases. The private security guards are compelled to do inhumane 18 to almost 24 hours shift without any weekly holiday. The work schedule is not fixed in most of the cases.
4. There is an absence of any designated authority, either government or private, to monitor the compliance of minimum wage or working hour regulations for the private security guards. In absence of such regulatory authority the employing companies makes rules arbitrarily breaching the labour rights of the private security guards.

5.2. Recommendations

1. Separate provisions for private security guards should be incorporated in the BLA 2006. The provisions should contain detailed descriptions of their rights. Consultation should be made with all the stake holders in this regard.
2. Government should ensure the execution of the minimum wage rate by strengthening the monitoring mechanism. The employers should be held liable for the incompliance. Arbitrary fines should be prohibited and a guideline should be formulated for the pecuniary punishment for professional negligence.

3. Government should strictly monitor the compliance of working hour regulation. Working hour should be fixed based on the multiple considerations including job responsibility and physical effort requirements. Overtime payment should be made mandatory.

4. A highly empowered designated government author should be formed to monitor the compliances of the private security service companies and employers. The representation of the all the stakeholders should be ensured in the monitoring body.

5.3. Conclusion

The private security service is thriving parallelly with the fast-growing economy of Bangladesh. However, the life and living standard of the private security guard remain below average. The government and other concerned stakeholders should come forward and take all-inclusive approach to ensure the labour rights of the private security guards. It is high time, the government should strictly monitor the compliance of minimum wage and working hour regulation. A designated government author should be formed to monitor the compliances of the private security service companies and employers. Finally, the protection of the rights of the said guards would strengthen the protection of our lives and assets.

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