



LEGAL FRAMEWORK

Bureau of Manpower, Employment and Training (BMET), under the Ministry of Expatriates' Welfare and Overseas Employment (MEWOE), is responsible for managing the complaints mechanism. This mandate is codified under the Overseas Employment and Migrants Act 2013 (Act. No. VLVIII of 2013). Article 41 stipulates the right of Bangladeshi workers to file complaints, the State's authority to investigate within a timeframe of 30 working days and seek forms of dispute resolution.

LEGAL AND INSTITUTIONAL FRAMEWORK

- *Wage Earners' Welfare Fund Rules 2002*
- *Recruiting Agent's Conduct and Licence Rules 2002*
- [*Expatriates' Welfare and Overseas Employment Policy 2016*](#)
- *Wage Earners Welfare Fund Act 2017 is under process (draft approved by Cabinet in November 2017)*
- *Ministry of Expatriates' Welfare and Overseas Employment*
- *Bureau of Manpower, Employment and Training*
- *Bangladesh Overseas Employment and Services Limited*
- *Wage Earners' Welfare Board*
- *Bangladesh Association of International Recruitment Agents*

Box 1: Complaints to Government (Article 41)

- *Any person aggrieved may, without forsaking the right to file a criminal case, file a complaint, including a complaint about fraud, demand for money related to costs at unapproved rates, or a breach of contract against any person, including a recruitment agent, with a relevant government authority.*
- *The government or authorities or a person authorized by the government shall complete the investigation within not more than 30 working days after the receipt of a complaint under subsection (1).*
- *If the investigation conducted under subsection (2) finds the complaint true, the government or authorities or person authorized by it may, by order, dispose of the complaint directly or through arbitration (Salish) within three months from the date of completion of the investigation.*

¹ The section received extensive inputs from IOM Bangladesh.

- *The procedures for resolving complaints through arbitration under subsection (3) shall be prescribed by rules.*

Source: Article 41, [Overseas Employment and Migrants Act 2013](#), Bangladesh

Moreover, the Emigration Rules 2002 describes how complaints are handled, as shown in Table 4.

Table 1: Emigration Rules 2002 on Complaint Handling

Article	Contents
Article 23: Disposal of complaint by registrar	<p><i>The registrar shall arrange to inquire into any allegation received against any emigrant or recruiting agent.</i></p> <p><i>During the inquiry, the emigrant or recruiting agent shall be given the opportunity of personal hearing.</i></p> <p><i>The registrar may, if he deems necessary, send a copy of inquiry report to police or court.</i></p>
Article 24: Disposal of complaint by government	<p><i>If any complaint is directly received against any emigrant or recruiting agent, the government shall send that to the registrar for inquiry.</i></p> <p><i>If any request for inquiry is received under sub-rule (1), the registrar shall take measures under rule 23.</i></p>
Article 25: Disposal of complaint by labour attaché	<p><i>If any complaint is received against any emigrant, employer or recruiting agent, the labour attaché shall take the following measures, such as:</i></p> <ul style="list-style-type: none"> • <i>If the complaint is against the employer, then, he/she will assist in addressing the complaint between the employer and complainant</i> • <i>If the complaint is not addressed as per clause (a), then, he/she will assist the complainant in instituting a case in such court in which he/she may get relief in respect of the complaint</i> • <i>If the complaint is against any agent, then, he/she will refer the matter to the government or registrar with necessary information and recommendation</i> • <i>If any employer lodges any complaint against the recruiting agent, then the labour attaché shall send a report to the government or the registrar with his/her recommendations for taking necessary action against the agent, after conducting such inquiry as he/she may deem appropriate.</i> • <i>If any complaint is lodged by the employer against the emigrant, then, the labour attaché shall pursue the emigrant to abide by the terms and conditions of the contract and in the case of serious misconduct, shall take measure for repatriation of the emigrant to the country.</i>

Source: [Emigration Rules 2002](#)

COMPLAINT CHANNEL

The BMET receives complaints from migrants regarding fraud, malpractice and ill-treatment through government offices and/or [online](#).

Through government offices

Migrants can file complaints through government offices, such as BMET and labour wings. BMET requires migrants to lodge complaints through its office or District Employment and Manpower Offices (DEMO). Migrant workers can also lodge complaints through labour wings and Bangladesh diplomatic missions in destination countries. The Bangladesh Government promotes simplification of the complaints process, with the public invited to submit a complaint in simple Bengali language.

BMET's digitalized complaint mechanism

Bangladesh established a digitalized complaint mechanism system (OCM), as seen on the BMET's [website, in 2011](#). This system allows workers from Bangladesh to lodge complaints during recruitment and employment abroad without being present at the DEMO or BMET office. The portal has simple options for migrant workers to select, such as overtime, salary, accommodation, health and physical-sexual harassment. The portal has an imbedded function to upload supporting documents to substantiate a claim. Concurrently, migrants from Bangladesh can lodge complaints and give feedback through BMET's web-portal. This online platform can report the status of a lodged complaint. This online system ultimately aims to capture complaints in a timely manner from the MEWOE, DEMOs, Wage Earners' Welfare Board (WEWB), labour attachés and private recruitment agencies. Furthermore, the BMET provides legal aid assistance to workers. The BMET also added a complaint management cell for expatriate female workers (BMET, 2017). BMET is the official entity for migrant worker complaint management.

BMET's smart card

BMET has introduced biometric information which captures fingerprints, synchronized with the digitalized complaint system.

Box 2: Website for Lodging Complaint in Bengali Language

বিএমইটি অনলাইন অভিযোগ	🏠 অভিযোগ	বিএমইটি প্রসঙ্গে	অভিযোগ অনুসন্ধান	যোগাযোগ
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বিএমইটি অনলাইন অভিযোগ ফরম

অভিযোগকারী সম্পর্কে তথ্য:

• অভিযোগকারীর নাম:	<input type="text" value="অভিযোগকারীর নাম"/>
	* অবশ্যই পূরণ করতে হবে।
• পাসপোর্ট নং:	<input type="text" value="পাসপোর্ট নং"/>
	* অবশ্যই পূরণ করতে হবে।
• জেলা:	<input type="text" value="নীচের তালিকা হতে চিহ্নিত করুন"/>
	* অবশ্যই পূরণ করতে হবে।
• উপজেলা:	<input type="text" value="-"/>
	Please select an item in the list.
	* অবশ্যই পূরণ করতে হবে।
• যোগাযোগের ঠিকানা:	<input type="text" value="যোগাযোগের ঠিকানা"/>
	* অবশ্যই পূরণ করতে হবে।
মোবাইল নং:	<input type="text" value="মোবাইল নং"/>
	8801xxxxxxxx
ই-মেইল (যদি থাকে):	<input type="text" value="ই-মেইল"/>

Source: Bangladesh Government

According to BMET, 11 recruiting agencies were penalized under the Overseas Employment and Migrant Act 2013 during 2017 and the amount of compensation provided by BMET to the complainer migrants in 2017 was 78,80,000 BDT (BMET, 2017).

District/stakeholder fairs

The MEWOE organizes district and multi-stakeholder fairs to raise awareness of migrants and recruiters on the complaints mechanism. This platform builds trust and its reach is broadened through television and social media.

Destination side

Bangladesh has labour wings, led by 64 welfare attachés in 29 countries (Australia, Bahrain, Brunei Darussalam, Canada, Egypt, Greece, Hong Kong SAR, China, Iraq, Italy, Japan, Jordan, KSA, Kuwait, Lebanon, Libya, Malaysia, Maldives, Mauritius, Republic of Korea, Russia, Oman, Qatar, Singapore, South Africa, Spain, Switzerland, UAE, Thailand). In Bangladesh, out of 3,116 complaints received during 2009 - 2013, about 55 per cent were settled (Islam M. R., 2016). Welfare officers at embassies provide information regarding complaints mechanisms as well as conduct outreach programmes. Embassies or consulates provide country-specific booklets. Welfare officers receive week-long training programmes prior to deployment to destination countries. The training teaches elements of how officers can best serve migrants and improve their rights during employment abroad.

WAGE EARNERS' WELFARE BOARD COMPLAINT MECHANISM

Bangladesh also has established a complaint mechanism through the WEWB in major airports, namely the Shahjalal, Shah Amanat and Osmani at international airports in Dhaka, Chittagong and Sylhet, respectively. The WEWB set up welfare desks at these ports of departure and arrival for migrants to lodge complaints and seek remedies to problems which require on-the-spot solutions. This WEWB complaint mechanism addresses the welfare issues of migrant workers and their families, who can engage the Probash Bondhu Call Centre, which is attached to the welfare desks by telephone, e-mail and social media, such as Facebook.² Migrants and their families can seek compensation in cases of injury, health and death. The WEWB assists migrants' families through provision of scholarships to children, with more than 995 children benefitting during 2012 - 2015 (WEWB, 2016). WEWB provides services to migrants and families at district level through welfare desks at district commissioner's offices and DEMOs. Furthermore, the WEWB assists local administrations to ensure migrants and families receive help in villages and communities.

Table 2: Coverage of Assistance of WEWB

<i>Areas of assistance</i>	<i>Coverage</i>
<i>Health matter(disability/sickness)</i>	<ul style="list-style-type: none"> Financial assistance and other support to distressed migrant workers for health matters Ambulances for disabled and sick migrant workers Admission to hospital Transfer to homes in Bangladesh from destination countries

² The centre can be reached by WhatsApp, Viber and IMO by dialling +8801678668813.

<i>Deaths</i>	<ul style="list-style-type: none"> • Burial • Death compensation • Cost of carrying and burial • Financial grant for deceased person's family
<i>Family support</i>	<ul style="list-style-type: none"> • Scholarships for migrant's children • Guardianship certificate • Certificates to migrant's children for admission under migrant quotas at different educational institutions • Resources to protect migrant workers • Welfare desk at airports and at district level
<i>Welfare Network</i>	<ul style="list-style-type: none"> • Welfare network extended to diaspora through online registration for membership of Wage Earners Welfare Fund

Source: WEWB

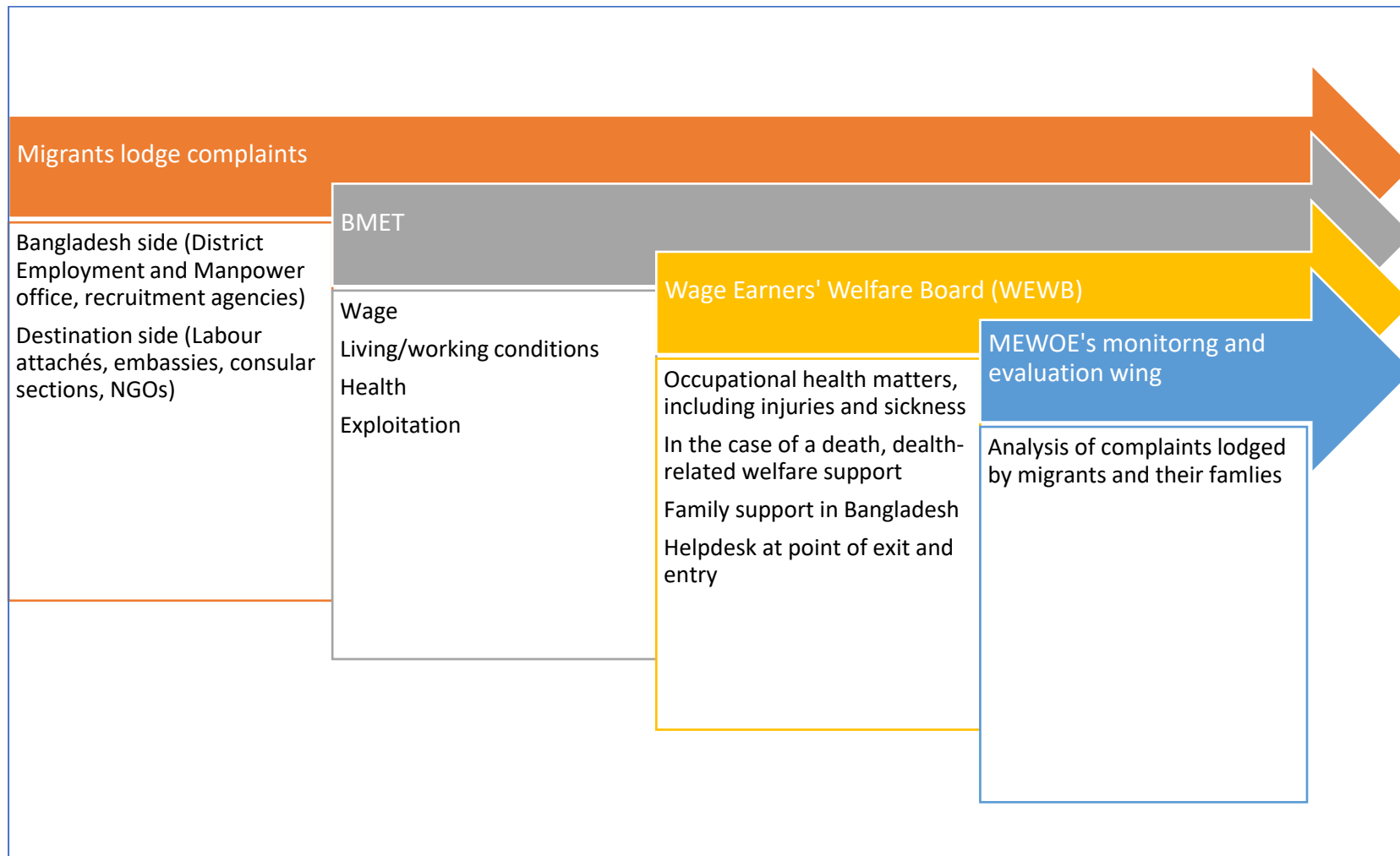
MONITORING AND REPORTING SYSTEM

With regards to the national monitoring and reporting system, complaints are ultimately sent to MEWOF's Monitoring and Enforcement wing. They are processed as non-compliance of conditions reports, with respect to recruiting agencies, to help identify anomalies in the recruitment process.

Pre-departure/post-arrival orientation and information campaigns

The BMET conducts awareness raising programmes at technical training centres to inform migrants on where and how to lodge complaints. It further rolls out information campaigns through different channels utilizing theatres, community events and road shows.

Box 3: Complaint Mechanism Procedure (Bangladesh)



Source: Government of Bangladesh, 2018

INITIAL RESOLUTION

The initial resolution process is handled at the BMET level and addresses complaints against recruitment agencies and more broadly issues related to recruitment and employment. Table 6 illustrates how migrants can report problems:

Table 3: Issues Bangladesh Migrants can report

<i>Area of problems</i>	<i>Content of BMET-handled complaints</i>
<i>Wages</i>	<i>Salary issues (less, non-, irregular and overtime payments)</i>
<i>Migration points</i>	<i>Stranded at airport</i>
<i>Working conditions</i>	<i>Job and working environment different from agreed contract</i>
<i>Living conditions</i>	<i>Food, accommodation</i>
<i>Health</i>	<i>Mental and physical health</i>
<i>Harassment</i>	<i>Psychological, physical and sexual</i>

Source: BMET, 2017

Labour attachés, under the labour sections of embassies, are often the first to respond to complaints as they have a mandate to look after the welfare of migrant workers, visit their workplaces and respond to queries and complaints. In cases of contract violations, labour sections will attempt to address problems by engaging employers, lobbying host governments in cases of contract violations by employers and recruiting agents, facilitating legal support and providing shelter to those in need (Islam M.N.).

SECONDARY RESOLUTION

When complaints are not satisfactorily resolved, migrants and families have the option of taking complaints to a higher level. The Ministry set up four courts in each division (Dhaka, Chittagong, Khulna and Rajshahi) in 1983 to address grievances. The government issued an order to permit the Director General of BMET, managers of employment exchanges and assistant directors of district employment to lodge complaints to special courts on behalf of migrants.

