

Wage Earners Welfare Board Act, 2018

(Act No. 30 of 2018)

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(Act No. 30 of 2018)

[29 July, 2018]

An Act to make provisions for the establishment of the Wage Earners' Welfare Board for the protection and wellbeing of expatriates and their dependants, keeping consistency with different international Conventions and Charters ratified by Bangladesh and for matters ancillary thereto

Whereas it is expedient & necessary to establish the Wage Earners' Welfare Board for the protection and wellbeing of expatriates and their dependants, keeping consistency with different international Conventions and Charters ratified by Bangladesh and for matters ancillary thereto;

Therefore it is hereby enacted as follows:

1. Short title and commencement.- (1) This Act may be called the Wage Earners' Welfare Board Act, 2018.

(2) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

- (1) "migrant" means any citizen of Bangladesh who has migrated to any foreign country for the purpose of being engaged in any work or profession and is staying in that foreign country;
- (2) "migrant workers" means any Bangladeshi citizen who, for earning wages in any other foreign state-
 - (a) is in the planning process to migrate for work or is departing or has departed to such foreign country for work;
 - (b) is employed in any work; and
 - (c) has returned to Bangladesh after being employed or without being employed;
- (3) "Fund" means any fund established under section 14;
- (4) "dependants" means the spouse and parents, as the case may be, children, brothers, sisters of a migrant or those who are financially dependent on him;

- (5) “Governing Council” means the Governing Council constituted under section 7;
- (6) “expatriates” means the migrants and migrant workers;
- (7) “regulations” means the regulations made under this Act;
- (8) “Immigration” means going outside of the country by any Bangladeshi citizen;
- (9) “rules” means rules made under this Act;
- (10) “Board” means the Wage Earners Welfare Board established under section 4;
- (11) “Bureau” means the Bureau of Manpower, Employment and Training established by Memo No: VIII/E-4/76/296, Dated 3-4-1976 of the Ministry of Health, Population Control and Labour;
- (12) “Director General” means the Director General of the Board;
- (13) “recruiting agent” means a person who is issued licence under section 9 of the Overseas Employment & Migration Act, 2013 (Act No. 48 of 2013); and
- (14) “Chairman” means the Chairman of the Governing Council.

3. Act to override other laws.- Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall prevail.

4. Establishment of the Board.- (1) As soon as may be, after the commencement of this Act, there shall be established a Board to be called the Wage Earners’ Welfare Board for carrying out the purposes of this Act.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

5. The head office of the Board.- (1) The head office of the Board shall be in Dhaka.

(2) The Board may, with the prior approval of the Government, establish its branch offices in any other place in Bangladesh.

6. General direction and administration of the Authority.- (1) The general direction and administration of the affairs of the Board shall vest in the Governing Council and such power shall be exercised by the Director General subject to overall control of the Governing Council.

(2) If the Director General, for the purposes of this Act, considers it to be necessary and expedient for efficient performance of his functions, he may, subject to the approval of the

Governing Council, delegate any of his powers and functions to any of the employees subordinate to him.

7. Governing Council.- (1) The Governing Council of the Board shall consist of the following members, namely:-

- (a) Secretary, Ministry of Expatriates' Welfare and Overseas Employment, who shall also be its president;
- (b) Director General, the Bureau of Manpower, Employment & Training;
- (c) one representative not below the rank of the Joint Secretary nominated by the Finance Division;
- (d) one representative nominated by the Ministry of Foreign Affairs not below the rank of the Director General;
- (e) one representative nominated by the Ministry of Women & Children Affairs not below the rank of the Joint Secretary;
- (f) one representative nominated by the Ministry of Civil Aviation & Tourism not below the rank of the Joint Secretary;
- (g) one representative nominated by the Ministry of Legislative and Parliamentary Affairs not below the rank of the Joint Secretary;
- (h) one representative nominated by the Security Services Division of the Ministry of Home Affairs not below the rank of the Joint Secretary;
- (i) one representative nominated by the Ministry of Expatriate's Welfare and Overseas Employment not below the rank of the Joint Secretary;
- (j) Managing Director, Bangladesh Overseas Employment & Services Limited;
- (k) one representative nominated by the Bangladesh Bank, not below the rank of the Executive Director;
- (l) Chairperson, Bangladesh Association of International Recruiting Agencies;
- (m) 3 (Three) returnee migrant workers, nominated by the Government, of whom one should be a woman;
- (n) Director General, who shall also be its member secretary.

(2) The tenure of the members nominated under clause (m) of sub-section (1) shall be 3 (three) years from the date of their nomination:

Provided that the Government may, without showing any cause, terminate the above mentioned members at any time within the tenure, and the nominated member may also resign by writing under his hand addressed to the Government.

8. Functions of the Board.- For the purposes of this Act, the functions of the Board shall be as follows, namely:-

- (1) to adopt and implement projects for the welfare of the expatriates;
- (2) to provide the migrant workers with necessary support in case of war, natural disaster, lay-off of the employing agency or company, or financial crisis of the firm or any other emergency situation and, in some cases, to assist in returning back to the country;
- (3) to give social and financial security, and arrange for rehabilitation of the migrant workers returned back to the country;
- (4) to establish and operate a pre-departure briefing center for the migrant workers going abroad and to give them briefing;
- (5) to set up and run expatriate welfare desks at the airport and, if necessary, at the departure and arrival lounges in order to assist the migrant workers;
- (6) to rescue, bring back to country and, if necessary, provide legal & medical assistance to the migrant workers, if any of them becomes victim of torture, injured by accident, and falls in danger due to illness or any other reason while working overseas;
- (7) to bring back the dead bodies of the migrants to the country and, if necessary, provide financial assistance for burial-shroud or funeral;
- (8) to give assistance for realizing the compensation for the death of any migrant worker or illness due to professional hazard, unpaid remuneration, insurance and service benefits and sanction financial grant to their dependants;
- (9) to provide scholarship to the talented children of the migrant workers and assistance towards their physically challenged children and dependants;
- (10) to maintain, manage and develop the immovable and movable properties of the Board;
- (11) to invest the money of the Board fund in risk free and profitable sectors; and
- (12) to perform such other duties as the Government may, for the welfare of the expatriates, prescribe.

9. Special responsibility for the welfare of the female migrant workers.- The special responsibilities of the Board for the welfare of the female migrant workers shall be as follows:-

- (a) to rescue, bring back to country and provide legal and medical assistance to the female migrant workers, and realize compensation and, if necessary, organize help desks and safe homes at home and abroad in this behalf, if any of them becomes victim of torture, injured by accident, and falls in danger due to illness or any other reason while working overseas; and
- (b) to take and implement projects for social and financial rehabilitation and re-integration of the female migrant workers who have returned back to the country.

10. Meeting of the Governing Council.- (1) Subject to the other provisions of this section, the Governing Council may prescribe the procedure of its meeting.

(2) At least one meeting of the Governing Council shall be held in every 2 (two) months, and the date, time and place of the meeting shall be determined by the Chairman.

(3) To constitute a quorum at a meeting of the Governing Council, the presence of at least 9 (nine) members shall be required.

(4) Every member present at the meeting of the Governing Council shall have one vote and the decisions of the meeting shall be taken by majority of votes, but in case of equality of votes, the Chairman shall have right to give a casting vote.

(5) Any person specially invited to a meeting for assisting in the decision making process may express his opinion in the meeting, but he shall have no voting right.

(6) No act or proceeding of the Governing Council shall be invalid merely on the ground of the existence of any vacancy in, or defect in the constitution of, the Governing Council.

11. Special power of the Chairman during emergency.- (1) For the purposes of this Act, if it requires to take any urgent decision in any emergency situation, the Chairman may take any reasonable decision.

(2) Any decision taken under sub section (1), must be approved in the following Board meeting.

12. Director General.- (1) There shall be a Director General of the Board who shall be appointed by the Government from among the personnel having the status of a Joint Secretary or higher rank.

(2) The Director General shall be the Chief Executive of the Board, and he shall-

- (a) exercise such power and discharge such functions as may be conferred upon him by the Governing Council; and
- (b) be responsible for implementing all the decisions of the Governing Council.

(3) If any vacancy occurs in the office of the Director General or the Director General is unable to discharge the functions of his office on account of absence, illness or any other reason,

the person of the same status appointed by the Government shall act as the Director General until the newly appointed Director General takes over the charge against the vacant post or the Director General resumes the functions of his office.

13. Appointment of employees.- (1) The Board may, subject to the organizational structure approved by the Government, appoint such number of employees as may be required for efficient performance of its function;

(2) The terms and conditions of the appointment of employees and their services shall be prescribed by regulations.

14. Fund.- (1) The Board shall have a fund and the following money shall be deposited to the fund, namely:-

- (a) grants made by the Government;
- (b) fees determined and realized by the Government;
- (c) interest accrued from the security money deposited by the recruiting agencies;
- (d) grant in aid received from any local or foreign agency or organization subject to the prior-approval of the Government;
- (e) money collected by Bangladesh Mission or Embassy as surcharge at the rate of 10% on welfare fee, attestation fee and consular fee.
- (f) profit gained by investing money of the fund;
- (g) money earned from the lease or rent of movable and immovable property, etc. of the Board;
- (h) money received from any other legal sources.

(2) All money of the fund shall be deposited in any Scheduled Bank by the name of the Board and the fund shall be operated in such manner as may be prescribed by rules.

Explanation: “Scheduled Bank” means the Scheduled Bank as defined in Article 2(j) of the Bangladesh Bank Order, 1972 (President`s Order No. 172 of 1972).

(3) The money of the fund may be spent in such manner as may be prescribed by rules.

15. Audits and account.- (1) The Board shall maintain its accounts and prepare an annual statement of such accounts in such manner as may be determined by the Government.

(2) The Comptroller and Auditor-General of Bangladesh shall audit the accounts of the Board every year and submit a copy of the audit report to the Government and to the Board, and the Board shall send it to the Government, with its observation or objection on it, if any.

(3) For the purpose of an audit under sub-section (2), the Auditor-General or any person authorized by him in this behalf shall have access to all records, documents, cash or bank

balances, securities, stores and other property of the Board and may examine any member of the Governing Council or any employee of the Board.

(4) In addition to the audit of accounts conducted under sub-section (2), the accounts of the Board shall be audited by a Chartered Accountant as defined in Article 2(1) (b) of the Bangladesh Chartered Accountants Order, 1973 (President's Order No. 2 of 1973) and the Board may employ one or more Chartered Accountants for this purpose.

(5) The Board shall, as soon as possible, take steps to redress any defect or irregularity identified in the audit report.

16. Report.- (1) The Board shall, within 4 (four) months after the end of every financial year, send to the Government a report on the affairs of the Board during the financial year.

(2) The Government may, if necessary, at any time, require from the Board any report or statement regarding any of its affairs, and the Board shall be bound to comply with such requisition.

17. Providing Assistance.- If the Board require any assistance from any person, authority or organization in performing its functions, the person, authority or organization shall provide such assistance.

18. Dispose of complaints.- In cases where any expatriate, any dependant or any person receiving service from the Board is affected or deprived of assistance or aggrieved for any reason due to negligence in duty, misconduct or corruption by any member of the Governing Council or any employee of the Board, the Government shall take measures to dispose of the matter by lodging complaints, settling the issue and, where applicable, by preferring an appeal in the manner prescribed by rules.

19. Power to make rules.- For carrying out the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

20. Power to make regulations.- For carrying out the purposes of this Act, the Board may, with the prior approval of the Government and by notification in the official Gazette, make such regulations not inconsistent with this Act or the rules made thereunder.

21. Repeal and savings.- (1) The Wage Earners Welfare Fund Rules, 2002, hereinafter referred to as the said rules, are hereby repealed.

(2) Notwithstanding such repeal under sub-section (1)-

- (a) any act done or measures taken, any regulation made, order, circular or notification issued, notice given, any budget estimation, scheme or project developed or any program going on under the repealed rules shall be deemed to have done, taken, made, issued, given, developed or be going on under this Act;

- (b) the Governing Board constituted under the repealed rules, hereinafter referred to as the Governing Board, shall remain effective until the Governing Council is constituted under this Act, and-
 - (i) all debts, liabilities and obligations of the Governing Board and all the agreements made by, on behalf of, or with it shall be deemed to be the loans, liabilities and obligations of the Board, and the agreements made by, on behalf of, or with it;
 - (ii) all permanent employees of the Governing Board shall be deemed to be the employees of the Board, and shall be employed on the same terms and conditions as they were applicable to them immediately before the commencement of this Act, until the Board modifies the terms and conditions of their service; and
 - (iii) any suits or legal proceeding instituted against or by the Governing Board shall be deemed to be the suits or legal proceeding instituted against or by the Governing Board;
- (c) all assets, rights, power, authorities, benefits and movable and immovable properties, cash or bank balances and security, fund, investment, all claims, books of account, register, records and other documents of the Wage Earners Welfare Fund constituted under the said rules shall be transferred to, and vested in, the Board; and
- (d) the immovable properties of the Wage Earners Welfare Fund constituted under the said rules which have already been achieved in favor of the Director General of the Bureau shall be transferred to, and vested in, the Board.

22. Publication of authentic English Text.- (1) After the commencement of this Act, the Government shall, by notification in the official Gazette, publish an authentic English Text of this Act.

(2) In the event of conflict between the Bangla text and the English text, the Bangla text shall prevail.
