The Child Labor in Bangladesh: A Challenge to Develop the Current Position by Labor Law

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Abstract

In general, child labor is a term that is used to describe work or physical labor by children that harm them or exploit them in some way – physically, mentally, morally, or by blocking their access to education. By and large, the “child labor” problem is a matter of grave concern in the world and more specifically in third world countries like Bangladesh. The effects of the exploitation of child labor are that it will cause impediments that will slow down, in the long run, the economic growth and social development of a child to develop unlike any other child with conventional upbringing. Bangladesh Labour Act 2006, introduced laws by including conditions and prohibitions to provide safety and security for children and adolescents at work. This paper aims to analyze the nature and determinants in relation with the law of child labor from the perspective of Bangladesh and by taking into consideration Bangladesh Labour Act 2006 including children’s occupational preferences and their views on work and school. In addition, it will analyze the current position of child labor and discusses the impact of the particular Act for reducing the percentage of child labor.

Keywords: Child Labor; Reason and Current Position in Bangladesh; Child Education; Steps of Government to Improve the Position

1. Introduction

Children are the future of any society and to ensure that the society gets dividends, in the long run, it is very important that the society invests in the development of the early years of children. In general, scientific research has shown that in ensuring the proper development of children the society ensures the increase in the chance of their future success, as early experiences provide the base for the brain’s organizational development and functioning throughout life. They have a direct impact on how children develop learning skills as well as social and emotional abilities, by shaping children’s future health, happiness, growth, development and learning achievements at school, in the family and community, and in life in general1. This is, however, a complete opposite when it comes to the practical situation in Bangladesh where child labor has become an obstacle to the development of their physical and mental health. Child labor is the practice of having children in economic activity, on the part-time or full-time basis. It is a serious problem for the economy of any nation. In Bangladesh, the Labour Act and International Labour Organization (ILO) have strongly prohibited for children to engage in any form of labor through labor market framework. It is their belief that all children have the right to have access to quality health care, good nutrition, education, play, and to grow up in an environment in which they

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1 Child development and early learning, why it is important to share and act on this information, facts for life, fourth edition published in 2010, www.factsforlifeglobal.org
are enabled to reach their full potential in life. However, the stark reality is that according to The Child Labour Survey 2013, it has been estimated that there are about 1.7 million children who are child labor in Bangladesh which is really unfortunate as Bangladesh is losing out on the opportunity of seeing its children grow up and could have become the future nation builders and this further indicates that the country has lost potential resources because of the employment of children in hard labor. Children are being engaged in both formal and informal sector in Bangladesh. This practice must forgo, as the presence of child labor in economy is tampering with the economic growth of the country as well as the prospective human resources and this situation can only be overcome by giving proper education and training facilities which will help the children to acquire the education, expertise, and experience that is needed to reach their full potential and apply themselves in our nation-building activities. Therefore, it is necessary to increase close monitoring to continue child education.

The government addressed this issue and to redress, rectify and improve the situation passed the Bangladesh Labour Act 2006 the Final Amendment of which came into force in 2015, and this provides a basic guideline for the child worker and their working hours with different conditions of prohibition. ILO also introduced a framework to prevent child labor.

The enactment of the National Child Labour Elimination Policy 2010, opened a new phase for children to make meaningful changes in their lives by withdrawing them from all forms of child labor including any hazardous work with the view to maximize their future well-being to achieve the skills of social and emotional abilities.

1.1. Objectives

The aim of this research is to examine the provisions relating to different issues of the Bangladeshi Law and impact of these provisions in Bangladesh. The objective of this research is to examine the different criteria of laws relating to child labour in Bangladesh and its effectiveness in terms of its implementing in Bangladesh. The motto of this study is to evaluate the child labour laws prevailing in Bangladesh and its effectiveness to implementation in comparison with other international frameworks, the instrument of child labour law in other countries which will indicate the lacking as well as the hindrance in of implementation of child labour in Bangladesh. The regular monitoring of the implementation of child labour law in Bangladesh will fill up the lapses. The child labour may only be minimized but not fully removed by giving facilities for proper education and social support to the poor children by the government and social organization. The aforesaid mentioned support to the poor children will help to develop their confidence for their better future. These sorts of support are very important aspects to develop their future which is the core objectives of this study.

1.2. Methodology

This paper was encouraged by taking into account the information of child labor that is mentioned in the work environment in Bangladesh and a comparative study with the standard that is being provided by the international labor framework. The research is based on the primary law, that is, Bangladesh Labour Act 2006, 2013, 2015, National Child Labour Elimination Policy 2010, and the secondary data, that is, different types of research, conference papers and survey report of Bangladesh.

2. Definition of Child and Child Labor

According to the dictionary meaning, a child is a person who is under the support of his or her parents. Parents will provide all needs of a child. Whereas, in fact, the scenario is somewhat different than that from the dictionary meaning. The case is not uncommon where children have become laborer for survival and are supporting their parents by contributing financially to the family. For this purpose,
Bangladesh Labour Act 2006\(^4\) states that “child” means a person who has not completed his 14\(^{th}\) year of age. ILO gives the option to the countries to specify a minimum age for labor and specifies the minimum age of 18 years for work which “is likely to jeopardize the health, safety, or morals of young persons”\(^5\).

Child labor is the employment of a child in a business or industry, especially in violation of state or federal statutes prohibiting the employment of children under a specified age\(^6\). Therefore, child labor is a person:

- Is below the specific age according to the law
- Is doing work that is depriving them of their rights of childhood
- Is harming their physical and mental development
- Is forced to leave school or combine schooling
- Is getting sick from the kind of work that they do.

Therefore, Children’s or adolescents’ participation in work that does not affect their health and personal development or interfere with their schooling cannot be classified as a child labor. For example, sometimes positive activities such as helping their parents around the home, assisting in a family business after school hours. Any kinds of activities contribute to children’s development, that is, different types of skills and experience and to prepare them to be productive members of society during their adult life\(^7\).

The Ministry of Labour and Employment has adopted a National Child Labour Elimination Policy

\(^4\) Section 2(Lxiii) of the Bangladesh Labour Act 2006 amended by 2(63) of the Bangladesh Labour Act 2015.
\(^5\) Article 3 of the Minimum Age Convention, 1973 Convention No. 138.
2010⁸, which provides⁹ a framework to eradicate all forms of child labor and provides the criteria for defining hazardous work for children which includes working more than five hours a day, work that creates undue pressure on physical and psychological well-being and development, work without pay, and work where the child becomes the victim of torture or exploitation or has no opportunity for leisure (Table 1).

3. Reason Behind Child Labor

“According to the experts, the main reasons for the emergence of child labor in bigger cities are unhealthy family life and economic deprivation. Families strained by financial difficulties cannot cope with the increasing demands of their children and sometimes even fail to provide them with adequate nutrition. This appears to be the main reason for children to look for their own sources of income¹⁰.” There are different reasons for child labor which are discussed below.

3.1. Poverty and Economic factors

Adult unemployment in a family at both rural and urban areas, bad working conditions, exploitation of workers, the death of a head of household, etc., have a direct effect on unemployment and poverty which ultimately puts a family in hardship and causes children to take up employment which involves labor. In Bangladesh, poverty is one of the main reason where 31.5% of the population lives below the national poverty line¹¹; poverty rate is now 25.6%, the present rate of the ultra-poor is 12.4%¹² and children seem to be an economic burden and are often prompted to work by their poor parents. That is why many poor parents send their children to work in the factories and mills and feel reluctant to send their children to school. Under such circumstances, parents consider their children better to assist their profession or engage in any other job to supplement the family income.

Again, it must be mentioned that the extreme poverty rate of Bangladeshis at $1.90 (2011 PPPs) was 18.5% in 2010, which corresponds to around 28 million poor in that year¹³. This affects the socioeconomic situation of a family and also affects the child labor situation. As it is more likely that a poor family will send its child to work as a laborer to bring some extra money to contribute in the family financially and thus the cause and effect of the relationship is directly proportional, that is, poverty raises the statistical chances of a child from a poor family to become a child laborer. Therefore, the underprivileged children not going to school and the dropout children from school involve themselves in various occupations involving labor. In addition, poverty-stricken families, usually show less interest in adopting family planning measures which ultimately turns a family large with a lot of sufferings in maintaining the family.

In addition, Bangladesh is trying to prove their position in respect of eradication of poverty and hunger. Bangladesh progress report¹⁴, under Millennium Development Goals¹⁵, indicates that it has

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8 3 March 2010.
11 BASIC 2017 STATISTICS; Economic Research and Regional Cooperation Department; Development Economics and Indicators Division; April 2017; www.adb.org.
13 Bangladesh Development Update; Sustained Development Progress; October 2016; The World Bank.
15 The millennium development goals (MDGs) were the eight international development goals for the year 2015 that had been established following the Millennium Summit of the United Nations in 2000, committed to help achieve the following Millennium Development Goals by 2015: 1. To eradicate extreme poverty and hunger; 2. To achieve universal primary education; 3. To promote gender equality and empower women; 4. To reduce child mortality; 5. To improve maternal health; 6. To combat HIV/AIDS, malaria, and other diseases; 7. To
sustained a gross domestic product growth rate of 6% or above in 2015 that has played a positive role in eradicating poverty. The poverty headcount ratio for 2015 is estimated to be 24.8%. Bangladesh has already met one of the indicators of target-1 by bringing down the poverty gap ratio to 6.5 against 2015 target of 8.0. Therefore, it can be argued that Bangladesh has demonstrated its capacity for achieving the goal of poverty reduction within the target timeframe by attaining food security which in a populous country like Bangladesh still remains as a challenge.

3.2. Natural disasters

Natural calamities such as riverbank erosion, floods, droughts, storms and tidal surges, earthquakes drive children toward greater risks of being engaged in physical labor. For example, Cyclone “SIDR” was one of the 10 strongest cyclones to hit Bangladesh between 1876 and 2007. This resulted in thousands of deaths and massive destruction of coastal communities and affected about 2 million families comprising about 9 million people and more than 1.5 million homes were destroyed\(^{16}\). As a result, parents get separated and their children face extreme hardships in managing bread and butter. In that situation, parents are bound to send the children to work which involves labor for continuing with their livelihood.

3.3. Overpopulation and lack of social responsiveness of the employers

According to the latest United Nations estimates, the current population of Bangladesh is 165,176,814, that is equivalent to 2.19% of the total world population and ranks number 8 in the list of countries (and dependencies) by population\(^{17}\). Because of overpopulation, lots of people become victims of unemployment and this widespread unemployment, social insecurity, and resource scarcity are the underlying factors of migration from rural to urban areas contribute in the rise of the problem of child labor. Therefore, poor families have less access to their basic needs and are forced to send their children to do hard labor to fulfill their needs.

Again, for overpopulation and the reasons mentioned above, the employers, owners, and managers and concerned authorities grab the opportunity to engage child laborers that are being provided by unemployment. They prefer to engage children at work as they can easily be exploited to work longer hours with minimum wages, i.e., it is more profitable to employ children as they cost less and can extract more work.

3.4. Illiteracy

Due to little learning, poverty, and lack of awareness, many parents consider education as a non-gainful activity and that they lose their patience to continue their children’s education for a continuous period of 10 or 15 years. The illiteracy of parents will cause them to neglect the physical and emotional development of a child as they do not realize the importance of one’s education and the effect of it that it will have on their future.

3.5. Less punishment

Table 2 tries to explain according to the Bangladesh Labour Act that any employer or any guardian will be punished with if they permit any child to work and the highest amount of penalty that can be imposed on an employer is 5000 TK and for guardian, it is 1000 TK. By considering the amount that has to be paid in case a penalty is imposed, it may be said that the employer and guardian do not feel threatened in case of violation of the law as the amount is too low. The penalty is too low to create any deterrence in the mindset of both the parents and the employers. Therefore, the employer can easily employ a child in their factories or industries.

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3.6. Others

Child labor is also increasing due to non-availability of education materials, lack of opportunity for education, and indifferent attitude of parents regarding the negative impact of child labor. Due to the culture of excessive dependence on the domestic help and conventional way of living in urban life, even the attentive pupils of rural areas are picked up and brought to the town for domestic work\textsuperscript{18}.

4. Current Situation of Bangladesh

By considering the latest child labor survey Bangladesh 2013\textsuperscript{19},

- The current situation of child labor in Bangladesh is;
  - The largest proportion of children, 45.7\% belongs to the age group 6–11 years.
  - The number of hazardous child labor\textsuperscript{21} are 1,280,195.
  - The number of child labor\textsuperscript{22} are 1,698,894.
  - The number of child labor are 1.70 million includes 1.28 million hazardous child labors.
  - Among the hazardous child labor, there is 0.26 million child labor who are engaged in notified hazardous work.
  - The number of child labor is 1.15 million in the rural area, 0.29 million in the urban area, and 0.25 million in the city corporation areas. Therefore, it is necessary to concentrate in the rural area more.
  - The number of male child labor is .95 million and female child labor is .75 million. Male children are more involves than female children in the child labor.
  - The number of the children attending school;
    - 79.5\% children are currently attending school.
    - There are mainly two reasons for never attending school,
      i. Economic cause (45.2\%)
      ii. Engagement with household chores (18\%)
  - The working children are engaged in different sectors that include household, agriculture, manufacturing, construction, wholesale, retail, and transport.
    - 49.32\% are employed by someone
    - Self-employed
      i. 13.69\% are worked as own account worker
      ii.32.53\% are worked for contributing family member
  - TK 5948 is the average monthly income of the child labor, whereas in the City Corporation area that is TK 7142 while TK 5542 in rural areas.

\textbf{Table 2: Penalty in relation to child labor}\textsuperscript{19}

<table>
<thead>
<tr>
<th>Section of Bangladesh Labour Act</th>
<th>Description of the reason</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>284</td>
<td>If any person employs any child or adolescent or permits any child or adolescent to work</td>
<td>Fine which may extend to 5000 (five thousand) taka</td>
</tr>
<tr>
<td>285</td>
<td>If the parent or guardian of a child makes an agreement in respect of the child</td>
<td>Fine which may extend to 1000 (one thousand) taka</td>
</tr>
</tbody>
</table>

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\textsuperscript{18} National Child Labour Elimination Policy 20103.
\textsuperscript{19} Bangladesh Labour Act 2015.
\textsuperscript{20} Bangladesh Bureau of Statistics; Published by: Bangladesh Bureau of Statistics with support from International Labour Organization (ILO); First Published October 2015; ISBN: 978-92-2-130655-9 (Print); 978-92-2-130656-6 (web pdf).
\textsuperscript{21} Hazardous child labour is those, irrespective of 5–17 years, working for more than 42 hours each week.
\textsuperscript{22} A child who is old by 5–11 years and working for period of time in non-hazardous job.
5. Child Labor and Education

Article 17 of the Bangladesh Constitution states that State shall adopt effective and universal education by extending free and compulsory education to all children. The Constitution also provides an indication relating to providing education to the needs of society and producing properly trained and motivated citizens and to remove illiteracy. Therefore, from the independence of Bangladesh, it has been obliged to protect and promote the rights and interests of children. Besides the Constitution, the Children’s Act 1974 guarantees basic and fundamental human rights and ensures affirmative action for formulating policies and laws relating to child development.

In addition, according to the National Child Labour Elimination Policy 2010, education is fundamental right of children and National Education policy 2010 provides a basic guideline to make education world-standard and more humanistic through improving quality in education, improving science, using Information and Communication Technology, and moral education at primary and secondary levels. Moreover, it is a new era to change Bangladesh education system because the Government believes that Education has always been a driving force for improving life and livelihood; a force that makes children more humanistic.

In the annual budget, education and technology sector got the topmost priority and the highest allocation of Tk 65,444 crore in the budget for the 2017–18 fiscal year. The amount is 16.4% of the total budget and the government had always given priority to investing in education for sustainable and inclusive development. Last year, the government had allocated 11.6% of the total budget for this sector.

According to the National Child Labour Survey (BBS, 2013), the main reason was given by poverty and parental indifference. Poor parents prefer to send their children to work for financial benefit for their family by ignoring the importance of education. Again, basic primary education is free as far as direct costs and school books are concerned but many indirect costs are involved, including transport, uniforms, pens, pencils, and paper/notebooks that could not be paid by the parent of a child. Therefore, parental engagement is necessary to challenge child labor and encourage education. If parents are unable to perceive the value or worth of education, then it will very difficult and impossible to withdraw children from the labor market.

After challenging all the barrier, it can be argued that Bangladesh has been made a significant progress in increasing equitable access in education (NER: 97.7%), reduction of dropouts, improvement in completion of the cycle, and implementation of many quality enhancement measures in primary education. Dropout rate has been decreased, according to the report of Bangladesh Bureau of Educational Information and Statistics.

i. In primary level, the dropout rate has lowered to 19.2% in 2016 from 20.4% in 2015
ii. In higher secondary level in 2016 was 20.08%, with 23.83% girls and 16.55% boys dropping out from studies.

6. Steps to Improve the Current Position in Bangladesh

Awareness is one of the best ways to prevent child labor. It is necessary to create social awareness among mass people including children and their parents or guardians, employers or owner, and raising awareness regarding family planning and preventing economic exploitation and child labor at all levels of the society. Awareness is necessary to send the children to school, improved educational opportunities
for children, and community mobilization to create a common sense of responsibility that protects the rights of vulnerable children. Awareness generation can be done through national campaigns, public meetings, media publicity, workshops, community forums, etc., that the people should be made fully aware of the harms of the vice of child labor.

Child laborers working in the private sphere, for example, as domestic help cannot withdraw without the possibility for outsiders to monitor their work. Therefore, initiatives are required to identify and gradually remove underaged children from work. For this purpose, the Child Labour Elimination Policy 2010 came into force by considering as the determinant and standard instrument for formulating rules and regulations on child and child labor issues in public and private sector. The policy of 2010 points out that a Child Labour Unit is to be made for coordinating all the activities, a National Child Labour Welfare Council can also be created by the experts in child labor studies whose duty will be to observe the circumstances of child labor at national and international level with a view of making suggestions to the government.

Birth and Death Registration Act 2004 (Act XXIX of 2004) is a major safeguard for the protection of rights of children, for the proper assessment of the age of the child. This Act has made it compulsory to register the birth of a child which would resolve the future complexity relating to the determination of the age of a child. In addition, Bangladesh has become the partner of many international, regional, and bilateral declarations with ratifying the United Nations Convention on the Rights of the Child and other major child labor-related conventions of ILO for improving the conditions to access to education and other basic facilities for children. UNICEF has also been working with the Ministry of Social Welfare and other ministries and NGOs to undertake mapping and assessment of Bangladesh’s child protection system.

7. Conclusion

Child labor is not only affronted to the rights of a child but also to the society. We should ensure the fundamental rights of children by according the opportunity to go after their dreams and aspirations. The future of society will be much brighter when the younger generation has a good foundation for success. In addition, the innocence of a child should never be taken away for the purpose of making the lives of adults easier. It is both unfair and morally unacceptable. According to Emranul Huq Chowdhury, chairperson, Bangladesh Shishu Adhikar Forum, “Children are our future. Hence, separate investment is needed for better delivery in the future. Investment in children gives a good return. If the investment in children is poor, we will get poor outcome.”

For this purpose, strict implementation of labor laws is essential to prevent exploitation by guardians, parties, or multinational companies. It is necessary to bring amendments to laws related to the severity of punishment, for example, it can extend to 6 months to 1-year imprisonment for both employee and guardians for growing a social concern to protect the right and position of a child and for a social standard for evaluating social practice.

It is necessary to secure the security to implement strict measures to control the situation, the minimum age of child labor, etc. For this purpose, the role and responsibility of the chief inspector can be introduced by the Government:

• He/she can enter, with or without notice, at any place of employment, any time of day or night, by showing his/her identity.
• He/she can conduct audits, inspections, surveys, investigations, and examinations that he/she considers necessary to verify the implementation of the legislation.

Working hours for the child and young person can be reduced; therefore, they will get time for their education. Wages should be fixed by the government for the shield from serving their life.

Therefore, analysis of the Bangladesh Labour Law and steps taken by the Bangladeshi government

29 Government of Bangladesh has passed Birth and Death Registration Act, 2004 which will enter into force from 3 July 2006.

in the context of the national social security system for a child reveals that there is a comprehensive system of at least providing support for a child which prohibits them to work. It should undertake a wider investigation by the law that will ensure that the children will receive sufficient support to ensure their early experiences for developing and functioning throughout life and that the government should establish a strong monitoring system to oversee implementation of the allocations given under various ministries to improve the quality of life of children.

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