Accord CHAMBERS

INSIGHTS

LEGAL & REGULATORY UPDATES, ANALYSIS AND COMMENTARY

Your “Manager” Actually a “Worker”?

The Latest Bangladesh Labour Law Perspective

The Bangladesh Labour (Amendment) Act, 2026 (**“2026 Labour Amendment”**), effective from 10 April 2026, has brought forth a major shift in the labour law definition of “worker”, to such an extent that even a “manager” may now be deemed a “worker” within the purview of the law.

To avail protection under the Bangladesh Labour Act, 2006 (**“BLA 2006”**) and the Bangladesh Labour Rules, 2015 (**“BLR 2015”**) (collectively the **“Labour Laws of Bangladesh”**), an employee must qualify as a "worker" under Section 2(65) of BLA 2006.

The previous statutory definition of “worker” excluded those employed mainly in managerial, administrative, or supervisory capacities. An individual was treated as an "employer" (non-worker) only if their primary responsibility was managerial or if they possessed "hiring and firing" authority.

However, the courts historically adopted an extremely wide interpretation. Prior to the enactment of BLA 2006, the Appellate Division, in ***Senior Manager, Dosta Textile Mills Ltd. and Ors. vs. Sudhansu Bikash Nath,* 40 DLR (AD) (1988) 45**, held that mere designation is not sufficient to indicate whether a person is a "worker" or an "employer"; rather, it is the nature of the work and the extent of authority which determines the legal status of the individual. In ***Managing Director, Contiform Forms Limited vs. Labour Appellate Tribunal, Dhaka,* 50 DLR (1998) 476**, the High Court Division held that mere designation cannot exclude a person from being treated as a “worker”. In ***Mujibur Rahman Sarkar vs Chairman, Labour Court, Khulna 31 DLR 301*** the Hon’ble High Court Division held that even supervisory capacity is not a bar to being a “worker”. After the enactment of BLA 2006, this was affirmed by the High Court Division in ***Mehdi Hassan vs. Bangladesh, 19 BLC (2014) 472***.

The ostensible wording of the statute juxtaposed with the judicial interpretation of the same gave rise to some confusion among both the employers and the employees as to how the labour law would apply to them.

The 2026 Labour Amendment has attempted to provide clarity in this regard by expanding the definition of "worker" in line with the wide interpretation which tends to be adopted by the courts. Section 2(65) of BLA 2006 now includes, in its definition of a “worker”, any person employed in an establishment or industry in any capacity whatsoever - including those designated as "employees" or "officers" - regardless of their terms of employment. The only individuals now excluded from the aforementioned definition are those who fall under Section 2(49)(Kha) of BLA 2006, which is another provision that has been updated by the 2026 Labour Amendment.

Crucially, Section 2(49)(Kha) of BLA 2006 now defines an "employer" as an individual who has been given the responsibility of management, administration, or supervision specifically in writing. In the absence of a written letter of appointment or explicit instructions designating such responsibilities as the primary functions, an individual remains a "worker" under Section 2(65) of BLA 2006.

To conclude, the 2026 Labour Amendment seems to have created the following scenario - in general, every individual in an establishment is now deemed to be a "worker"; only those individuals who have been provided direct and explicit written instructions to act as a chief executive, manager, or supervisor will be deemed to an “employer” or non-worker. The potential consequences of the same are twofold - firstly, more “workers” are likely to initiate labour law litigation against their “employers”; and secondly, the “employers” must increase their due diligence in order to minimise the risk of non-compliance with the Labour Law and, thus, reduce their exposure to litigation.

For any query, feel free to contact us: assistance@accordchambers.com.