



Accord CHAMBERS

INSIGHTS

LEGAL & REGULATORY UPDATES, ANALYSIS AND COMMENTARY

Navigating Disciplinary Proceedings for “Misconduct”: A Practical Guide under Bangladesh Labour Law

By Imtiaz Rahman Sabuj

For businesses operating in Bangladesh, maintaining workplace discipline while ensuring strict compliance with local labour standards is a critical operational priority. Disciplinary proceedings under the Bangladesh Labour Act, 2006 (“**BLA 2006**”) and the Bangladesh Labour Rules, 2015 (“**BLR 2015**”) (collectively, the “**Labour Laws of Bangladesh**”) are extremely technical. Any procedural deviation can render a disciplinary action, including dismissal, void ab initio, exposing employers to costly litigation and reinstatement orders before the Labour Courts.

To conduct a legally robust disciplinary process against a “worker” (defined under Section 2(65) of BLA 2006), employers must strictly adhere to the statutory multi-step procedure laid down in Section 24 of BLA 2006.

As per Section 23(1)(b) of BLA 2006, a worker may be dismissed without notice (or without wages in lieu of a notice) if the worker is found guilty of “misconduct” under Section 24.

Step 1: The Show Cause Notice and Allegation of Misconduct

The disciplinary proceedings are to be initiated when an employer suspects a worker of committing an act of “misconduct” as defined under Section 23(4) of the BLA 2006 (e.g., willful disobedience, theft,

bribery, habitual absence without leave, habitual late attendance, habitual breach of law, disorderliness, habitual negligence, etc.). The employer must record the allegation in writing and serve a formal show cause notice upon the accused worker [Section 24(1)(a) and (b) of BLA 2006].

Regarding service of the show cause notice, Section 24(9) provides a vital safeguard for employers - if a worker refuses to accept any notice, it is deemed legally delivered if a copy is exhibited on the office notice board and another copy is sent via registered post to their last known address. The worker must be given at least seven (7) days from the date of receipt to explain their position regarding the alleged "misconduct".

If the employer believes that the worker is, indeed, liable to be dismissed from service for the alleged "misconduct", they must initiate disciplinary proceedings under Section 24 of BLA 2006. Dismissal without proper enquiry is violative of the principle of natural justice and, therefore, is liable to be set aside by the court [*Life Insurance Corporation of India vs. Ram Pal Singh Bisen* 2010 INSC 151].

Step 2: Suspension Pending Enquiry (Optional)

Pending the enquiry, the employer may choose to suspend the worker under Section 24(2). Crucially, the period of suspension must not exceed sixty (60) days; the suspension order must be in writing and it shall take effect immediately upon delivery to the worker. During the suspension period, the worker cannot be left without pay; they are legally entitled to receive a "subsistence allowance" (defined under Section 2(9A) as half of the basic wages, dearness allowance, and ad-hoc or interim wages) along with all other allowances, such as house rent, in full.

Step 3: Constitution of the Enquiry Committee

If the explanation provided by the worker is unsatisfactory, or if no reply is received, the employer must initiate a formal domestic enquiry. Under Section 24(1)(d), the enquiry must be conducted by an enquiry committee consisting of an equal number of representatives from both the employer and the worker, and no more than six (6) members shall comprise the committee [Rule 29(2) of BLR 2015]. As per Rule 29(Ga) of BLR 2015, the enquiry must be concluded within sixty (60) days from the date of the show cause notice. A witness cannot be made an enquiry officer as it violates the principle of natural justice [*Murari Mohan Das vs Bangladesh* 29 DLR (1977) 53].

Step 4: The Domestic Enquiry Proceedings

The enquiry must adhere to the principles of natural justice. Under Section 24(4), the accused worker has the right to be assisted by any co-worker from the same establishment whom they nominate. Both sides may present oral or documentary evidence. Any person against whom such evidence is given shall have the right to cross-examine the relevant witness.

Step 5: Consequence Management and Final Order

Upon concluding the enquiry, the committee shall submit its report and findings. As per Section 24(1)(e), if the worker is found guilty, the employer or the manager must formally approve the order of dismissal or any alternative minor punishment listed under Section 23(2) (such as removal, reduction in rank, or fine). The worker shall not be entitled to wages for the suspension period, although the subsistence allowance shall be paid to the worker [Section 24(6)]. In awarding any punishment, the employer shall consider the previous record of the worker and any other special circumstances [Section 24(10)]. A copy of the final order of punishment must be officially provided to the worker [Section 24(9)].

Under Section 30, all final dues following dismissal or termination must be settled within thirty (30) working days of the date of dismissal. If a worker feels aggrieved by the disciplinary proceedings and its consequences, Section 33 allows them to file a BLA (Complaint) Case before the relevant Labour Court, which possesses wide powers to reinstate the worker with arrear wages if procedural lapses are found.

On the other hand, if at the conclusion of the enquiry, the alleged “misconduct” is not proved and the worker is found not guilty, the worker shall be deemed to have been on duty during the suspension period and the employer must pay their wages for such period by adjusting the subsistence allowance which was already paid [Section 24(7)].

This publication is the property of Accord Chambers and may not be distributed without expressly attributing it to the author and publisher. Accord Chambers fully reserves the rights of disclosure, publication and/or distribution of the contents of this publication. This is not a piece of legal advice.

**For any query or legal advice on this topic, feel free to contact us:
assistance@accordchambers.com**