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# INSIGHTS

LEGAL & REGULATORY UPDATES, ANALYSIS AND COMMENTARY

## How the Bangladesh Labour Law Seeks to Protect Against Workplace Sexual Harassment

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The landscape of labour rights and workplace safety has undergone a significant transformation with the recent amendments to the Bangladesh Labour Act, 2006 (“**BLA 2006**”) enacted on 10 April 2026 by way of the Bangladesh Labour (Amendment) Act, 2026 (the “**2026 Labour Amendment**”). Employers must now navigate a newly reformed statutory framework governing workplace sexual harassment.

### Background to the Latest Statutory Amendments

Historically, owing to a legislative vacuum, the issue of sexual harassment in Bangladesh was primarily governed by judicial directives. In the landmark judgment passed by the Hon’ble High Court Division in ***BNWLA vs. Government of Bangladesh* 2009 29 BLD 415** (the “**BNWLA Case**”), comprehensive guidelines were provided to protect women at workplaces (as well as educational institutions). In rendering this judgment, the Court relied heavily on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), particularly Article 11 and General Recommendation No. 19, and the Indian Supreme Court judgment passed in ***Vishaka vs. State of Rajasthan* AIR 1997 SC 3011**.

Much later, following a political transition, the Interim Government during the 2024-2025 period signalled a strong commitment to structural reforms by establishing a Labour Reform Commission. Crucially, the government ratified the International Labour Organization (“**ILO**”) Convention No. 190 on

Violence and Harassment. This international commitment directly resulted in sweeping amendments to BLA 2006 aimed at bringing national legislation closer to compliance with international labour standards.

## Comparing the Legal Position: Pre-2026 vs. Post-2026 Amendment

### Pre-2026 Framework:

Prior to the 2026 Labour Amendment, the BLA 2006 lacked a formal statutory definition of "sexual harassment". Employers and courts had to rely entirely on the Hon'ble High Court Division's directives in the BNWLA case. These guidelines defined sexual harassment broadly to include unwelcome sexually determined behaviour, physical contact, sexually coloured remarks, and showing pornography. Furthermore, the guidelines strictly mandated the creation of a Complaint Committee in all workplaces, which required a minimum of five members, a majority of whom had to be women, headed by a woman, and including at least two members from outside the organisation.

In *Advocate Md. Salauddin Dolon vs. Government of Bangladesh* 63 DLR (2011) 80, the Hon'ble High Court Division held that attempting to coerce or impose an arbitrary dress code on women without legal sanction clearly amounts to a form of sexual harassment and gender discrimination.

In *Professor Serajul Islam Chowdhury vs. Jahangirnagar University* 61 DLR (2009) 744, the Hon'ble High Court Division scrutinised a flawed domestic disciplinary enquiry involving sexual harassment. The Court emphasised that any domestic enquiry into sexual harassment must adhere to the principles of natural justice and fairness, including allowing victims the right to cross-examine the accused. The Court further reiterated that to ensure an independent enquiry, it must be conducted by a Complaint Committee as strictly defined in the BNWLA Case.

### Post-2026 Framework:

By virtue of the 2026 Labour Amendment, Section 2(52Ka) of BLA 2006 now contains a statutory definition of "sexual harassment", which includes the following behaviour: (1) unwelcome sexual conduct (directly or by implication), e.g., physical contact or advances; (2) attempting to establish a sexual relationship by exploiting institutional and professional power; (3) sexually harassing remarks; (4) unlawful demand or request for sexual favours; (5) showing pornography; (6) sexually suggestive comments or gestures; (7) teasing through indecent gestures, language, etc.; (8) writing or drawing anything derogatory with sexual implications; (9) capturing still or video images for the purpose of blackmail or character assassination; (10) forcibly preventing a person from participating in institutional and training activities due to their refusal of sexual advances or harassment; (11) threatening or applying pressure after being rejected in proposing a romantic relationship; (12) establishing or attempting to establish a sexual relationship through intimidation, false assurances, or deception; (13) 'quid pro quo harassment'; it also includes: physical, verbal, and non-verbal conduct of a sexual nature and conduct based on gender, gender identity, gender expression, or discriminatory gender sensitivities that undermines the dignity of male and female workers and creates an intimidating, hostile, degrading, offensive, and humiliating working environment.

Section 332 of BLA 2006 prohibits anyone in a workplace from behaving indecently or unmannerly toward a woman. The 2026 Labour Amendment expanded upon this Section to compel employers to take active preventive measures and formalise grievance procedures. Section 332Ka of BLA 2006 incorporates the BNWLA Case directive to form a Complaint Committee for allegations of sexual harassment with the additional mandatory requirement that two members of the committee shall be appointed from such an organisation that works on gender-based violence and sexual harassment. Section 345Ka of BLA 2006 seeks to provide an added layer of protection against sexual harassment by prohibiting discriminatory and/or retaliatory measures by employers against workers.

By formally defining these concepts within BLA 2006, the law moves closer to alignment with international labour standards and responds directly to persistent concerns regarding worker exploitation and dignity. These new provisions establish an essential legal foundation for identifying and addressing abusive practices that were previously not adequately articulated in the statutory law.

While the new statutory definitions represent a significant step toward comprehensively addressing workplace misconduct, their practical impact will depend largely on the timely framing of clear and detailed rules. Without updated subordinate legislation mapping out the precise procedural mechanics, many of these progressive measures risk remaining confined to paper.

## Potential Application of the 2026 Labour Amendment

The established judicial precedents and the new provisions introduced by the 2026 Labour Amendment ought to guide the Labour Courts in interpreting the provisions of BLA 2006 to provide enhanced protection against workplace sexual harassment.

## Conclusion

The 2026 Labour Amendment represents a paradigm shift in how workplace sexual harassment is statutorily regulated in Bangladesh. Local businesses and multinational corporations must proactively audit their internal HR policies to ensure strict compliance.

Failure to conduct fair, unbiased domestic enquiries, or failure to protect workers from victimisation during such proceedings, can render a disciplinary action void ab initio, exposing employers to severe reputational damage and costly litigation.

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