

# The Control of Employment Ordinance, 1965

( Ordinance NO. XXXII OF 1965 )

**An Ordinance to provide for the collection of information relating to employment in industrial undertakings and availability of persons therefore, and for the control and distribution of such employment, and matters connected therewith or incidental thereto.<sup>1♣</sup>**

WHEREAS it is expedient to provide for the collection of information relating to employment in industrial undertakings and availability of persons therefore, and for the control and distribution of such employment, and matters connected therewith or incidental thereto;

AND WHEREAS a Proclamation of Emergency issued under clause (1) of Article 30 of the Constitution is in force;

AND WHEREAS the President is satisfied that immediate legislation is necessary to meet the emergency;

NOW, THEREFORE, in exercise of the powers conferred by clause (4) of Article 30 of the Constitution, read with clause (2) of Article 131 thereof, and of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :-

**Short title,  
extent,  
application  
and  
commencement**

1. (1) This Ordinance may be called the Control of Employment Ordinance, 1965.

(2) It extends to the whole of Bangladesh, and also applies to all citizens of Bangladesh, and vehicles, vessels and aircraft registered in or chartered for Bangladesh wherever they may be.

(3) It shall come into force at once and shall be deemed to have taken effect on the eighth day of September, 1965.

**Definitions**

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

(1) "Board" means a Manpower Board constituted under section 4;

(2) "essential personnel" has the same meaning as assigned to it in clause (a) of section 2 of the Essential Personnel (Registration) Ordinance, 1948, as amended from time to time;

(3) "essential work" means any work relating to the manufacture, production, maintenance or repair of arms, ammunition and equipment or other supplies and any other work which the Government may, by notification in the official Gazette, declare to be essential work for the purposes of this Ordinance;

(4) "industrial undertaking" means,-

(a) any concern engaged in-

(i) the manufacture or production of any article or commodity;

(ii) the supply or distribution of light, power, gas or water;

(iii) the supply or maintenance of any kind of mechanised transport;

(b) any concern engaged in installing equipment or erecting premises or preparing and producing designs for, or testing the products of, any concern referred to in sub-clause (a);

(c) any technical training establishment or centre; and

(d) any other undertaking which the Government may, by notification in the official Gazette, declare to be an industrial undertaking for the purposes of this Ordinance;

2[\* \* \*]

(6) "prescribed" means prescribed by rules made under this Ordinance; and

3[\* \* \*]

**[Omitted.]**

3. [Manpower Council.- Omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

<sup>4</sup>[4. (1) The Government may constitute a Manpower Board consisting of 6 members to be appointed by it.

(2) One of the members appointed under sub-section (1) as may be determined by the Government, shall be the Chairman of the Board.

(3) Three members of the Board including the Chairman shall constitute a quorum at a meeting of the Board.]

**Functions  
and powers  
of the  
Board**

5. (1) The functions of the Board shall include collection of information relating to employment in industrial undertakings and availability of persons therefore, and to control and distribution of, and taking measures to make persons available for, such employment:

<sup>5</sup>[\* \* \*]

(2) For the purpose of sub-section (1), the Board may-

(a) require any person or industrial undertaking to furnish or cause to be furnished, such information and in such manner and form as it may specify;

(b) take measures, or cause measures to be taken, by any industrial undertaking or other competent authority, to ensure that the required number of persons is available for employment in such undertaking;

(c) require any person to undertake any essential work he is competent to do;

(d) prohibit any person from accepting any employment or offer of employment;

(e) control or regulate the employment in any industrial undertaking;

(f) regulate the relinquishment of employment by, and the dismissal of, any person employed in any industrial undertaking;

(g) order the release, transfer, interview, training or test of skill of any person employed or to be considered for employment in any industrial undertaking;

- (h) prohibit persons employed or engaged in any essential work from leaving the work or absenting themselves from duty or slowing down or otherwise impeding their output;
- (i) lay down the terms and conditions of service of persons employed, or to be employed, in any industrial undertaking;
- (j) authorise any of its members or officers to enter upon, inspect and search any premises occupied by any industrial undertaking and to ask for and examine any document relating to such undertaking and to require any person employed or found therein to furnish any information relating thereto;
- (k) authorise any of its officers or any persons employed in a managerial or supervisory capacity in any industrial undertaking to test therein the technical skill of such persons as the Board may, by order in writing, direct and require any such undertaking to afford reasonable facilities for such test;
- (l) require any industrial undertaking to maintain such books of accounts and records and in such form as it may direct; and
- (m) require the employment exchanges to issue call up notices.

**Obligation to comply with the order or direction of the Board, etc.**

6. (1) Where the Board makes any order or gives any direction requiring any person or industrial undertaking to furnish any information or document or to afford any facility or to take any measure or to do or refrain from doing anything, such persons and, in the case of an industrial undertaking, the owner, director, manager, secretary or other officer or agent thereof competent for the purpose, shall subject to the other provisions of this section comply with such order or direction.
- (2) Any person or industrial undertaking aggrieved by an order or direction of the Board may prefer an appeal against such order or direction to the Government or to such officer or authority as the Government may appoint, and the decision of the Government or such officer or authority, as the case may be, shall be final.

(3) Failure or neglect to comply with any order or direction of the Board or, where an appeal is preferred under sub-section (2), with the final decision thereon shall be an offence under the Ordinance.

**Reinstatement  
of person  
released  
under the  
orders of  
the Board**

7. (1) Subject to the other provisions of this section, every employer by whom a person was released for any essential work <sup>6</sup>[\* \* \*] shall, on the termination of, or release from, such work or service, reinstate such person in his former employment from which he was released and, if such reinstatement is less favourable to such person than that to which he would, in the ordinary course, have been entitled, give him such employment as is not so less favourable:

Provided that the employer shall not be required to so re-instate or employ any person if such person does not apply or report to him for the purpose within three months of the termination of, or release from the essential work or such service.

(2) Where for any reason reinstatement or employment under sub-section (1) is not practicable, the employer shall, within seven days from the date on which the person to be reinstated or employed applies or reports himself for reinstatement or employment, make an application to the Tribunal for exemption from the provisions of sub-section (1).

(3) Upon an application of the employer under sub-section (2), the Tribunal shall, after such enquiry and hearing as it considers necessary, make an order either-

(a) exempting the employer from the provisions of sub-section (1), in which case the employer shall be required to pay to such person a compensation of a sum not less than six months' remuneration of the person calculated at the rate he was entitled to when he was released by the employer; or

(b) requiring the employer to reinstate or give employment to such person in terms of sub-section (1) or on such terms and conditions as it may specify in the order.