

Module 12: International Regulation and Laws

12.1 Introduction to Legislation and Regulation

12.1.1 Objective

In this module, students will learn the legal environment of textile and RMG business. After you work out this module, you should be able to:

- Define legislation and regulation
- Understand the scope of laws in RMG and Textile industry

12.1.2 What does legislation and regulation mean?

To transform policies relating to general or specific environment and health issues into legally defined rights and obligations, and to set forth measures and arrangements designed to ensure the observance of such right and obligations. Rule based on and meant to carry out a specific piece of legislation (such as for the protection of environment). Regulations are enforced usually by a regulatory agency formed or mandated to carry out the purpose or provisions of legislation.

National laws and regulations are typically developed within the respective country's constitutional framework and legal regime. Laws to implement environment and health related policies are normally built on scientific findings and assessment, and in consideration of economic, social and environmental conditions. Depending on the nature of the issue, environment and health concerns might be addressed by framework laws (for general categories), sectorial laws (for specific topics), and/or regulations that set standards or administrative requirements for the implementation of a particular law.

Primary legislation, i.e. laws, would typically set forth a policy statement or objective, the scope of the legislation and/or its relationship to existing laws, and name an executive authority to govern the law's implementation. Such legislation would also identify who and what is to be governed by the law, procedures to be followed, and means of enforcement. Details that are subject to regular review and change might be articulated in secondary legislation, i.e.

regulations, ordinances, orders, or ordinances. Overall, laws and regulations provide tools for policy implementation, backed by enforcement, as well as procedures for the redress of damages.

International law requires members of respective treaty regimes or international organizations to take measures, individually or jointly, at the national and/or international level, to achieve common, stated objectives in whatever manner has been collectively agreed, and to establish relevant institutional arrangements or procedures. Implementation of laws and regulations requires a pool of skilled human resources and substantive financial resources. Coordination among all relevant government agencies is essential. The public and all stakeholders should be informed of laws and regulations to facilitate compliance.

12.1.3 Example

In addition to rights and obligations concerning health and environment that might be addressed in constitutional law, existing national laws and regulations in countries around the world cover a range of environment and health related issues. The following are examples of such issues: Environmental policy (as a framework); Air pollution; Water pollution (surface and ground water); Water resources management for drinking water; Marine pollution; Soil contamination; Chemicals management (general and specific substances e.g. ozone depleting substances); Pesticides; Waste management (solid waste and hazardous waste); Noise; Environmental impact assessment; Siting/location of specific facility or factories; Compensation for damage/injury to health due to environmental cause.

Many international treaties in the field of the environment govern topics that are related to health, such as hazardous chemicals and wastes, trans boundary air pollution, trans boundary water management, climate change, ozone layer protection, and coastal and marine environment protection.

12.1.4 Relevance to policy making

Laws and regulations are normally regarded as consequences of policy-making, but their implementation, or lack thereof, might lead to a process of further policy development. New laws and regulations may also be needed to address emerging environment and health problems. International treaties and other instruments relating to problems of a global or regional nature

might facilitate policy-making that aims to achieve a harmonized approach, nationally or internationally, on the issue at stake.

12.1.5 What is the difference between legislation regulation and policy?

A regulation refers to a specific requirement that can take on various forms, such as industry specific regulation or regulations that are much broader in scope. ... Legislation is a directive proposed by a legislative body while a regulation is a specific requirement within legislation.

12.1.6 Is regulation a law?

A regulation is a set of requirements issued by a federal government agency to implement laws passed by Congress. A rule of order having the force of law, prescribed by a superior or competent authority, relating to the actions of those under the authority's control. Regulations are issued by various federal government departments and agencies to carry out the intent of legislation enacted by Congress. Codes of Practice provide advice on how to meet regulatory requirements. Codes are not legally enforceable, but they can be used in courts as evidence that legal requirements have or have not been met.

12.2 International Labour Standards in Bangladesh

12.2.1 ILO Conventions

Bangladesh has been an important and active member State of the ILO since 22 June 1972. To date, Bangladesh has ratified 33 ILO Conventions including seven fundamental Conventions as enshrined in the ILO Declaration. The ILO Office works in close collaboration with its tripartite constituents and social partners towards achieving Bangladesh's decent work objectives.

12.2.2 Bangladesh Labour Act (2013)

The Bangladesh Government has made amendments to the 2006 Labour Act to make it more in line with International Labour Standards. The government approved the new labour law in 2013 including 87 sections of amendments to boost workers' rights, including better access to freedom of association (i.e., to form trade unions), and improving occupational health and safety conditions.

The ILO has provided detailed feedback on further amendments required to make the law fully compliant to international labour standards. The Government of Bangladesh has expressed that it is a continuous process and necessary steps will be taken for further amendment of the Bangladesh Labour Act in due course, in consultation with tripartite partners considering the socio-economic conditions of the country, and with the ILO's assistance.

12.2.3 Bangladesh Labour Act Implementing Rules

On 16 September 2015 the Government of Bangladesh issued the implementation rules of the Bangladesh Labour Act. The ILO provided comments on the draft rules to the Ministry of Labour and Employment and actively encouraged that the rules were in line with international labour standards.

12.2.4 Laws on Export Processing Zones (EPZs)

The Government of Bangladesh is in the process of drafting a new law relating to EPZs, entitled the "Bangladesh EPZ Labour Act 2013". The ILO is providing feedback on the draft law and encouraging that the law is in compliance with international labour standards especially the ILO Conventions Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

12.2.5 National Labour Policy (2012)

The ILO provided technical expertise and support to the development of the National Labour Policy (2012).

12.2.6 National Occupational Safety and Health (OSH) Policy (2013)

The ILO provided financial and technical support to the development of a National OSH Policy. As part of the process the ILO worked closely with government, employers and workers representatives as well as civil society.

12.2.7 National Skills Development Policy (2011)

The development of a national policy for Technical and Vocational Education and Training (TVET) and skills development was a major outcome of the ILO implemented, European

Commission-funded TVET Reform Project. Key activities within the project included development of a national policy and a reform proposal for relevant laws and regulations and a proposal for improvements in tasks and mechanisms.