Issuance of National Identity Card for Construction Sector Workers of Bangladesh: Opportunities and Obstacles

Feasibility Study Report

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Acronyms

BBS Bangladesh Bureau of Statistics
BEF Bangladesh employers' Federation
BILS Bangladesh Institute of Labour Studies
BNSL Bangladesh Nirman Sramik League

CWRA Construction Workers Registration Authority

DC Deputy Commissioner

DIFE Department of Inspection for Factories and Establishments

DOL Department of Labour
FGD Focus Group Discussions
GDP Gross Domestic Product
GoB Government of Bangladesh

ID Identity

ILO International labour organization
INSUB Imarat Nirman Sramiknion Bangladesh

KII Key Informant Interviews LFS Labour Force Survey MoD Ministry of Defense

MOLE Ministry of Labour and Employment
MOLE ministry of labour and employment

MOC Ministry of Commerce

MOEWOE Ministry of Expertise Welfare and Overseas Employment

MOHPW Ministry of Housing and Public Works

MOLGRDC Ministry of Local Government Rural Development and Cooperatives

NCCWE National Coordination Committee for Workers' Education

PAC Project Advisory Committee

REHAB Real Estate and Housing Association of Bangladesh

SKOP Sromik Karmochari Oikkya Parisad

TU Trade Union

Table of Contents

I. Introduction	5
II. The Value of Identity Card for the construction workers	8
2.1 ID card for the workers: The general purpose it serves	
2.2 Justifications for issuing ID card for the construction workers	
Recognition of profession	
Initiate and access to rights and welfare scheme	
Organizing and Representation	
Elimination of Discrimination	
Inspection, Monitoring, and Supervision	
III. Current Status of ID card for the workers in Bangladesh	16
National ID Vs professional ID	16
Legal provision of issuing ID cards for the workers	16
3.2 Current practice of identity card in the construction sector of Bangladesh	17
IV. Scope and opportunities of issuing ID card	20
4.1 Feasible type of ID card	
4.2 Potential institutions/authority for Issuance of ID card	
Potential Authority	
Potential Mechanism	
National Action Committee	
Decentralization	
Potential Local Authority	
Tripartite Body	
Registration and ID card Issue Center	
Trade Union	
Recommenders/ Facilitators	
Skill Assessment	
Identity card Fee	
Campaign and Incentives	
V. Challenges and way forwards	30
5.1 Challenges	30
Lack of legal Provision	30
The value of identity card	31
Heterogeneity of Profession and skill certification	31
Implementation in the local level	31
Migration and casual employment	32
Unorganized and Floating	32
5.2 Strategic Considerations for Issuance of ID Card	32
Implement and Enactment of Law and Regulation	
Operational Strategy and Collaboration	
Formation of National Action Committee	
Skill Development Training Based Approach	33
Entry Point of Other Interventions	
Awareness raising campaigns	
References	35
Anney	27

Issuance of National Identity Card for Construction Sector Workers of Bangladesh: Opportunities and Obstacles

I. Introduction

The construction industry plays an important role in the economy, and the activities of the industry are vital to the achievement of national socio-economic development goals of providing shelter, employment, and infrastructure for many productive activities such as services, commerce, utilities and other industries. Notwithstanding the contribution and the roles of the sector in the economy of Bangladesh, its workers are plagued with precarious nature of employment relations—unstable employment, unsecured wages, dangerous working conditions, and denied rights of representation. Despite the continued growth in the sector, there is a large decent work deficit.

Bangladesh is one of the developing countries of the world with an abundant labour supply that absorbs about 88 percent of the total labour force in informal sector. Bangladesh Labour Force Survey 2010 estimates that there are 56.7 million economically active people in Bangladesh where 47.3 million are engaged in informal sector. Construction sector of Bangladesh comprises a large portion of the informal economy. The latest Labour Force Survey shows that the size of labour force engaged in construction sector is 2.6 million but the reality is much more than the estimation. Generally the growth of this sector is driven by the growth in infrastructure development activities of the government along with the recent massive expansion of real estate business in the country. The sector currently accounts for almost 7 percent of the GDP in Bangladesh. According to Bangladesh Economic Review 2012 (BBS 2012), the sectoral growth in terms of GDP in the year 2010-11 was 6.51 and is estimated to be 8.51 in 2011-12.

The construction sector of Bangladesh in legal perspective is formal sector but in labour relation and empirical practice it is informal in nature. The construction sector has statutory minimum wage, separate insurance scheme, and the rights of forming trade union. But the informal practice like absence of formal appointment letter, lack of identity card, substandard wage, gender discrimination, workplace accidents and lack of social security make workers' vulnerable in their lives and livelihoods. The absence of registration and professional identity card are considered to be one of the main challenges for the construction workers to organize and formalize work relations.²

The ILO project 'Way Out of Informality: Facilitating Formalization of Informal Economy in South Asia' considers issuance of Identity Cards to construction workers as a way forward to formalization of informality in the construction sector. The recommendations of the tripartite constituents— Ministry of Labour and Employment (MOLE), Bangladesh employers' Federation (BEF) and National

¹ Shams, Sabbir Bin. (2013). "Social Protection Strategy for Construction Workers in Bangladesh: Securing Lives and Livelihood", BILS and ILO- Dhaka.

² The identity card for workers is considered to be a key element in promoting and protecting workers' rights. Such rights are well elaborated in Bangladesh's legal framework. The Section 5 of Bangladesh Labour Act (BLA) 2006 emphasize the requirement of appointment letters and ID cards for workers.

Coordination Committee for Workers' Education (NCCWE)—through the project suggested that an ID card will not only be of help recognizing a construction workers' skills with decent employment prospect and for giving them self-esteem but also will help workers to access social protection and/or welfare schemes of public and private sector. The issuance of national ID card for the construction workers is a part of the professional and social recognition, recognition of acquired skills, better organizing capacity and bargaining power of the workers. The Project Advisory Committee (PAC) members of the ILO project however identified number of challenges for initiating professional ID cards for the workers. ³These include the socio-economic condition of Bangladesh, the seasonality of the construction workers, involvement of multiple authorities in the regulatory process, and the regular migration from the construction job. Thus, the question remains, what development purpose are served by the issuance of national ID card for construction workers, and are they feasible? Unless we know what are the arguments in favor of issuance of ID card for construction workers and the feasibility of such instrument, it will be difficult to install workers' rights instrument like the professional ID card.

The overall objective of the study is to find out the feasibility of issuing national identity card for the construction workers which will contribute to achieve the decent work agenda and reducing informality in the construction sector. Underlying this major objective, the study assesses the current situation of appointment and Identity Card, analyses good practices both home and abroad, to identify the scope and opportunities for issuing national Identity cards, and identifies the challenges and barriers to issuance of national identity card for the construction workers of Bangladesh

This study has been carried out in three major stages—conceptualization and issue identification, research and analysis, and validation and finalization. A rapid assessment tool was used to collect the primary data to analyze the currents status of ID card for the construction sector workers of Bangladesh and to find out the realistic feasibility of issuing identity card for the construction workers. Key informant Interviews, focus group discussions, and consultation were conducted with workers, trade union leaders, employers, government representatives and other stakeholders. Sixteen key informant interviews were conducted with the various stakeholders to obtain expert opinion on the issues germane to the feasibility of the ID card. These Key Informant Interviews have provided inputs related to the current status of construction sector ID card, the possible mechanism to issue ID card with challenges and recommendation. The representatives of Ministry of Labour and Employment, Department of Labour, Department of Inspection for Factories and Establishment, national trade union leaders, SKOP member, construction sector based trade union representatives, employers and labour researchers were the main key informant for the study (See Annex 1 for List of

³ The ILO Project Advisory Committee (PAC) comprises of the representatives of ministry of labour and employment, Department of Labour, Department of Inspection for Factory and Establishments, Ministry of Commerce, Ministry of Industries, Ministry of Finance, the socio-economic infrastructure division, Planning Commission, Implementation, monitoring and Evaluation Division, Ministry of Foreign Affairs, Bureau of Statistics, Bangladesh Employers Federation, Bangladesh Women Chamber of Commerce and Industries, National Coordination Council of Workers Education and ILO.

Participants). A total of five focus group discussions have been conducted in Chittagong, Dhaka, and Rajshahi. A total of 71 construction workers of various group mainly mason, rod binder, painter, tiles installer, electrical, carpenter, pilling, base digging participated in the focus group discussions

This study is presented in three core sections. Following the introduction, the next section explores the value of identity card for the workers providing arguments for or against the issuance of professional identity card for the construction workers. Showcasing the current status of ID card for the workers in Bangladesh in relation to the legal provision and both national and international practices of the issuance of ID cards for the workers, section three identifies the barriers and challenges of the issuance of ID cards for construction workers. Identifying the scope and opportunities of ID cards for construction workers, section four sketches the institutional mechanisms including the potential authority and local implementing stakeholders through which the ID card issuance might be materialized. A conclusion is drawn in the final section.

II. The Value of Identity Card for the Construction Workers

Identity card is an authentic document of identification. It has been in use for a wide ranges of purposes including identification, authorization, recognition, safety, security, and access to rights and welfare schemes. This section analyses the rationale for issuing identity card for the workers, especially for the construction workers identifying the value and justifications.

ID card for the workers: The general purpose it serves

An identity card is a portable document as a means of confirming identity. The national Identity card for the workers is an essential document to recognize them as worker and their professions. The ID card has been is linked with safety, and security of the workers. It is required for the overall development of the workers and labour market of a country. Making workers visible and their status known have been instruments of change in numerous countries. For example, the struggle for recognition of unorganized sector workers gained drive in India, and the campaign identified government providing identity cards to the unorganized sector workers as key issue and core demand as it establishes their worker status and makes them visible (ILO, 2007). Providing Identity card to both the local and foreign workers is a legal obligation and main concern in immigration policies of many countries to ensure their identity, origin, profession and employers.

The ID card has been a tool for ensuring access to social protection and welfare schemes. It plays a significant role in making the statutory benefits accessible to categories of informal sector workers (Ginneken, 2003). The issuance of national Identity card for the specific sector provides a clear picture of labour forces of the country with specific facts and figure of a particular sector. The exact statistics is the precondition of initiating any public and private development policy or welfare scheme, and also essential to plan and implement the initiated policy and schemes. The national professional ID card ensures the access of workers in the government and private welfare scheme reducing their identification and recognition complexity. The workers welfare fund, social insurance, health insurance, workers compensation, unemployment benefits, subsidy in lean period, rationing, medical facilities, maternity allowance, and transportation are some of the welfare schemes where recognition or definite identity as a worker is essential to access the benefits of the schemes. Introducing the sector-wide practices of identity card can facilitate access to social protection and welfare schemes for the workers and their families.

The identity card is also of value as an essential document to ensure health benefits and legal remedy in many parts of the world. Such benefits are provided to workers through ID card in the countries like India, USA, Norway, New Zealand, and China. In Pennsylvania State of USA, through Workers Compensation Prescription ID, the workers get legal remedy that covers medical expenses and wage loss for employees who have been injured in the course and scope of their employment (CFO, 2014). New Zealand established the Electrical Workers Registration Board in 1992 with a view to promote safety for all New Zealanders by ensuring the competence of electrical and electronic workers (EWRB, 2014).

Identity card carries an evidential value in case of labour migration. The illegal labour migration can be carved as well as the misuse of workers identity can too be reduced. Once the national Identity card is introduced, only the registered workers with ID card will be entitled to get the overseas job. The card with a clearly designated trade and skill is helpful to access and match the demand of the international labour market as well as in the local labour market. The workers in general face many difficulties in case of internal migration to introduce themselves as skilled workers or workers of designated trade due to lack of identity card or any authentic documentation. The identity card reduces this complexity, and increases the access to work at any places of the country (FGD, Dhaka).

The ID card has not only empirical value for the local and international labour migration but also poses a wide range of benefits for the returning migrant workers. The international and national labour rights organizations recently have given much emphasis to reintegrate the returning workers in the local labour market matching their skills and requirements. In this regard, the identity card with designated trade and skill can play a very effective role in the reintegration process. The returning migrant workers with national workers ID card mentioning their incomparable skills and experiences gathered in abroad will be benefited and might be preferred in terms of local recruitment. This card could also be a tool of wage bargaining both in local and international labour market. The scope of demanding a higher/rational wage for the highly skilled workers can too be created.

Organizing and representing the workers is still a big challenge for the global labour movement. The informal nature of employment and absence of practicing existing legal provision relating to workers' representation and participation makes the situation complex. Though the informal sector in developing countries has received increased attention over the last couple of decades but there is no notable progress in terms of organizing and representing the informal workers. The heterogeneity of the workforce and vague employment relationships in the informal economy pose a number of challenges to unions attempting to organize and represent such workers (BILS, 2006). The national professional identity card can be an essential tool to address the workers irrespective of their origin and location that will facilitate the regular communication to organize and represent. This identity card will also be helpful to reduce the frequent migration problem of the informal sector workers that is one of the major challenges to organize the informal sector workers.

Gender discrimination is another dimension of workers' rights violation, particularly in the informal sector. Women are paid less than a man for substantially equal work that is almost a common scenario in the global informal labour market. The situation is too common in labour market of Bangladesh though the current labour law requires employers to take effective measures to ensure equal wages for male and female workers for work of equal nature or value, and prohibits discrimination based on sex with respect to remuneration (BLA 2006, Sec. 345). Women construction workers are paid at least BDT 20-40 less than their male counterparts for the same work. The situation is almost similar for the female agriculture and rice processing workers (Ahmed and Akond, 2014). The identity card with designated trade and skill can be an effective instrument to demand equal pay for the equal value of work irrespective of gender, age, and location.

Ensure workplace security and safety, controlling access to the workplace could also be accomplished by issuing identity card to the workers. Moreover, the identity card is a safeguard against harassment. Workers stay in workplace for long and sometimes up to midnight hours. Police may interrogate workers while he/she in return in midnights from workplace where ID card is a good purpose to show that he was engaged in works. Workers ID cards could also be a useful for opening bank accounts, mobile connection, and other useful public services.

Justifications for issuing ID card for the construction workers

The growth of the construction sector all over the world is phenomenal. Likewise, the construction sector of Bangladesh is also in upward trend, and continuing to employ workers as one of the significant employment generating sectors of the country. The development of real estate and housing business of the country has been on the rise during the last two decade. While, much of the employment in the construction sector of Bangladesh takes places in the informal sector, the official statistics available amply show that the sector itself employ a high number of people—both skilled and semi-skilled. The Real Estate and Housing Association of Bangladesh (REHAB) claims that the skilled and unskilled labour directly employed in REHAB member enterprises was estimated 2.5 million and contributing 12-15% in GDP (REHAB, 2012). The latest Labour Force Survey 2010, the only government labour statistics, estimated the total number of construction workers in Bangladesh was 2.6 million whereas the number was 1.5 million in 2005-06 (BBS 2010). The employment by ownership patterns found a wide range of employers including government, autonomous institutions, local government, NGO, private enterprise, sole proprietorship, household and others. The LFS 2010 found that 61.6 percent construction workers were employed under the sole proprietorship followed by 23.1 percent in the household. The portion under government institution is very few (0.7 percent) (LFS 2010).

Construction Sector Workers' Profile

	Male	Female	Total
Number of Construction Workers	2.3 Million	o.3 Million	2.6 Million
Percentage of Construction Workers in total labour force			04.8 Percent
Urban construction workers			o6.6 Percent
Rural construction workers			04.3 Percent
Growth Rate of number construction workers	13.0 Percent	19.5 Percent	13.5 Percent

Source: BBS Labour Force Survey 2010

Though the construction sector of Bangladesh is growing rapidly and generating employment for a large number of workers, there is indeed a large decent work deficit in terms of employment relations, employment security, workplace safety and wage. The predominant informal recruitment process and the lack of direct recruitment system create the unambiguous employment relationship

and scope of exploitation. At the same time the workers mostly deprived from the actual compensation due to lack of any documents like appointment card or Identity card from the employer. The construction sector workers suffer lack of professional identity both in workplace and outside workplace. Issuance of identity card, providing appointment letter, maintenance of service book is absence in this sector. Moreover the lack of income security, absence of social safety schemes, and the unorganized nature limited the scope of bargaining and protest against the discrimination and victimization.

The ILO project titled 'Way out of Informality: Facilitating formalization of the informal economy in South Asia' organized a Knowledge Sharing and Planning Workshop in Dhaka where all the working group representing the government, employers and workers identified the construction sector as prioritizing sector for formalization. Both short and long term interventions have been proposed for the workers in the selected priority sectors. Proposed short term interventions include registration and database of the workers; appointment letter and ID card, their need assessment, fixing of minimum and equal wage, skill up gradation, group insurance, and occupational safety and health measures. Proposed long-term interventions include need based skill training and certification, freedom of association, health insurance, creation of Workers Welfare Board. The working group specially identified provision of ID card as an immediate intervention. ⁴

The issuance of identity card can be identified as one of the basic and foundation to initiate other proposed interventions. The registration, development of database, providing appointment letter, ensuring equal wage and introducing social protection and creation of welfare fund can be directly facilitated by the identity card. The skill development through training can also be recognized by the identity card. The trade union involvement will also be facilitated and promoted if the workers have a professional identity document.

The CTA of the ILO project "Way out of informality: Facilitating Formalization of the Informal Economy in South Asia" presented the rationality of issuance of Identity card for the construction workers based on the findings of the stakeholders consultation workshop in the PAC meeting. The CTA focused on the benefits which might be achieved through introduction of ID cards which include professional and social recognition, recognition of acquired skill, better organizing capacity and bargaining power of the construction workers (PAC WOI, ILO). All participants of the meeting agreed with the need of ID cards for the construction workers. The ILO and Government of Bangladesh has got common interest to formalize the informal economy thus the issuance of identity cards for the construction workers can be a way to formalize the construction sector of Bangladesh.

⁴ Sub regional Project titled 'Way out of Informality: Facilitating formalization of the informal economy in South Asia' of the International Labour Organisation (ILO) has been initiated to address the legitimate issues in terms of priorities and challenges of the informal economy in South Asia covering three countries namely Bangladesh, India and Nepal. The Knowledge Sharing and Planning Workshop was organized by the ILO Country Office in Bangladesh held on May 27, 2013 in Dhaka to identify priority sectors by the tripartite constituent partners for addressing formalisation issues in Bangladesh. High-level government officials, ILO specialists and the representatives of the Employers' organisations and workers' associations addressed the workshop.

The identity card will be helpful for the construction workers to claim their rights. Using this card, workers will be able to bargain with the state authority on minimum wage and other rights related to safety and compensation, says C.R. Abrar in the key informant interview. Another of the key informant states the importance of issuing of ID cards for workers.

"The construction workers are the development partners of the today's civilization. The workplace accident risk is highly associated with this profession and a notable number of workers frequently loose limbs at workplace accident. The compensation is not adequate. They should be brought under welfare schemes like recently introduced group insurance to ensure their welfare. The employment opportunity and guaranteed employment should be ensured to develop this vulnerable group. The permanent recognition as a construction worker and to get access in the government construction project an identity card has a greatest value. The identity card would be an essential document to take this type of initiatives. In my view the issuance of identity card is highly required (Khan, KII)."

In sum, the issuance of identity card for the construction sector is essential on numerous counts. These include to recognize workers' professional identity, initiate and ensure access to welfare schemes and compensation, facilitating the organizing and representation, eliminate discrimination, ensure effective inspection, monitoring and supervision, and workplace security.

Recognition of profession

Workers who are involved in construction sector are required to provide a national identity card for the purpose of identifying as construction workers and to recognize their skills and experiences. The identity card reflects the professional identification with designated trade and level of skills. It is useful for recognizing one's professional expertise and differentiating with the non-experienced. Often, the purpose of issuing professional identity card is to identify both who the workers are and whom they work for.

Numerous countries in the world including Norway and Hong Kong, China provide Identity card and made obligatory the registration for the construction and building workers to recognize them as construction workers and to specify their designated trade and level of skills. Like in Norway, all undertakings that perform work at building and construction sites, both Norwegian and foreign, are required to provide their employees with ID cards. India has introduced a separate act titled "The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996" to ensure the registration of construction and building workers to ensure their recognition and welfare. The board formed under this act provides the identity card to every registered construction workers.

In case of labour migration both in internal and external migration the professional identity card is considered as an assessment tool of skill recognition. The migrated workers with an identity card will have an authentic evidence to proof skill and experiences as construction workers. The real construction workers will have the opportunity to be migrated and the misuse of construction workers identify will be reduced in terms of migration. Eventually, the skilled worker will be preferred and the satisfaction and confidence of international employers will be gained.

Additionally, a large number of skilled and unskilled workers of Bangladesh migrate abroad are engaged in construction work. A recent ILO study on returning migrant workers shows that among the different areas of work, construction is the most common where 35.81 percent returnees were engaged (BILS-ILO, 2014). The issuance of identity card for the construction workers before migration not only confirms their involvement in construction sectors but also is beneficial for the future reintegration process after their return.

Initiate and access to rights and welfare scheme

The introduction of national professional identity card of the construction workers is helpful to estimate the total number of construction workers of the country with exact identity, and their dependents, and also the contribution for the national economy. The availability of exact size of the labour force and their dependents is a prerequisite to initiate any policy and scheme for the welfare of the workers. ILO study for the development of social protection strategy for the construction workers in Bangladesh identified the issues of tracking, database, and registration and ultimately the formalization of the unorganized labor force is a prerequisite before initiating any special schemes or any other social security and protection program for construction sector. The study also identified that the establishment of a registration system is an immediate program to introduce social protection scheme for the construction workers in Bangladesh (Shams, 2013).

The national Identity Card is a significant instrument to ensure the construction workers legal access to compensation for workplace accidents. It would also facilitate the access of construction workers to social protection scheme or workers welfare scheme in public and private sector. Such mechanisms are available in different countries. India, in particular, under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act has formed the Building and Other Construction Workers' Welfare Board that provides welfare grant for the registered construction workers time to time. The welfare board provides grant to registered building and other construction workers for construction and repair their own houses and purchase necessary tools and transpiration facilities.

The identity card can also be effective tool to ensure efficient control of the health, environment and safety of construction workers. Such example exist in Norway, which has introduced the provision of providing ID card for the construction workers with a view to ensuring efficient control of the health, environment and safety of persons working at construction sites.

In Bangladesh, making a preference between the skilled and unskilled, such importance has been highlighted by one of the key informants. "The issuance of ID card will be purposeful if we can determine the benefits. The benefits must include the Pension scheme, preferences in getting access to government construction project, distribution share of profit, housing, easy rationing and other social safety net. The skilled and certified workers must be preferred to migrate to abroad (Khan, KII)." Without doubt, the ID card requirement results in greater accountability in the construction trade (NLIA, 2008). The issuance of Identity card too simplifies the registration process of existing group insurance for the construction workers in

Bangladesh, and the individual workers will have an opportunity to participate in the insurance scheme irrespective of place.

Organizing and Representation

Construction sector is one of the leading informal sectors of Bangladesh in practice though it is legally considered as formal sector. The problem of organizing, a dominant characteristic of the informal sector, is one of the main obstacles to formalize construction sector. The highly precarious job nature, ambiguous employment relationship and migratory nature of the job create big challenges of organizing and the trade unions have also lack interests to organize the floating working group. A nationally accepted Identity card for the construction sector workers would be favorable to organize the construction workers irrespective of their professions, geographical working location and interests. The recognition as a worker and the identity of a construction worker will reduce the complexity of trade union participation. The existing sectoral trade unions, national federations and international trade union and workers community will be interested to organize a nationally identified and recognized working sector. The national and international development organization will also be interested to develop their organizing capacity. An organized sector certainly has higher opportunity to bargain collectively and establish their rights and focus their representation both in the national and international perspectives.

Elimination of Discrimination

Discrimination in terms of age and sex is a predominate feature of construction sector in Bangladesh. In terms of wage, various study found that the female construction workers are paid much less than their male counterparts for the same work (Hossain, Ahmed and Akter, 2010: 80; Ahmed and Akter, 2011). In another study, the discriminatory practices are shown: 90 percent female workers in construction sector claimed that they were paid less than their male counterparts for similar work and 41 percent claimed not to get any overtime even after they work beyond 8 hours and 8 percent have no any idea about overtime (Abrar and Reza, 2013). A recent study found that 72 percent women are paid less than the male workers (Ahmed and Akond, 2014). Moreover the young and old age workers are considered as less productive than the adult and paid less for the same work. The nationally accepted ID card will be an effective tool to eliminate the wage discrimination for the construction workers. The card that clearly represents workers trade, designation and expertise will be helpful for the workers to protest against discriminatory measures much prevalent in the sector.

Inspection, monitoring, and supervision

The identity card can be an effective mechanism for the inspection and monitoring of labour inspection department. The unauthorized and undeclared construction work can easily be addressed. In numerous countries, ID card has been in use as a tool of inspection and monitoring. In Sweden, the IDo6 project in the construction sector took a similar approach and proved to be an effective monitoring tool to address undeclared work, with a requirement for all building site workers to register and

carry identity cards. Similar measures have been introduced in Finland, Italy and Norway (ILO, 2013).

The benefits of ID card are not confined to workers and the government but also employers. ID card makes it easier for the employer to recruit the skilled and experienced workers directly. The misuse or fraudulent or deceptive characteristics of recruitment by any brokers/middlemen can be reduced. With the card, the employers have a means of verification of the workers and their skills. This verification and confirmation of the skills and expertise reduce the unexpected damage of construction materials also. It would be observational tools for the employers. The recruited workers with an ID card can easily be recognizable for the supervision and to assess the output of individual workers. Thus it would be helpful for the employers or supervisors to monitor and evaluate output of the individual workers at the end. A good place to start is the use of ID badges for time and attendance management.

The ID could be a tool of ensuring security at the workplace controlling unauthorized access. It can be used to prevent the illicit entrance to a secure or restricted area of workplace. The only authorized workers who have valid ID card can have the access in the workplace and secure area of the workplace directed by the authority. It is the easiest way for the employers to avoid discrimination and to ensure equal access to rights of workers at workplace by evaluating their designated trade, skills and experiences.

III. Current Status of ID Card for the Workers in Bangladesh

Nationally all the workers at the age of 18 or above are entitled to have a national identity card in Bangladesh. In connection to workers identity card the formal sector and industry-based sector issue identity card though not all of the industry follows this legal obligations. The practice is totally absent in the informal sector. However, the multistage recruitment system of construction workers in Bangladesh limits the scope of providing identity card by the employers. The issuance of Identity card form the trade union in Bangladesh is a positive sign of professional recognition in Bangladesh which however suffers from numerous limitations. This section of the report elaborates the legal status of workers identity card in national and international perspectives and current status of construction workers recruitment process and the issuance of identity card.

National ID Vs professional ID

All of the Bangladeshi Citizens who are 18 or above are eligible to register as a voter and authorized to have a national identity card. The national identity card is recognition of the citizenship of Bangladesh and essential for enjoying rights as a citizen. The professional identity card is the recognition of professions and designated trade that is applicable for the special benefits and rights at work for a particular professional group.

In many countries there is provision of compulsory national identity card to get employment. In Nigeria, the Committee on Citizenship, Immigration and Related Matters has recommended that no Nigerian should be employed unless a person has a valid national identity card. Employers should ensure that all Nigerian workers have a digital workplace identification card that carries the employee's national identification number (Abuja, 2014). In Bangladesh, the national Identify card is being used for a verity of purposes but there is no restriction or provision for the recruitment of workers on the basis of having or not having identity card. The card also does not specify profession of individuals. The national identity card thus can be a general identification of a citizen which can be reference point to issue a nationally recognized professional identity card.

Legal provision of issuing ID cards for the workers

The legal rights of getting identity card have been documented in the labour laws of many countries. For Bangladesh, providing Identity card to the workers is the legal obligation that lies on the employer according to the Bangladesh Labour Act 2006. Bangladesh National Labour Policy 2012 too emphasizes the development of a comprehensive database for the all employed workers according to sector and industry (National Labour Policy, 2012).

Bangladesh Labour Act 2006 states "No employer shall employ any worker without giving such worker a letter of appointment and every such employed worker shall be provided with an identity card with photograph." This provision of providing identify card from the employers is hardly in practice in the construction sector. Most important reasons of such state of affairs include limitation of recognition of the obligations by the employers, and the duration of validity of work with the

change of employers. The nature of employment relation in the informal sector of Bangladesh indicates that the proper implementation of law is hardly maintained. "The provision is like that the industry or employer of the specific sector will provide the identity card according to the law. But due to lack of permanent job and frequent change of workplace and employers, it is difficult to practice issuance of identity card in the informal sector, states one of the key informants" (Rahman, KII).

This identity card's validity is however limited to the working duration of a single employer who is obliged to provide the card even when workers are employed for a short limited period. The current status of employment relationship shows that there are no legal practices of providing identity card from the informal sector employers in the country.

Professional Identity card for the workers is considered as a legal obligation for the many countries of the world. Some countries have their own separate sector based legal provision of providing workers registration and identity card for the workers. Mostly the labour receiving countries have much more attention to provide identity card in their immigration act. Norway has made legal obligation to employers and enterprises to ensure that all persons performing work at construction sites hold ID cards issued by a card issuer designated by the Ministry. ⁵ Hong Kong also has separate legal instruments for the registration of construction workers and controls the employment of construction sector. The ordinance titled "Construction Workers Registration Ordinance" has made to register the construction workers that also prohibit the work permit of unregistered workers.⁶ The construction workers registration and legal obligation in India is one of the good examples for construction sector workers registration and issuing identity cards. According to the country's Act, every building worker who has completed eighteen years of age, but has not completed sixty years of age, and who has been engaged in any building or other construction work for not less than ninety days during the preceding twelve months shall be eligible for registration as a beneficiary under this Act (Section-12). The Board shall give to every beneficiary an identity card with his photograph duly affixed thereon and with enough space for entering the details of the building or other construction work done by him (Section-13). ⁷

Current practice of identity card in the construction sector of Bangladesh

Construction workers mainly work in three positions—head-mistri, mistri, and helper (jogali) and workers are generally employed under three different categories—daily-

⁵ Regulations concerning identity cards (ID cards) at construction sites, Laid down by the Ministry of Labour and Social Inclusion 30 March 2007 pursuant to section 1-4, first paragraph, and section 4-1, sixth paragraph, of the Act of 17 June 2005 No 62 relating to Working Environment, Working Hours and Employment Protection, etc. (Working Environment Act). Amended 27 November 2007 No. 1329 (entry into force 1 January 2008),

⁶ Construction Workers Registration Ordinance/Hong Kong/ Gazette Number/ 25/04/2013 / An Ordinance to provide for the registration of construction workers; a levy to be paid by contractors in respect of construction operations; the regulation of construction workers personally carrying out construction work; and for related matters. (Amended 17 of 2012 s. 3)

⁷ The Building And Other Construction Workers (Regulation Of Employment And Conditions Of Service) Act, 1996,

basis, contractual and monthly-basis labourer. The employers recruit workers through contractors who again depend largely on sub-contractors or mediators, known as sardar,/head mistry for the supply of required number of workers (FGD, Dhaka, Rajshahi and Chittagong). BILS study (2007) found that almost all construction workers (86.0 percent) work on daily basis and 13.2 percent workers on contract basis. BILS (2010) study showed that the largest proportion (88.8 percent) of construction workers were also the daily-basis workers. Only 6.5 percent workers were contractual worker and the remaining proportion (4.7 percent) was monthly-basis (Ahmed and Akter, 2014). Remarkably, all the participants of FGDs, conducted during the fieldwork of the present study, have been found working on daily-basis.

In the present context, the practice of issuing identity card is related to the recruitment system that is predominantly informal in nature. The sector generally lacks any well-structured system for recruitment of workers in the present Bangladesh. Workers recruitment in construction sector is typically multistage; the employers themselves do not recruit workers directly rather they arrange workers through contractors who again depend largely on sub-contractors or mediators, known as sardar, for the supply of required number of workers. Contractors often use their known persons or relatives as media to recruit workers. Sometimes workers themselves come to the construction sites and urge the contractors to recruit them (Ahmed and Akter, 2011). The practice of formal recruitment of the workers under the construction industries or employers is almost absent in Bangladesh (FGD; Dhaka, Rajshahi and Chittagong). At least 10,000 workers are engaged in construction work in Rajshahi District and all of them are recruited directly through the sub-contractors or Head Mistry (KII, President, INSUB, and Rajshahi District). The situation is similar for the Dhaka and Chittagong (FGD; Dhaka and Chittagong).

The construction sector based trade union itself provides identity card for the members that results a prevailing knowledge among the construction workers about the identity card. "Yes, I have an identity card which is provided by my Union and I always keep it in my pocket", says a participant in focus group discussion (FGD, Dhaka). "All of us present, we have individual Identity card provided by our Union," states participants of another focus group discussion (FGD, Rajshahi). The identity card for the member of a trade union is one of the constitutional obligations of many trade unions. "It is our constitutional obligation, my organization has a constitution which clearly explain the obligation of issuing identity card for the each member of union" (KII, General Secretary, BNSL). Imarat Nirman Sramik Union Bangladesh (INSUB), according to the union constitution provides each member identity card with photograph so that the workers identity can easily be available.

The Focus Group Discussions in Dhaka, Chittagong and Rajshahi remarkably mentioned about the workers prevailing knowledge about Identity cards but it is only limited to the workers who are only the member of a trade union. The workers who are not involved in trade union have no idea about the professional identity card.

"Every INSUB member has an Identity card issue by the UNION which helps then to avoid many unexpected problem (President, INSUB, Rajshahi)." The study found that there is no practice of providing identity card by the employers to its workers. The employers claim that the workers are recruited through the sub-contractors and they have no direct relationship with the workers. "We made a contract with the sub-contractors and pay the agreed amount to them, we are only concerned about taking hand over the work from them on time, every other matter related to the workers are thus managed by the sub-contractors as they are the suppliers of the workers" states an construction employer in Rajshahi.

The present informal system of recruitment and the unclear employment relationship are the main problems of getting appointment letter and identity card form the employers. The existing identity cards provided from the trade union are only valid for the union purposes. It has only an evidential value of their identity as a construction workers and a member of a trade union, thus is not of national recognition.

"INSUB is the largest construction sector based Trade Union of the country. Complying with the constitution and organizational practice we, Rajshahi INSUB issue ID card to our all of the member's. The Identity card includes basic information of the workers with photograph. The ID card helps the workers in a various way, particularly to deals the dispute between the worker and employer like compensation. It is also an important safeguard against police harassment at the time of returning home when they have to work up to midnight. But this card has no strong evidential value and countrywide acceptance. I believe the national ID card will give us a permanent recognition as a construction worker (Ali, KII).

The majority of the construction workers are out of trade union coverage, and thus trade union provided ID card/ membership card is not accessible to most workers.

IV. Scope and Opportunities of Issuing ID Card

The study explores scope and opportunities to issue national professional identity card for the construction workers with its due limitation and barriers. The stakeholders particularly the general workers, government authority, trade union representatives, employers, experts views are quite positive in this regards. The Project Advisory Committee (PAC) members of the ILO project "Way out of informality: Facilitating Formalization of the Informal Economy in South Asia" agreed with the need of issuing Identity card for the construction workers. This multistakeholder government representative's positive attitude towards the issuing of identity card is itself a scope of developing a strategy to issue identity card for the construction works in Bangladesh.

Feasible type of ID card

The professional identity card would be a unique identification documents which includes the attributes of a construction worker. The determination of identity card attributes is a matter of review and analysis. The study found that a feasible identity card must include the designated trade and level of skills of a worker in addition the basic attributes of the workers with a recent photograph and signature.

"The identity card should include our skill and experiences which will express our actual identity whether I am a *Jogali* (Helper) or a *Mistry* (Skilled workers). Other than this, issuing a general identity card mentioning only a construction workers how would you differentiate a skilled and unskilled workers? Without mentioning skill it will not serve the actual purposes" (FGD Participant, Dhaka).

The card should include the designated trade and position of the workers. The construction work comprises wide ranges of trade; specifically, the task/works where the construction workers of country are engaged include — soil digging, sanitary works, brick/stone breaking, piling, painting, mosaic/ tiles installing, electric work, rod/iron binding, roof-casting (Ahmed and Akter, 2011). The identity card should mention the specific trade and position of the workers with verification.

The workers are divided into two levels on the basis of skill; the skilled workers (*Mistry*) and unskilled workers (*Jogali*). Another intermediate group is found the semi-skilled workers. The FGD participants recommended to issue identity card at three level; skilled workers, semi skilled workers and general helper (Participants of the Focus Group Discussion, Chittagong). The employers advocated for two types of identity card, skilled workers (*Mistry*) and general workers/helper (*Jogali*). "There should be two levels of workers identity card; *Mistry* and *Jogali* (Kanti, KII)." The categories of construction workers mentioned in the minimum wage gazette for the construction and wood workers would be a good example to determine the types of identity card. Complying with this categories there would be three types of identity card; Skilled Workers (*Mistry*), Semi Skilled Workers (Assistant *Mistry*) and *Jogali*/Labour.⁸

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⁸ Minimum Wage Board declaration Gazette for the construction and Wood Workers (2012), Ministry of Labour and Employment, Government of the People's Republic of Bangladesh, October 2, 2014.

The upgradation in the profession is a substantial issue to provide identity card for the construction workers. There should be a provision to issue identity card according to the upgradation of workers to a new position. If a new position is taken up, then a new registration should be applied for. The feasible type of identity card at the first stage and the duration of validity have been identified as one of the major concern in this regards.

Potential institutions/authority for Issuance of ID card

The identification of key actors for the issuance of identity card is the preliminary activity to develop a mechanism. In this regards most of the stakeholders identified the Ministry of Labour and Employment of the government of Bangladesh as the key actor and initiator of this program. The ministry of labour and employment acting as a key player could involve other related ministries or department to develop a comprehensive program to issue national identity card for the construction workers. The numerous countries of the world who have already initiated the registration and identity card issuance for the professional group especially for the building and other construction workers, most of them regulate their activities under the ministry of labour.

For example, the Chief Labour Commissioner in the Central sphere and State Government in the state sphere implemented the Enforcement part of the Building and Construction Workers Registration Act, 1996 in India constituting several committees like Central Advisory Committee by the Central Government, State Advisory Committee by the State Governments. The Hong Kong constituted separate authority named "Construction Workers Registration Authority (CWRA)" to implement the registration schemes and issuing identity card for the building and construction workers. In Norway, the issuance of identity card for the building and construction workers is left under the Ministry of Labour and Social Inclusion since 2008.

The construction sector workers representatives of Bangladesh have given similar opinion in this regard to identify the ministry of labour and Employment as the key actor of this scheme.

"The labour ministry is the responsible organ of the government to maintain this type of activity. The Ministry of Labour and Employment (MOLE) can play a vital role in this regard. The schemes should be initiated by the labour ministry and could also be involved others ministry related to construction work. The Ministry of Housing and Public Works (MOHPW), Ministry of Local Government Rural Development and Cooperatives (MOLGRDC)) and Ministry of Defense should be involved in this process as there are a lot of construction works, all the government construction workers in Bangladesh are carried out by this ministries" (Haque, KII).

The involvement of others ministry related to government construction work and services can also be a part of this scheme. The national trade union representatives also mentioned to formulate an inter-ministerial action committee to initiate such types of scheme. SKOP representatives in particular was of the opinion to include Ministry of Commerce (MOC) and Ministry of Expertise Welfare and Overseas Employment (MOEWOE) in addition to the above list but thought to exclude the Ministry of Defense as it had to relevant functions with construction

workers (Khan, KII). In identifying the potential authority another key informant states, "There should be a national action committee constitute ensuring the participation of Ministry of Expertise welfare and Overseas Employment, Ministry of Local Government Rural Development and Cooperatives, Ministry of Information and the Ministry of Labour will be the co-coordinator of this national action committee (Razzak, KII)." Nawab Ali in the key informant interviews notes, "Ministry of Labour and Employment would be the central key actor and the local government with the direct involvement of workers representative would play effective role in the local level (Ali, KII)."

The Ministry of Labour and Employment of Bangladesh Government has been functioning considering the importance of employment for socio-economic development and poverty alleviation of the country. Ensuring the welfare of the workers is one of the core missions of The Ministry of Labour and Employment. The Labour Welfare Foundation Law 2006 provides scope under section 5 to initiate schemes for the welfare of the workers and their families. ⁹ Underlying this legal ground and considering the vulnerabilities and contribution of construction workers, the government under this act can initiate a scheme to issue the national professional identity card for the construction workers which will lead wide ranges of benefits for this vulnerable working group. A mechanism or initiative can be developed to issue ID card for the construction workers who are already getting benefits from the labour welfare foundation as a construction worker. A provision can also be made to oblige the registration of the workers under a prescribed mechanism to access the future benefits under the labour welfare foundation.

Potential Authority

Identification of implementing department is a crucial task for the issuance of identity card for the construction workers. The Department of Inspection for Factories and Establishments (DIFE) is one of the potential departments which is working in the field level to ensure the better working environment and workers safety and ensuring compliance in the factories and establishment. The Department of Labour, another core organization of the government, has also opportunity to act as a potential implementing partner of such schemes.

The department of Inspection for Factories and Establishments (DIFE) would be a central body to execute the scheme which is working with the mission to implement labour laws and regulations, to eliminate child labour, to enhance productivity of Factories by creating a better working environment, to ensure workplace safety including fire safety and welfare of workers, to implement minimum wages declared in different sectors (DIFE, 2014). The issuance of identity card is closely related to accomplish the mission of DIFE as it is highly required to ensure the implementation

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⁹ Labour Welfare Foundation Law 2006, Section-5 describes the functions of foundation which mainly includes to initiate and implement various schemes to ensure the welfare of the workers and their families, specifically introduce treatment facilities or financial supports for the incapable workers, introduce insurance scheme and to compensate to the family for the death of workers, stipend for the workers child, The foundation can initiate any necessary schemes to accomplish the functions mentioned under this law.

of law and regulation of the land, making better workplace, ensuring workplace safety and security with the implementation of minimum wage and elimination of child labour. The DIFE representative also stated correspondingly complying with their scope of work.

"A separate project can be initiated under the DIFE regarding this issue with the collaboration of national and international stakeholders. The project activities might include the development of a database with the registration, issuing nationally recognized professional identity card and training for the registered workers specially on personal protective equipment (Islam, KII)."

The representative of Department of Labour (DoL), MOLE, GoB stated that there is no specific legal obligation or direction to the DoL for initiating such types of schemes in the existing provision. DoL highly appreciate such type of scheme and express willingness to cooperate if any such initiatives are taken by the authority. The identification of key role player is a matter of precise discussions, however, they were of the opinion that the scheme of issuing professional identity card for the construction workers would be carried out by a tripartite body. The government, employer and workers must act together to implement such type of activities. The divisional office of DoL will have opportunity to assist in this process (Jiaul, KII). The department of labour in accordance with the citizen charter of the department have opportunity to carry out activities taken by the government for the welfare of the workers and their families (DoL, 2014).

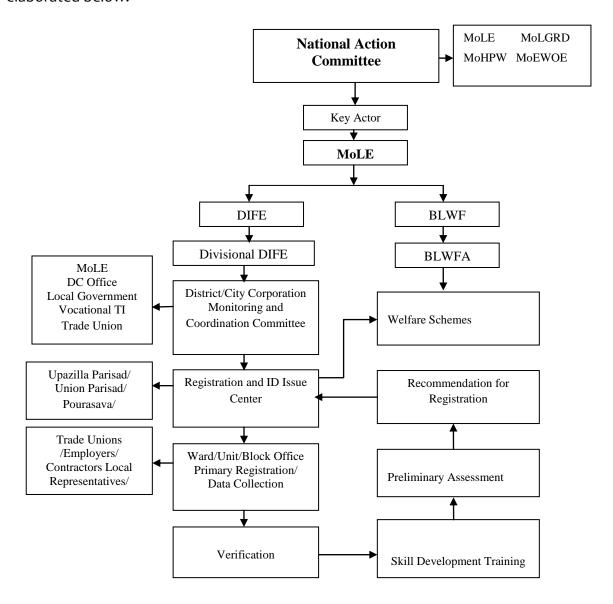
The leader of Joint Action Committee of National Trade Union Centers (SKOP) stated that the this type of schemes must be undertaken by the government and Ministry of Labour and Employment would be the potential key actor and the Labour Welfare foundation can be an executive organ. A mechanism should be developed to issue a nationally accepted ID card (Khan, KII).

Indeed, the value of professional identity card depends on the issuing authority. It would be legally valued document only when the government authority issues it or approves the authority. The Ministry of Labour and Employment can be a potential issuing authority through the Department of Inspections for Factories and Establishment, states A.K. M Nasim, a labour lawyer (Nasim KII). In sum, it is accepted that the government should establish a mechanism to ensure the issuance of ID card. Proper monitoring and inspection should be ensured under the Directorates of Ministry of Labour and Local Government entities which would reduce the complexity of verifying the workers profession and facilitate the workers registration system.

Potential Mechanism

The mechanism of issuance of identity is one of the core areas of feasibility study. The identification of key role player is the matter of legal obligation, scope of work and jurisdiction. The discretion of the concerned body may also effect the identification of the key role actors. The feasible mechanism is identified with a rigorous discussion with the stakeholders; workers, employers and government. The mechanism identified the potential system with the probable role-playing stakeholders. The potential mechanism mainly explains the feasible process of

issuing identity card to the workers. A detail of the potential mechanism is elaborated below.



National Action Committee

A national Action committee can be formed to coordinate and implement the scheme. The Ministry of Housing and Public Works (MOHPW), Ministry of Local Government Rural Development and Cooperatives (MOLGRDC) and Ministry of Expertise Welfare and Overseas Employment (MOEWOE) can be identified as potential members of the action committee under the coordination of Ministry of Labour and Employment (MOLE).

The Ministry of Housing and Public Work is responsible for the construction and maintenance of building under the government. The Public Work Department under the ministry plays a pivotal role in the implementation of government construction projects. It also undertakes projects for autonomous bodies as deposit works. This ministry is closely related to the construction workers that can facilitate the schemes assisting by the certification of skilled worker through he concerned

department. It can also be a motivational and promotional stakeholder if it provides preferable access to work under the MOHPW who will have a professional identity card.

The Ministry of Local Government Rural Development and Cooperatives (MOLGRDC) is considered as an implementing partner in the local level. The ministry of Labour and Employment operating at the field level throughout the Department of Labour (DoL) and Department of Inspection for Factories and Establishments (DIFE) which suffers with inadequate human resources and not extended up to the root level like LGD. The Department of Labour is functioning throughout the country with 11 regional labour departments under t4 divisional departments. 29 Labour welfare center and 4 Industrial Relations Institute are also functioning under the Department of Labour. The DIFE is in operation having a headquarters and 23 district offices. So, it is clear that the labour wing of the country is not adequately prepared alone to implement such schemes without the involvement of local government.

The LGD is currently responsible for improving the standard of living of the people by strengthening local government systems and institutions and implement activities for social, economic and infrastructure development. Construct, maintain and manage Upazila, union and village roads including the roads of towns and municipal areas and bridges/ culverts are one of the main functioning area of LGD which is closely related to construction sector. The LGD have opportunity to be acting as a potential implementing stakeholder at the local level by supporting the mechanism through its existing infrastructure located at the root level with the collaboration of MOLE.

Decentralization

The issuance of identity card mechanism strongly supports the decentralized approach. It should be implemented designing methods where the workers will have opportunity to get benefit as much as possible nearest to their home or workplace. The workers representatives, the field level workers, policy makers and key stakeholders including employers support the decentralization and establishing field level unit office to issue identity card for the workers.

Sharing the experiences of international practices Md. Khandakar Mostan Hossain stated that In India, particularly in Chennai State the local government authority issue identity card of its citizen according to profession. In the Bangladesh context the issuance of ID card can be initiated at the local level through the local government like City Corporation or Union Parisad. It is very difficult to issue centrally.

In similar vein, trade union representative states, "The issuance of identity card should be initiated at the local level and primarily it should be distributed through the Trade union. Other stakeholder should also be involved in the process but the workers must have registration under a Trade Union to get an identity card at the preliminary stages. It will reduce the complexity (Khan)".

Potential Local Authority

The participants of the study identified a verity of authorities for the coordination and implementation at the local level. The Deputy Commissioner (DC) Office, City

Corporation, Upazilla Parisad, Union Parisad, Police Stations, Trade Union are some of the notable potential authorities mentioned by the respondents. A separate tripartite body constituted with the representation of workers, employers and government representatives is also identified as potential field level actors. The establishment of local unit office at the ward level for workers registration is the key demand of workers. The registration system or issuing an identity card may need the involvement of both the urban and rural level local government institutions, like Union Parishad and Pouroshova in a complimentary and collaborative mode (Shams, 2013).

The following authorities can be considered to implement the scheme in the local level; The Upozella Parisad and Union Parisad can be an implementing partner of such types of scheme at the local level. At present there are 4480 Union Parishad that are functioning in delivering expected public services to the common people at the grass-root level (LGD, 2014). The Union Parisad has experiences relating to the registration like Birth and Death registration of its citizens, preparing and reserving list of widow, orphan, poor and vulnerable of the community. It has opportunity to collaborate and extend area of activities with other organizations. Besides it is obliged to carry out the function directed by the governments. ¹⁰

The DIFE can be identified as a potential key player at the local level. This department is responsible for ensuring welfare, safety and health of valuable human resources working in various sectors contributing national development. The DIFE has close collaborations with various government and private organizations, agencies along with international organizations especially ILO to facilitate policy, planning, measures and directions adopted to enhance occupational safety and health for all workers by appropriate working conditions and environment. It can act directly in the 21 Districts with their independent settlement. In addition the Department of Labour has covered 4 more areas namely Narayangoni, Sylhet, Chandpur and Bagerhat which could also be included with collaboration. Besides 29 Labour Welfare Center can also be utilized as registration unit of the workers. The district which is not covered by the labour wing of the government can work with the collaboration of LGD i

Tripartite Body

The composition of a local tripartite body can be considered to coordinate and implement the schemes. The representative of employers mainly from the contractors who directly recruit the workers, the local trade union representatives and the government representatives preferably technically experts on construction or vocational training issue would be the potential member of the body. This tripartite body will identify the workers and also assess their primary knowledge of skills and recommend for the registration.

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¹⁰ Local Government (Upozella Parisad) Act, 2009, Schedule –II, Function of UP

Working District of DIFE include Barisal, Jessore, Munshigonj, Bogra, Kushtia, Narsingdi, Chittagong (2), Kishorgon, Pabna, Comilla, Khulna, Rangpur, Dhaka, Manikgonj, Rajshahi, Dinajpur, Mymensingh, Sirajgonj, Gazipur, Moulvibazar, and Tangail

Registration and ID card Issue Center

A central identity card issue center can be established at the district office, and unit office can be set up at the union level or ward level to register the workers. After registration and necessary assessment through the local tripartite body with a recommendation, the workers should be entitled to an identity card with designated trade and skills.

Trade Union

Trade union in the base level has been identified as the key actor for the implementation of such type of project. The local level TU office can also be a block unit for initiating such type of scheme. It has also been found that at the first stage this issuance of Identity card should be limited to the member of the TU. TU leaders in different focus group discussions claimed that they have good knowledge about the workers of their locality and capable to recommend the actual level of skill of the workers. ¹²

At the first stage it can be carried out by the trade union. The trade union will have to work to register their member to develop a national database (Khan, KII). "It would a pleasure for us if the Government Issue such type of ID card. We are ready to assist the government to implement this type of project. It should be included a verities of stakeholder mainly the TU, Government, Employers and local public representative. Trade Union can recommend and certified their worker's skill and experiences. Besides the TU leaders are also capable to identify and recommend the workers of this city who are not TU members (Karim, KII).".

The workers at the first stage get registration through TU. A similar practice of involving trade unions in the registration process in Tamil Nadu clearly shows that trade unions are accessible to workers and as such the process of registration becomes easily accessible to workers. ¹³ However, unlike the Tamil Nadu case, the presence of the workers in front of the registration authority must need to be ensured. ¹⁴After getting registration a mechanism should have to provide training. This training could be TU based, and to get an ID card a worker must have a TU

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¹² International experience evince to the fact that trade unions have familiarity with the workers they organize. Like in India, the field survey conducted in Tamil Nadu on the registered construction workers under the welfare board revealed that the workers generally preferred to rely on trade unions for obtaining various benefits accorded by the Welfare Board (ILO, 2003).

¹³ In Tamil Nadu, India, a manual worker who is over 15 but under the age of 60 years is eligible to register his/her name with the Welfare Board. The presence of workers is not insisted upon at the time of registration. The leaders of Trade Unions bring the applications of the construction workers directly to the Registering Authorities and make the registration by remitting Rs.25/- for each worker towards registration fee. The workers who are registered with the Board are issued with identity cards assigning registration numbers. The worker has to make an application for such registration in the prescribed form together with the certificate of employment issued by an employer engaged in construction industry or any Government organization or agency engaged in building industry or a registered trade union.

¹⁴ The presence of the worker at the time of registration is not insisted upon in Tamil Nadu. This system has given rise to a few cases of bogus membership. While verifying claims for assistance, the Assistant Inspectors of Labour have mentioned that certain claimants are actually not construction workers. Based on such information further enquiries are conducted. If reports indicate that the said workers are not actually construction workers, the registration of such workers is cancelled.

membership. The government should equip the TU with supportive materials like training and other necessary facilities to implement the schemes at the local level (Khan, KII). There should be a monitoring system to monitor and follow up the progress and proper implementation. "It is a difficult job for TU but if the government provides sufficient resources and supportive materials that TU would be able to play a vital role in this regards" state a local trade union representative (Razzak, KII).

Recommenders/ Facilitators

The employers, contractors, sub-contractor and locally renowned skilled workers (*Head Mistry*) have been identified as the recommender of the skill and trade of an applicant at the primary level. The local public representatives such as Councilor can also be a recommender of for the registration of the workers of his locality. The Trade Union has been identified as more convenient and authentic authority for the workers identification and recommendation. The constituent of a recommender body could also be an effective mechanism.

Skill Assessment

The recognition of skill is one of the core objectives of issuing identity card for the workers and equally the assessment of skill is a big challenge at the primary stage for construction workers registration. The sector comprises wide ranges of activities and specialization. There is also lack of uniformity in the level of skills among the various trades. The constitution of tripartite body with the technical experts to assess the primary knowledge of the unskilled/ helper (Jogali) with a short interview can also be an authentic skill assessment mechanism for the unskilled and semi skilled workers. The recognition of skilled workers needs more comprehensive skill assessment method. In this regard the involvement of vocational training institutes for the assessment of skill can be an effective mechanism.

The National Skill Development Council (NSDC) can be an important stakeholder in this regards. NSDC formulated a guideline for a nationally recognized qualification under the heading of "National Technical and Vocational Qualifications Framework (NTVQF)". This NTVQF includes two pre-vocational levels to introduce additional pathways in general education and to cater for the under privileged and low educated groups in society. It will also include five vocational levels, and one level for diploma level qualifications (NSDC, 2014).

The NSDC is working to develop a international standard of skill level. A linked can be set up to NSDC to formulate guidelines to determine the level of qualification of the construction workers and it should be assessed before certifying workers to issue professional identity card (Islam, KII).

The institutional training and certification can also be an assessment tool of skill level though there is not a wide practice of formal training for the construction workers. ILO, BMET provides training on Carpentry/Wood Works, Electrical House Wiring, Rod Binding, Mason, Electrician. ILO has its own training program for the construction workers. The certificate issued by the training program can also be a tool of skill level assessment. The BMET training and certification will also be helpful to assess the skill for a limited number of workers (Hossain, KII). The workers who

will be registered for a identity card will go through a training process and after finishing the training with an assessment ID card can be issued according to their level of skill (Grade), states Wazedul Islam Khan (Khan, KII).

Identity card Fee

Fee for getting a professional identity card is an important issue. In this regard, the workers replied positively and express their willingness to provide the required fee for the registration and identity card. The workers who are the member of a trade union have to pay 100-140 Taka as registration and union identity card fee. The workers however were of the view to fix the fee of card, if any, to an affordable level considering the economic status of the construction workers at both rural and urban areas. Most of the workers interviewed considered maximum of BDT 50 as an affordable sum for registration and ID card fee. ¹⁵

Campaign and Incentives

The rigorous campaign is essential for the effective implementation of such type of activities. The participants specially the workers recommended conducting precise campaign and publicity about the benefits of registration and identity cards. The applications prescribed for registration of workers can be printed and distributed to the Trade Unions on request free of cost. This has removed difficulties in getting the prescribed application form. Developed Handbooks with details of registration procedure, benefits given and the procedure for making claims would have been printed and issued to the Trade Union. Besides, posters giving details of schemes can also printed and pasted in various places. Publicity about the benefits available to members could also give through boards displayed in the pavilion of the Labour Department. Wide publicity should be given in local newspapers. All these steps are taken to make workers aware of the benefits they can receive by joining the Construction Workers' Identity card scheme as members.

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¹⁵ Rs.25/- is collected from each worker as registration fee and a renewal fee of Rs.10/- is collected every two years to renew the registration in Kerala (ILO, 2003).

V. Challenges and Way Forwards

The construction sector undoubtedly poses the characteristics of informal economy. The unorganized nature of the sector and vague employment relationship with the lack of adequate legal coverage makes the situation challenging to take any initiative to formalize the sector. The present study identifies the feasibility of issuing ID card for the construction workers in Bangladesh and draws a strategic preliminary direction how can be the model of issuing identity card. All the stakeholders interviewed as part of this study responded positively and stated that it is possible to issue identity card for the construction workers of Bangladesh. It needs an interministerial collective efforts. Though the MOLE has been identified as a key actor, the program will face difficulties to implement in the rural level without the support of local government department. The Public work department has also intermediate roles to certify the works and important role as an incentive provider if a worker gets register like providing preference to getting job under the government.

The study found a wide range of challenges as well as possible recommendations from the stakeholders. Notably the wide definition of construction sector, unclear employment relationship, heterogeneity of skills and trade, lack of adequate legal provision and absence of practicing existing legal obligation, limitation of labour wing, identification and recognition of actual workers, the possible entitlements associated with the identity card were identified as the challenges. The study also reveals some recommendation like separate enactment of law, Skill Development Training Based Approach, Implementation of Existing Law, Define the Employers, Development of an operational Strategy, Decentralized Approach, involvement of Local government, Collaboration of Labour Wing with the TU and Employers Association, Enactment of Separate Law and Regulation, Formation of National Action Committee, Compulsory ID Card, Entry Point of Other Interventions, Awareness raising campaigns and Adoption of Policy to Address Migration Problem.

Challenges

Lack of legal Provision

The definition of construction sector and its legal recognition is itself a debatable issue. Though the labour law of the country covers this sector and it has separate minimum wage declaration, it is considered as an informal sector for its empirical casual practice. The labour policy 2012 includes the construction sector workers under the informal sector. This ambiguity creates confusion to plan and initiate any schemes by defining this sector under any legal jurisdiction.

There is also no separate comprehensive legal provision regarding the construction sector that explains the regulation or code of conduct related to construction workers' employment. The current labour law provides that the employers is responsible to provide identity card but there is no specific direction that would be the ground to compel the authority to initiate such activities other than some general provision to enact law and regulation for the welfare of the workers.

The definition of employer who is responsible for issuing appointment letter and Identity card according to the existing Law should be clearly defined. It is observed that in most of the cases, the owner and the contractors pass the responsibility to one another.

The value of identity card

The benefits and welfare schemes which will be available by this identity card is a matter of concern. The workers prioritize to clarify the available benefits and welfare schemes before initiating such ID card schemes. Workers will find little value of the ID card should that is a stand alone documents but not linked to their probable access to some social protection and welfare schemes.

Heterogeneity of Profession and skill certification

The competent authorization of skill is highly required to fulfill the purposes of identity card. The identification of authentic and competent authority to recognize their skill and certify the workers is an important issue which needs to be considered giving priority before initiating such scheme. This is more so because of the heterogeneity of the profession itself. The construction work involves a wide range of sub-categories that required to a intensive ground work at the field level to formulate a competent body with multi stakeholders to assess their skills.

The absence of providing appointment letter and identity card by the employers is another major obstacle to recognize their profession, experiences and skills. The construction workers are traditionally acquiring skill in an informal way basically learning trough helping and observing the skilled workers. This is one of the major concerns to recognize their actual skill and experiences.

Implementation in the local level

The schemes would not be feasible to initiate at the central level. The stakeholders recommend decentralization but the implementation in the local level is a great challenge. The labour wing of the government is not wholly decentralized and not equipped enough to operate the function in the grass-root level fully. The involvement of other organ of the government mainly the LGD is highly required.

Also, the existing labour law and labour wing of the government are more focused on the formal sector. There are some recent initiatives to facilitate formalizing the informal sector but it is very limited on the sheer size of the requirements for a working sector that comprises about 90 percent of the total labour force. The limitation of human resources and lack of specific government direction or law regarding the issuance of sector wise professional identity card can be identified as a challenge to initiate formal procedure regarding this issue.

Indeed, the scheme of issuance of identity card involves cooperation and collaboration of multi-level stakeholders. Mainly the coordination in the policy level is highly required at the preliminary stage. The involvement of the concerned ministries, willingness, working mandate and jurisdiction, capacity, existing workload should challenge such type of initiatives.

Migration and casual employment

This sector unquestionably contains the characteristics of informal economy: the workers who mainly come from the disadvantaged background are frequent in changing of professions and also the locations. Very few are employed for a long period under single employer. This frequent migration and seasonal work makes the situation more difficult to take any initiatives for this group. The casual work with frequent migration and instability of employment relation will create the problem of identifying the real workers who lives on this job full time. This problem not only makes the situation difficult to identify the real construction workers but also challenges separation of to be construction workers in case the ID card would be linked to any benefit schemes.

Unorganized and Floating

Very few of the construction workers are registered under a trade union. A small percentage of the construction sector workforce is organized through unions or associations of any kind. Since most workers not organized, and also because of the floating nature of the job opportunities for the workers, they are at most times out of reach. The unorganized and floating nature of workforce and work respectively make the issuance of ID card on a difficult terrain.

Strategic Considerations for Issuance of ID Card

Implement and Enactment of Law and Regulation

A comprehensive system for the welfare of construction workers requires a law regarding the employment and service condition that must include the provision of issuing identity card forming a separate authority. The act should also ensure the availability of social protection. Under the act, welfare fund can be developed with an independent authority that coordinates the matter of registration, issuance of identity card and benefits available.

The registration and holding a professional identity card should be made compulsory to work as a construction worker except the work under individual household work. The employers of construction firms, government construction project or work under an organized authority should be made legally obliged to recruit the registered workers with an identity card. The legal obligation should be limited, at the preliminary stage, to a pilot area. Primarily an urban area and a rural area can be selected as pilot activity area.

The definition of construction sector employers with specific responsibilities must be clear in the labour rules to avoid the ambiguity of employment relationship. Unless the definition and responsibility of the employers are made clear, the uses of the construction workers' registration system along with the mandatory ID card will be of little value.

The practicing of existing legal obligation like issuance of Identity card, appointment letter, service book by the employer must be ensured either for short term and long term work. The deviance from the law in this regard should be made punishable further to deter future violation. The exercise of existing legal provision

of providing appointment letter and identity card could be an influential step to recognize the actual workers.

Operational Strategy and Collaboration

An inclusive study to develop a strategy to issue the professional ID card can be conducted involving the government, employers, and trade union participation. The operational strategy must build on the strengths of all these organization, and will have to be collaborative amongst.

The issuance of identity card can be initiated under the existing labour wing like DIFE with the collaboration of TUs and employers association. The member of construction sector trade union can be the preliminary target for registration and issuance of identity card. In this regard a separate project can be launched under the DIFE with the collaboration of national and international organization working for the welfare of the workers.

The decentralization is must for introducing such type of project. The workers can be registered at the permanent address through the prescribe mechanism.

Formation of National Action Committee

Formation of national action committee or advisory committee is recommended to initiate such scheme as it includes wide range of stakeholder to provide a comprehensive service package. An inter-ministerial national action committee is required to determine the possible entitlement of workers through the professional identity card.

Skill Development Training Based Approach

The skill development training based approach can be an effective method for a fruitful initiative. The development of a mechanism that should ensure the primary training related to construction work and workplace safety can be helpful to the skill development and to avoid the difficulties of skill recognition and approval. Skills Development Training of construction workers should be considered and pursued as part of the benefits to the workers. The training certificate of national and international organization can be means of assessment for the skill recognition.

Entry Point of Other Interventions

The identity card should be considered as entry point of other intervention towards the formalization of construction sector. The ID card may be of good use for workers' accessing social protection and welfare benefits, along with access to job market overseas. The experiences in different countries evince to the fact that when professional cards are linked to workers' benefits, the utility of the professional card enhances. ¹⁶

¹⁶ For example, Tamil Nadu and Kerala give priority to providing social security to informal workers. It provides social security through the development of welfare funds based on occupational groups. The Welfare Fund plays an important role in providing protection for workers of the informal sector in these states. The Tamil Nadu Manual Workers' (Regulation of Employment and Conditions of Work) Act, with a view to regulating the employment of manual workers as well as their conditions of work and security of employment. The schedule to this Act covers 67 employments. The powers conferred by the Act enabled the Government to start a scheme called the Tamil Nadu Manual Workers'

However, the professional ID card in no way should be considered as an alternative of legal provision of providing appointment letter and identity card by the employers during recruitment under the Bangladesh Labour Act 2006. The professional Identity card should be considered as unique identity of a construction workers but the appointment provided by the employer determines the employment relationship between employers and workers.

Awareness raising campaigns

Rigorous awareness campaigns for the purposes of registration of workers and benefits of Identity card are highly required. With the support of trade unions, employers associations, NGOs and other community based organizations, such campaigns may be initiated to enhance awareness of the construction workers on the mandatory nature of the ID card itself and the utilities associated with the professional card.

(Construction Workers') Welfare Scheme in 1994 for the benefit of 36 categories of construction workers including the stone cutter, stone breaker or stone crusher, mason or brick layer, carpenter, painter or varnisher, plumber for road pipe work, electrician, mechanic, mistry, blacksmith, and mosaic polisher.

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Annex

Annex-1: List of Key Informant Interviews

SI	Name	Designation	Organization	
Gov	ernment Representatives			
1.	Md. Faizur Rahman	Joint Secretary (Labour)	Ministry of Labour and Employment (MOLE)	
2.	Md. Khandakar Mostan Hossain	Joint Secretary	MOLE	
3.	Md. Aminul Islam	Deputy Secretary (Labour)	MOLE	
4.	Md. Obaidul Islam	Joint Inspector General	Department of Inspection for Factories and Establishments	
5.	Md. Ziaul Haque Khan	Deputy Director	Dept. of Labour	
Rese	earcher			
6.	Dr. C R Abrar	Executive Director	RMMRU	
Trac	Trade Union Representatives			
7.	Dr. Wajedul Islam Khan	General Secretary	Bangladesh Trade Union Center (TUC)	
8.	Sheikh Md. Nurul Haque	President	Bangladesh Nirman Sramik League (BNSL)	
9.	Md. Abdur Razzak	General Secretary	INSUB Central Committee	
10.	Adv. Khairul Basar	Advisor	Bangladesh Nirman Sramik League (BNSL), Rajshahi District Committee	
11.	Nawab Ali	President	INSUB, Rajshahi	
12.	Sukanta Datta	General Secretary	TUC regional Committee, Chittagong	
13.	Md. Farid Uddin	Managing Director	Farid Properties Ltd. Director, Rajshahi Chamber of Commerce	
14.	Md. Samar Kanti Das	Proprietor	Raz Traders, Chittagong	
15.	Pankaj Majumdar	Proprietor	Liza Enterprise, Chittagong	
16.	Md. Rezaul Karim	Proprietor	M/S Md. Rezaul Karim	

Annex-2: List of FGD Participants (Construction Workers, TU Members)

SI	Name	Types of Work /Sector	Contact Address
1.	Shafiqul Islam	Electric	Shyampur, Kadamtoli, Dhaka ,
2.	Md. Rezaul	Rod Binding	Shyampur, Kadamtoli, Dhaka
3.	Md. Shahin Miya	Rod Binding	Shyampur, Kadamtoli, Dhaka
4.	Md.Ohab Ali	Excavate Base	Shyampur, Kadamtoli, Dhaka
5.	Babul Miya	Excavate Base	Shyampur, Kadamtoli, Dhaka
6.	Md. Hanif Mollik	Excavate Base	Shyampur, Kadamtoli, Dhaka
7.	Md. Hasan Miya	Sanitary	Shyampur, Kadamtoli, Dhaka
8.	Abdur Razzak Sarkar	Excavate Base	Shyampur,Kadamtoli,Dhaka
9.	Jafor	Mason	Shyampur, Kadamtoli, Dhaka
10.	Abdul Alim Hawladar	Excavate Base	Shyampur, Kadamtoli, Dhaka
11.	Monir Miya	Excavate Base	Shyampur, Kadamtoli, Dhaka
12.	Md.Kalu Miya	Mason	Shyampur, Kadamtoli, Dhaka
13.	Md. Hadis Miya	Mason	Shyampur, Kadamtoli, Dhaka
14.	Md. Jafor	Mason and Rod binding	Shyampur, Kadamtoli, Dhaka
15.	Md. Faruq	Mason	Shyampur, Kadamtoli, Dhaka
16.	Md. Yunus Midi	Mason	Shyampur, Kadamtoli, Dhaka
17.	Md. Rajib Miya	Mason and Rod binding	Shyampur, Kadamtoli, Dhaka
18.	Md.Nobab Ali	Mason	Bakir More, Laxmipur, Rajshahi
19.	Ajijul Haque	Tiles Fitting	Rani Nagor, Hadir More, Rajshahi
20.	Md. Saiful Islam	Mason	Boro Gachi Pocha, Rajshahi
21.	Md. Humayun reza Jenu	Rod Binding	Padma Residential, Rajshahi
22.	Md. Rezaul Karim	Mason	Hargram, Rajpara, Rajshahi
23.	Md.Sirajul Islam	Mason	Padma Residential, Rajshahi
24.	Md.Shahidul Islam	Rod Binding	Shilinda, Rajpara, Rajshahi
25.	Md. Kawnain	Mason	Mollapara, Rajpara, Rajshahi
26.	Md. Minu	Sanitary	Bosua, Rajpara, Rajshahi
27.	Md.Mukul	Rod Binding	Tikor, Shahmakhdum, Rajshahi
28.	Md.Kabir	Rod Binding	Mahis Bathan,Rajpara, Rajshahi
29.	Md.Nasirul	Mason	Nouda Para,Shahmukhdum, Rajshahi

30	Md.Hannan	Rod binding	Shithlai ,Pocha, Rajshahi
31.	Md.Jamal	Mason	Mohonpur, Motihar Thana, Rajshahi
32.	Md. Pintu	Mason	Moralipur,Dampura,Poba, Rajshahi
33.	Durul Huda	Mason	Ujanpara, Rail gate, Godagari,Rajshahi
34	Abdul Baki Hossain	Mason	Alimgonj,Gouripur,Rajshahi
35.	Md. Ismail Hossain	Painting	Boshricote, Rajpara, Rajshahi
35.	Md.Raja Miya	Painting	Holdibona, Rajabari, Godagari, Rajshahi
36 ·	Lutfor Rahman	Mason	Moralipur,Dampura,Poba, Rajshahi
37•	Md.Rafiqul	Painting	Aligor,Jamal Mondal More
38	Md.Shahidul Islam	Mason	Laxmipur,Vatapara , Rajshahi
39	Md.Sajib Islam	Mason	Laxmipur, Vatapara , Rajshahi
40	Md.Fajlul Haq	Mason	Laxmipur, Vatapara , Rajshahi
41.	Isarul	Mason	Laxmipur, Vatapara , Rajshahi
42.	Md.Tahasin	Mason	Dingaduba,3 no ward, Rajshahi
43	Badshah Alam	Tiles	Laxmipur, Vatapara , Rajshahi
44	Md. Babul	Mason	Laxmipur, Vatapara , Rajshahi
45	Md. Kachu	Mason	Laxmipur, Vatapara , Rajshahi
46	Md. Esha	Electric	Laxmipur, Vatapara , Rajshahi
47.	Maksudun Nabi	Electric	Laxmipur, Vatapara , Rajshahi
48	Md. Titu	Mechanic(Shattering)	Laxmipur,Vatagori
49	Ismail	Painter	Laxmipur,
50 •	Md. Yousuf	Helper	Roufabad, Baizid, Chittagong
51.	Md. Shafi	Rod Binding	Roufabad, Baizid, Chittagong
52.	Md. Shahid Mia	Mason	Roufabad, Baizid, Chittagong
53.	Ahmed Sheikh	Mason	Roufabad, Baizid, Chittagong
54 •	Md. Ershad Majed	Helper (Base Digging)	Roufabad, Baizid, Chittagong
55.	Freedom Fighter Safar Ali	Helper	Roufabad, Baizid, Chittagong
56 •	Abdus Salam	Mason	Roufabad, Baizid, Chittagong

57•	Ahmed Sharif	Mason	Roufabad, Baizid, Chittagong
58	Nuruddin	Helper	Roufabad, Baizid, Chittagong
•			
59	Md. Rostam Ali	Helper	Roufabad, Baizid, Chittagong
60	Md. Taju Ali	Helper	Roufabad, Baizid, Chittagong
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61.	Md. Monir	Mason	Roufabad, Baizid, Chittagong
62.	Kamruddin	Mason	Roufabad, Baizid, Chittagong

FGD with INSUB, Chittagong

63	Md. Jasim Uddin	President	
64	Ripon Shaha	Vice President	
65	Md. Shahidul Islam	General Secretary	
66	Nannu Sikder	Asst. Organizing Secretary	
67	Md. Firoz Hawlader	Publication Secretary	INSUB
68	Sudhir Kumar Nath	Member	Chittagong District Committee
69	Dipok Dash	Member	
70	Pupon Basak	Member	
71	Md. Shyamol Majumder	Member	