

Bangladeshi Women's Rights to Work and Safety from an Islamic Perspective

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Abstract

Having an occupation is a fundamental right for women; hence, they cannot be denied this privilege by their families, societies, governments, or religions. There is no discrimination based on gender in Islam, and it has granted dignity to women who faced oppression during pre-Islamic times by providing gender equality and protecting women's rights in all aspects of their lives. In Islam, there are two conditions for granting women a right to work, based on their natural characteristics; first, a woman's primary scope of work is her family (house), and women have the same opportunities for work as men for any need. There is a common belief in Bangladesh that Islam does not permit women to work, and some Islamic scholars think women without a household have no place in the workplace. In some parts of Bangladesh, women are vulnerable at work; they often work in a hazardous working environment and are denied equal pay. In this light, Islam has provided specific guidelines for the welfare of women in the workplace to ensure a safe working environment. The primary objective of this research is to determine how women's rights are protected in the garment sector. This study discussed women's right to work in Islam, specifically regarding preserving their dignity at work, eliminating pay inequality, preventing physical abuse, providing a safe journey to work, strengthening family ties and improving maternal rights for working women. This study also examined possible benefits for women through implementing Islam, particularly regarding social respect and security and highlights the potential benefits of adopting Islamic principles in the garment sector to improve women's lives in Bangladesh. This study follows the

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qualitative research paradigm and adopts the qualitative content analysis research method. The Bangladesh government's laws regarding women's right to work have been adopted as the primary data source. It is hoped that this study's output can guide. The analysis outcome will be refined to present recommendations for reviewing the existing civil and Islamic laws, proper planning, legal reform, and implementation of changes at the end of this article. Hopefully, these findings will further empower women's right to work, especially in Bangladesh. This highlights the need to empower women to achieve the desired development outcomes.

Keywords: Women, Work, Obligation, Right, Section, Women's Right, Islam

Introduction

Allah created the entire human race from a man named Adam (AS) and a woman named Eve (AS). There is no distinction or discrimination between men and women in terms of creation in Islam, and there should be no gender discrimination in terms of behaviour, values, rights, dignity, obligations and responsibilities. Despite Islam's calls for creating a society and a state without gender discrimination, women are frequently robbed of their true rights and dignity, including in the workplace. Islam has granted them rights and placed them in a position of dignity. Islamic law explicitly protects women's freedom to work; however, in many cases, women must overcome family, social, and even religious barriers to exercise their rights. In this regard, Muslim women encounter obstacles to exercising this right due to the public's lack of understanding of what constitutes women's rights in Islam. In the case of Bangladesh, while the current legal system in Bangladesh ensures women's right to employment and job security, many women still face discrimination at work. Therefore, the primary aim of this essay is to give readers an understanding of the precise Islamic principles and rules on women's right to work, in addition to the Bangladesh law and to discuss safety standards for women in the workplace.

Women in Islam

Before Islam, women faced unfairness, discrimination, assault, and being denied their rights. The arrival of Islam changed the perspective towards women; they are seen as family members, specifically mothers, sisters, wives, and partners, and men are responsible for caring for women throughout their lives. At the same, both men and women are accountable for worshipping and as the caliph (representative) of Allah SWT in this world. May He be glorified and exalted. ﴿وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً﴾ (Al-Baqarah:30). In this regard, women are equal to men in worship ﴿وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ﴾

“We have bestowed upon the offspring of Adam various privileges, such as granting them means of transportation on both land and sea, providing them with abundant and untainted resources, and elevating their status above that of numerous other beings within our creation. (Al-Isra:70)”.

Muslim women have significantly contributed to politics, law, commerce, culture, and society at various historical timelines. Islam invalidated the practices in both Arab and non-Arab nations. (The World's Muslims: Unity and Diversity, 2012). which denies women the right to own property and inheritance, limits their ability to manage their possessions and oppresses married women from having an income.

Islam has legally established women's right to own property, legislated their rights to get an inheritance just like men, and gave them the right to buy, sell, and rent property. Since the inception of Islam, Muslim women have experienced many privileges that grant them the freedom to enter into contracts and business transactions without hindrance from their fathers, husbands, brothers, or sons. Women are entitled to receive loans, endowments, charitable donations, suretyship, mortgages, and other agreements or deeds. Islam also gave women the right to financial disclosure. This differs from others who saw women as the husbands' legal property. Furthermore, Muslim women have the right to defend themselves and stand up for themselves by other legal means.

Men and Women in Islam have the same obligations. Islam sees women as equal partners to men in carrying life burdens. In this light, their primary responsibilities are to their family and society. Hence, women should have equal worth and position to men, except for what is prohibited by Prophet Muhammad and the Shariah (Abdul-Haq bin Abdul-Rahman, n.d.).

Throughout the history of Islam, Muslim women have actively participated alongside men to propagate and protect Islam. They took part in the initial migration of Muslims to Abyssinia and Medina. They accompanied men on the conquests the Messenger undertook (Peace and blessings be upon him) to promote Islam. While they were exempted from jihad and carrying weapons, women acted as carers for men injured during sword combat on the battlefields. (At-Tirmidhī, 2002).

The Rules and Beliefs of Islam about Women's Right to Work

Islam has elevated men and women to positions of honour by granting them the respect and freedom they deserve. As God made men and women to complement one another, the rights of women and men are established by nature, just as they need each other from the beginning of human existence. Such rights are unaffected by mercy, as explained in the Qur'an: ﴿وَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ﴾. (Al-Baqarah:228).

Ignorance toward women's rights, violence against women, and discrimination are commonly noticed in today's modern society. Many cases of domestic abuse involving wives and mothers are overlooked and ignored. In this regard, while the society claims they practice Islam, it is just on the surface, and Islamic teachings are not fostered in their heart. Women continue to be denied access to the inheritance left by their parents, relatives, husbands, and, in some cases, their own earned wealth through deception. Women have limited spending power regardless of their financial situation, and their male guardians control their possessions. Later in life, many of these guardians show their vicious personalities as they spend their female relatives' fortune as they choose.

Islam protects women from severe mistreatment, indignity, and inhumanity and provides them with welfare and dignity. Women are dignified by granting them their rightful status and protection, and their roles in maintaining societal and familial harmony are highly acknowledged. Islam provides explicit guidelines about women's employment rights. The Prophet of Allah (PBUH) remarked, "O community of women, Allah has permission to leave the house if necessary. (Ismail Bukhari, 1421 AH) However,

misinterpretations of women's rights to work and alluring slogans about the equality of men and women in business, trade, and employment have been argued to encourage Muslim women to disobey Sharia law and send the wrong messages about Islam to the non-Muslim community.

The Home is a Woman's Primary Place of Work.

Traditionally, women are domestic homemakers, and the home is considered the best place for a woman to work. However, women can work outside the home for a valid purpose or interest. Several texts indicate that the Sharia determined that women should be responsible for domestic decisions. ﴿وَوَدَّرْنَا بِهَا﴾ (Al Ahzab:33). The Prophet (may God's prayers and peace be upon him) stated that:

“Be courteous to her, respect her, preserve her dignity, relieve her of the burden of work, toil, and striving for a living, and release her from caring for her home, husband, and children. (Ismail Bukhari, 1421 AH)”

Women can work outside the domestic realm when there is an immediate need and a valid reason to do so, such as to meet a personal demand or prevent humiliation or suffering. Women can find work if they have lost their breadwinner, or she has the skills to acquire a good occupation or to fulfil the family's needs. For instance, those supporting their ageing parents or younger siblings, helping husbands struggling financially or unable to care for their needs or widows without a source of income who seek to raise their children. In some cases, women choose to work to meet a social condition that requires women to do work. Women should also work as part of their obligation to keep the Muslim community safe and healthy. For example, to teach girls, care for sick women, treat the wounded and injured during wars and crises, and provide social care services like caring for children, orphans, and older people. In these situations, a woman must strike the best possible balance between her obligations to her husband and kids and her need to work outside the home, similar to how a man needs to balance work and home life as much as possible, uphold his wife's and his children's rights, and provide for their care, interest, education, supervision, and other needs.

The Right of Women to Work Outside

The right of women to work outside the house is known as Mubah². Islam allows men and women to engage in professions or studies that adhere to Islamic law. There is no obstacle for women to go out and work if they can properly fulfil their normal family responsibilities, which is not forbidden in Islam. In this regard, the most important thing is to maintain a perfect balance. Islam does not command women to be confined within the house's four walls, and they can work if they wish. This is fundamentally valid.

² The term "mubah" refers to any actions on which Islam has taken a neutral stance and neither commands nor forbids. It is a condition in order to be regarded as being legal (ahkam), according to Islamic law. The term "halal" is used for actions for which there is no obvious restriction, while "mubahu" refers to a person's free choice, according to Mu'jam al-Mustalahat. Cf. Mahmud Abd al-Aziz, *Mujam al Mustalahaat* (Cairo: Tsoumas, 1969), p. 585.

Because in Islam, all actions are legal until they are declared illegal. Islam does not forbid women to perform any lawful work inside their house or outside if necessary. Hence, women are permitted to work outside the home; they should be mindful and act in the light of Shariah principles, *Maqasid al-Shariah* (Objectives of Shariah), and Shariah principles of eliminating evil and achieving welfare. Consequently, scholars have formulated some principles regarding the right of women to work through the reviews of the Qur'an, Sunnah, and the guidelines of the Prophet (PBUH),

Women can leave the house and conduct any authorised work after completing their customary housework. They should be clothed modestly and wear a veil. In other words, she is dressed according to the Shariah law. Almighty Allah states, *“O Prophet! Ask your wives, daughters, and believing women to draw their cloaks over their bodies. In this way, it is more likely that they will be recognised as virtuous and not be harassed. And Allah is All-Forgiving, Most Merciful”*. Al-Ahzab:59.

A Muslim woman cannot work privately or engage in unrestricted association with any man they can marry. The Prophet (PBUH) (narrated by Al-Bukhari (3006) and Muslim (1341) says: *“A woman shouldn't be alone with a man, and she shouldn't journey without a Mahram”*. Islam does not forbid a woman from working outside the home if she has completed her regular household responsibilities and is modest, wearing a veil and balancing both sides. Except for several restrictions, women can pursue any career or vocation that suits them, providing they adhere to the Sharia law. They can carry out these actions while maintaining their morality, self-respect, and individuality based on Islamic Sharia's guiding principles. The hadith also shows that women's deeds are 'mubah', as quoted below,

طَلَّقْتُ خَالَتِي، فَأَزَادَتْ أَنْ بَحَّدَ نَحْلَهَا، فَرَجَرَهَا رَجُلٌ أَنْ تَخْرُجَ، فَأَتَتِ النَّبِيَّ، فَقَالَ: بَلَى، فَجِدِّي نَحْلَكَ؛ فَإِنَّكَ عَسَى أَنْ
تَصَدَّقِي، أَوْ تَفْعَلِي مَعْرُوفًا

According to Jaber bin Abdullah (RA), after his aunt's divorce, she went to her garden and cut dates. A man rebuked her. She told Rasulullah (PBUH) when she went to him. Yes, you shall go and gather dates from your garden, said Rasulullah (PBUH). You might donate it to a good cause or use it for others. (Sahih Muslim, 1483). According to Imam Abu Hanifa, Imam Abu Yusuf, and Imam Muhammad (RA), *“Women can be bound by labor-investment contracts. (Mas'ud ibn Ahmad al-Qasani, 1419 AH)”* This point of view verifies that women's employment is permitted.

Safety and Rights at Work for Women

The religion of Islam is committed to ensuring the safety and rights of working women. However, women are subjected to physical inequalities, societal inequality, bigotry, violence against women and other issues at work. Thus, putting actions to ensure women's safety and rights into practice is crucial. These issues pose a risk to women's safety at work and have the same detrimental effect as denying them the right to employment.

According to the Labour Force Survey (LFS) 2016-2017, women make up a sizable share of the workforce in Bangladesh, with women making up 36.3% of the labour force, 31% in urban areas and 38.6% in rural regions (Labour Force Survey of Bangladesh 2016–2017). Islam has provided several directives for implementing women's rights and safety in the workplace. The Quran and Hadith are reviewed, along with relevant laws currently in effect, to determine the Islamic solution and application of rights as discussed below.

Ensure The Safety of Dignity: Protecting dignity is vital to women's workplace safety. Women frequently suffer from unsafe workplaces. In this regard, women should be protected against harassment³, physical abuse, insults and defamation. It was reported that 80% of women working in the garment industry reported experiencing sexual harassment. Additionally, many advertisements depict women as sex symbols, contrary to how women view their dignity and that of others. The Bangladesh Bureau of Statistics reports that 32.8% of all female victims of sexual assault are victims of sexual violence at work in its Statistics Report on Assault Against Women (VAW) Survey 2015.

On the other hand, 26% of women who experience emotional abuse at work—such as slander, sexual harassment, etc.—also perpetrate it. Furthermore, women still risk sexual abuse at work despite domestic rules protecting their dignity. The relevant sections of the Act are;

Section 8: Punishment for Rape, Death Caused by Rape, etc.

1. If a man rapes a woman or a kid, he will be sentenced to life in prison and a monetary penalty.
2. If a woman or child dies due to rape by a person or any other activity following the rape, that person is penalised by death or rigorous imprisonment for life, as well as a fine of not less than one lakh taka.
3. If more than one person gang-rapes a woman or child and the woman or child dies or is harmed as a result of the rape, every individual in that group is punishable by death or hard imprisonment for life, as well as a fine of not less than one lakh taka.

³ According to the judgement of the Hon'ble High Court Division, eve teasing (sexual harassment and oppression) means unexpected sexual behaviour like physical touching. Attempts or attempts to establish sexual relations by abuse of administrative, authoritative, or professional power Sexually suggestive linguistic behaviour. Demands or requests for sexual relations. Showing pornography. Sexually suggestive comments or gestures. Harassment from sexual desire, including the use of indecent gestures and indecent language Harassment through a letter, telephone, mobile phone, SMS, poster, notice, cartoon, bench, chair, table, notice board, or wall writing Capture of still or video images for blackmailing and impersonation purposes. Obstructing educational, sporting, cultural, and organizational activities based on gender stereotypes or for the purpose of sexual harassment Pressure and threats due to offers of love and rejection of love offers Attempting sexual intercourse through false promises, enticement, or deception Instructions issued by His Highness the High Court Division of the Bangladesh Supreme Court on May 14, 2009

Preventing Physical Abuse

Lack of safety on the job and physical violence are two situations where women's rights are abused. The Bangladesh Bureau of Statistics reported statistical data titled Report on Violence Against Women (VAW) Survey 2015, revealing that 21.9% of all women who experienced physical violence also experienced it at work. Islam forbids all forms of workplace violence, regardless of gender and worker mistreatment is unacceptable.

Prophet Muhammad (PBUH) said: *Whoever mistreats his workers will not get into Paradise.* (Sahih Wa da'if Sunan al Tirmidhi: 217).

Minor mistakes made by a worker out of ignorance should be overlooked. Islam teaches treating individuals who make trivial mistakes with kindness and refraining from punishing those who disobey unintentionally. A hadith narrates that someone approached the Prophet of Allah (pbuh) and asked: *O Prophet of Allah! How often do I pardon my employees? The Prophet (PBUH) said, "Seventy times a day.* (Sunan Abī Dāwū: 5164).

Abu Mas'ud Ansari (RA) said, "One day, I was beating my slave. At that time, a voice came from behind, 'O Abu Mas'ud! Know that Allah is more powerful than you.' I looked back and saw the Messenger of Allah (PBUH) standing behind me. Immediately, I offered, O Messenger of Allah! I freed this slave for the pleasure of Allah. The Messenger of Allah (peace be upon him) then said, if you had not done so, the fire of hell would have burnt you, or the fire would have consumed you. (Ṣaḥīḥ Muslim:1659).

Safety on the Way to Work:

There are several forms of harassment that women face on their way to and from work. Women have recently experienced numerous types of sexual harassment in vehicles, aside from eve-teasing on the streets. Safe transportation must be provided to ensure women's safety at work. Islam has established penalties and forbids all sorts of assaults against women, including when travelling. That is why everyone should abide by Islamic law. The Prophet (peace be upon him) forbade eve-teasing and wrongfully gazing at a lady. It said: On the authority of Abdullah Ibn Mas'ud (RA), he stated, "The Messenger of Allah (SAW) said, "Sight is one of Iblis' poisoned arrows." I will offer such trust in its place, whose pleasure he will experience in his heart, to the one who fears Me and forsakes it. (Ma'ajim al Tabarani:10362). To ensure the safety of women travelling to their places of employment in the way prescribed by Islam, they must both protect their eyesight and do so by wearing a veil. At the same time, the rules made to protect women should be followed.

Encouraging Maternity Rights

Women's primary workplace is their home. Hence, the greatest concern for women working outside the home is the fear of abandoning their family duties. A woman may grow frustrated with her husband in this situation. Having trouble getting along with other family members might also result from being

unable to spend time with them. Islam constantly emphasises justice and mercy in cases like this. Just as a woman should treat her family members fairly and kindly, a husband should do the same for his wife, considering all the extra work she puts in. Almighty Allah says:

﴿وَأَحْسِنَ كَمَا أَحْسَنَ اللَّهُ إِلَيْكَ﴾ (Al-Qasas:77).

In this regard, women often face many difficulties during pregnancy and postpartum. Although the current law provides for paid maternity leave, many women are fired from their jobs due to pregnancy, and at times, some mothers are granted unpaid maternity leave. Moreover, the current law does not require employers to offer maternity leave after children's birth. The following law provisions are pertinent:

Section 46: Maternity Benefits and Obligation

- 1) Every female worker is entitled to maternity benefits from her employer for the eight weeks before the likely date of birth and the eight weeks after birth, and her employer is required to give her these benefits:

As long as she had worked for her company for at least six months before giving birth, no woman would be eligible for this benefit.

- 2) This benefit is not payable to a woman with two or more living children at childbirth if she is otherwise eligible for leave. (Ministry of Justice and Parliamentary Affairs, 2013).

Section 47: Maternity Payments

- 1) Any pregnant woman eligible for maternity payments under this Act must notify the owner in writing or orally on any day she expects to give birth within eight weeks of the notice. The notice must also include the name of the person who will receive the benefits if the owner passes away.
- 2) A mother must provide this notice and notify the owner of the delivery of her child if she has not done so within seven days of giving birth.
- 3) Employers are required to provide maternity welfare in any of the following methods at the discretion of the pregnant woman:
 - A) Maternity benefits for the eight weeks before delivery must be paid within three working days of the production of a certificate from a registered medical practitioner stating that the woman is likely to give birth within eight weeks, and the woman must provide such benefits for the remaining period within three working days of the date of submission of proof of delivery.

- B) Maternal benefits should be granted up to eight weeks before the baby was born, up to and including the date of birth, within three working days of proof of delivery being given to the owner, and for the rest of the time, within eight weeks of evidence of birth being delivered.
- C) Maternity benefits should be paid for the whole time within three working days of proof that the baby was born. As long as there is proof that the baby was born, the pregnancy benefit or any part of it will be paid. If the woman doesn't show up with her child within three months of giving birth, she won't get this aid (Ministry of Justice and Parliamentary Affairs, 2013).

Elimination of pay Inequality.

One aspect of women's rights and insecurity in the workplace is pay discrimination. Women often do not get the salary and allowances they deserve. On 28 January 1998, Bangladesh signed the ILO-International Labor Organization's⁴ Equal Remuneration Convention, 1951 (No. 100), which declares the right of men and women to receive equal pay for equal work⁵. The legal framework of Bangladesh has also given instructions for equal pay for men and women. In the Bangladesh Labour (Amendment) Act 2013, in the discussion of various aspects of workers' rights, there is a directive to establish the rights of men and women without salary discrimination in the garments section. In this light, gender pay equality has not been established even though the Constitution of the People's Republic of Bangladesh has mandated equal pay for men and women⁶.

Discrimination is still present in Bangladesh. While women work close to and next to men⁷, they mostly receive wages half that of men. According to the 2012 report by the World Bank on Women in Business

⁴According to the Treaty of Versailles on April 19, 1919, the International Labour Organization was established, which is known as the ILO for short. In 1946, this organization was recognized as a subsidiary organization of the United Nations. Bangladesh became a member of the International Labour Organization (123rd) on June 22, 1972. Dr. Mohammad Ali Khan, Labour Welfare, Industrial Relations, and the Labour Movement (Dhaka: New Age Publications, 2013), p. 317.

⁵ Government of the People's Republic of Bangladesh, Ministry of Labour and Employment Annual Report 2013–2016 (Dhaka: Ministry of Labour and Employment, August–2016), p. 19. In accordance with this Convention, ratifying States shall establish policies for the payment of equal pay to men and women workers for work of equal value in accordance with the appropriate customary method of determining rates of remuneration. There shall be no consideration of men and women in fixing prices for the same or similar work.

⁶ Article 28 of the Constitution of the People's Republic of Bangladesh states, "Women shall have equal rights with men at all levels of state and public life." In addition, Articles 10, 19-1, 2, 27, 28-1, 2, 3, and 29-1, 2 of the Constitution mention the provision of equality between men and women.

⁷ Women's salaries are significantly lower than their proportion of the workforce. For instance, in 1991–1992, whereas women made up 69% of the workforce in the apparel business, they only received 61.4% of the total pay. Women made up 15% of the workforce in the industries under study that year, but their percentage of total wages was only 8.5%. Low-income women workers make up 84% of the workforce in rural areas and 57% in metropolitan areas. In contrast, there are 31% of men in urban areas and 69% of men in the same lower income level in rural areas. In her study, development researcher Nasreen Khandokar demonstrated that there is a 22%–30% pay disparity between men and women working in the apparel business. That this salary difference has been widening over time is a worrying fact. See Nasreen Khundker's article, "Gender Issues in Bangladesh's Development Since the 1980s:

and Law, women perform 66% of the everyday labour and produce 50% of the food. However, they only receive 13% of the pay. (Purnatha Anjum, 2016). The gender pay gap has been somewhat addressed through the minimum wage set by the Minimum Wages Board 41, which does not discriminate between men and women. However, the pay gap for female employees is most prominent in businesses where the Minimum Wages Board does not determine the minimum wage. As noted by columnist Jinnatun Noor, "Women do not obtain equal wages to males in non-institutional jobs, including the brick kilns, the garment industry, the agricultural sector, domestic work, the construction sector, and carpentry work. A female worker makes between Tk 200 and Tk 220 per day, compared to a male day labourer's average of Tk 300."

This demonstrates that women face discrimination and poor pay due to a lack of proper legislative protections, the minimum wage board's shortcomings, the law's sluggish implementation, and a lack of trust between employers and employees. (Jinnatun Noor, 2016)

According to the Islamic perspective, there should be no pay disparity between men and women. Islam ensures that women will receive fair compensation in all professions. Allah declares: "***Men will be rewarded according to their deeds and women 'equally' according to theirs. Rather***" (An-Nisa:36).

Recommendations: The following suggestions can be implemented to address the issues raised and promote workplace safety for women:

1. To raise women's awareness of Islamic principles and laws governing women's rights in general, especially the right to employment.
2. Avoid any distortion or misinterpreting religion that denies women's right to work.
3. Tough legislation must be passed and implemented correctly to ensure women's dignity at work.
4. Taking the right steps to give women their working settings.
5. The National Women's Development Policy and the ILO Convention should be properly implemented to end the pay gap between men and women.
6. Constructing a workplace environment that is welcoming to women and providing unique amenities that consider women's physical and psychological characteristics.
7. Increasing safety for women at work.

Growth or Stagnation" for more information. Bangladesh's Development Reviewed 1997's Dhaka University Press Limited publication, 1996 Centre for Policy Dialogue, p. 818.

8. In addition to being required by law to eradicate all types of gender-based violence against women, including eve-teasing and sexual assault, organising conferences and symposiums and publicising them in print and online media to instil Islamic principles is another important step.
9. Taking the right steps to help family members, like husbands, fathers-in-law, and mothers-in-law, have a good attitude is important for keeping working women's family ties strong.

Conclusion

The growth and prosperity of a country highly depend on how well men and women can live and work together in peace and fairness. For this reason, it is important to abolish all forms of discrimination against women and give them the respect and rights they deserve. Islam views men and women as inseparable and equal in every aspect, including wage and labour. However, there are several challenges in granting women's right to work. Women's ability to work is mostly hampered by workplace instability. This reflects the dire need to put Islamic principles into practice to ensure women's safety at work.

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