



GSP-PLUS AND COMPLIANCE WITH CORE LABOUR STANDARDS: PAKISTAN'S CASE

International Labour Standards Unit
Ministry of Overseas Pakistanis & Human Resource Development

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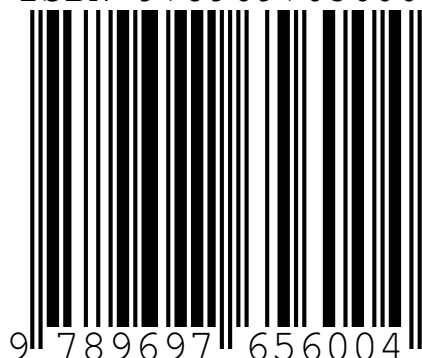
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International Labour Standards (ILS) Unit, established in 2014 with the support of the International Labour Organization, is working in the Ministry of Overseas Pakistanis & Human Resource Development to ensure timely reporting on ratified and unratified Conventions, address observations of the supervisory committees of the ILO including Committee of Experts on Application of Conventions and Recommendations (CEACR) and publish research studies / evidence based reports on important labour issues of the country.

Pakistan was granted GSP Plus status by the European Union on 1st January 2014. The scheme allows Pakistan with preferential trade access to the EU market. This report “GSP Plus and Compliance with Core Labour Standards – Pakistan’s Case” provides a baseline on Pakistan’s compliance with core labour standards using legislative analysis and statistical data, showcases the performance of the last two years and highlights the challenges while proposing a way forward to address these gaps.

The report has been prepared by the ILS Unit under supervision and guidance of the Ministry of Overseas Pakistanis & Human Resource Development. Team members of the Unit are Mr. Iftikhar Ahmad (Labour Specialist & lead author), Syed Hassan Sagheer (ILS Officer) and Mr. Sajjad Akbar (Coordinator / Statistician). This report would not have been possible without consistent support of Ms. Atifa Raffat, Joint Secretary HRD and Dr. Iftikhar Amjad, Deputy Secretary HRD. Special thanks are due to Mr. Saad Gilani, Senior Programme Officer ILO Country Office, Raja Faizul Hassan Faiz, former Central Labour Advisor, Ms. Rabia Razzaque, development consultant, Ms. Marie Theres Findeisen, Junior Advisor GIZ and Mr. Musaib Umair.

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Key Indicators over the Period (2008-15)			
Key Indicators	2008	2013	2015
Children aged 5-17 years not in school (%)	33.96	31	28.18
Adult literacy rate 15+ (%)	53.96	56.18	57.14
Employment to population ratio, 15-64 years	51.70	51.34	51.58
Employment to population ratio, 15-64 years - Women	21.66	22.80	23.49
Unemployment Rate (%)	5.24	5.99	5.94
Unemployment Rate (%) - Women	9.03	9.06	9.00
Youth NEET (15-24) - Male	31.47	31.01	30.41
Youth NEET (15-24) - Female	57.50	55.52	53.63
Informal Employment (%)	72.95	73.32	72.57
Informal Employment (%) - Women	71.63	70.97	73.52
Youth unemployment rate - 15-24 years	8.33	10.54	10.61
Excessive hours (%)	40.41	38.66	40.79
Child labour rate (10-14 years) (%)	11.86	10.07	8.64
Hazardous child labour rate (10-14 years) (%)	3.09	2.70	2.43
Gender wage gap	34	37.5	39
Occupational injury frequency rate, non-fatal (%)	2.78	4.1	4.0
Number of labour inspectors in Pakistan	292	337	337

191

Million, Population



61

Million, Labour Force



57

Million, Employed



43%

Agriculture >

21%



22%

Industry >

20%



35%

Services >

59%

GDP Share

27%

Formal Economy

73%

Informal Economy

69%

Rural Areas

31%

Urban Areas

Abbreviations

ADP	Annual Development Plan
APCA	All Pakistan Clerks Association
BIRA	Balochistan Industrial Relations Act
BLSA	Bonded Labour System (Abolition) Act
BPS	Basic Pay Scale
CBA	Collective Bargaining Agent
CCAS	Conference Committee on the Application of Standards
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CNIC	Computerized National Identity Card
CrPC	Criminal Procedure Code
CSS	Central Superior Services
EBA	Everything but Arms
EOBI	Employees Old-Age Benefits Institution
EPR	Employment-to-Population Ratio
EPZs	Export Processing Zones
ESMA	Essential Services (Maintenance) Act
ESSI	Employees Social Security Institutions
EU	European Union
GDP	Gross Domestic Product
GSIS	Gender Sensitive Inspection System
GSP	Generalized Scheme of Preferences
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Islamabad Capital Territory
ILO	International Labour Organization
ILS	International Labour Standards
ILSU	International Labour Standards Unit
IRA	Industrial Relations Act
IRO	Industrial Relations Ordinance
KPIRA	Khyber Pakhtunkhwa Industrial Relations Act
LFPR	Labour Force Participation Rate
LFS	Labour Force Survey
NADRA	National Database and Registration Authority
NCRCL	National Centers for Rehabilitation of Child Labour
NIRC	National Industrial Relations Commission
NPPA	National Policy and Plan of Action
MOP&HRD	Ministry of Overseas Pakistanis & Human Resource Development

PBM	Pakistan Bait-ul-Mal
PBS	Pakistan Bureau of Statistics
PCHTO	Prevention and Control of Human Trafficking Ordinance
PFRWA	Punjab Fair Representation of Women Act
PIRA	Punjab Industrial Relations Act
PMSA	Pakistan Merchant Shipping Ordinance
PPC	Pakistan Penal Code
PPE	Personal Protective Equipment
SEZs	Special Economic Zones
SIRA	Sindh Industrial Relations Act
UN	United Nations
UNICEF	United Nations Fund for Children
WWF	Workers Welfare Fund

Executive Summary

The General Scheme of Preferences (GSP) enables developing countries and least developed countries to generate export revenue by reducing or eliminating tariffs on a range of products entering the EU market. GSP+ scheme has been redesigned to encourage beneficiary countries for showing genuine commitment in implementing core human and labour rights, principles of sustainable development and good governance.

Pakistan was awarded the GSP+ status in 2014. It has ratified all the relevant conventions including the core labour standards. The scheme is valid for 10 years; it can be withdrawn earlier if Pakistan is found seriously and systematically violating the core principles of the international conventions that it has already ratified. The European Union will report on its compliance every two years, with the first report already issued in January 2016.

The subject of labour was devolved to the provinces in 2010 in the light of the 18th Constitutional Amendment. The responsibility of coordination of labour legislation and reporting on compliance with international labour standards, however, lies with the Federal Government. The mandated function of “coordination” and “keeping a watch on labour legislation from international angle” requires the Federal Government to take on analytical work advocating legal and institutional reforms that are necessary to comply with international labour standards.

The report takes into account the comments made by ILO supervisory bodies as well as GSP-Plus scorecard and gives an insight to compliance mechanisms already in place and initiatives started in the last two years by the federal and provincial governments.

With a population of 191.72 million, the current labour force is estimated at 61 million

with 3.62 million workers unemployed. The employed (57.42 million) are further distributed in agriculture (42.27%) and non-agriculture (57.73%) sectors or activities. The non-agriculture sector is categorized as formal and informal sector engaging 27.43% and 72.57% respectively of the 33 million workers. This is the first year that informal sector has decreased from 73% to 72.57%. Agriculture engages 42.27% of the Labour Force however contributes only 20.88% to the Gross Domestic Product (GDP). Industrial sector employs 22.61% of labour force and contributes 20.30% to the GDP. Lastly, sectoral contribution to GDP is the highest by Services sector (58.82%) while it engages 35.12% of the labour force.

The current report analyses the existing legal and institutional framework for ensuring compliance with core international labour standards ratified by Pakistan. The report builds a statistical database to measure compliance with international labour standards. It also provides the way forward for administrative and legal reforms pertaining to the following six themes:

- Freedom of association & collective bargaining
- Equality of Treatment & Opportunity
- Elimination of Forced/Bonded Labour
- Abolition of Child Labour
- Occupational Safety & Health
- Tripartite Consultation & Social Dialogue

Compliance with international conventions is not a one-way street. Ratification of conventions and subsequent enactment of legislation on the conventions is only one aspect. The other is institutional arrangements for implementation in law and practice.

The applicable legislative framework for freedom of association emanates from Article 17 of the Constitution of Pakistan. This Article

guarantees that each citizen “shall have the right to form associations or unions subject to reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.” After the 18th Amendment to the Constitution, five industrial relations Acts exist; one by each province and a national industrial relations Act. These Acts with minor deviations generally incorporate the provisions of core Conventions (C87 & C98) and allow for establishment and joining of unions and associations by workers and employers. The main issue with compliance of C87 & 98 is the long list of explicit and implicit exclusions. Civil servants, Police, Armed Forces, workers in Ordnance Factories, Security Printing Press and Security Papers, charitable organizations and hospitals and persons working mainly in managerial and administrative capacity are denied the right to organize and to form trade unions. The implicit exclusions include the agriculture workers and other informal economy workers (home based workers and domestic workers). The precondition of existence of at least two trade unions in establishment for their simultaneous registration as required under Industrial Relations Act 2012 is against the provisions of C87. The current industrial relations legislation regards go-slow as an unfair labour practice, which is a deviation from the core obligation since the restrictions as to the forms of strike action (including go-slow) can only be justified if the action ceases to be peaceful. Moreover, go-slow (the initial form of strike action) needs to be regulated properly instead of declaring it as an upfront unfair labour practice. This report further recommends amendments in legislation with regard to the minimum membership criteria for trade union registration. There is a need for reliable data on trade union membership which can be collected through labour force surveys and by requiring trade unions to submit annual returns. Sindh and Balochistan province have amended their industrial relations legislation allowing formation of trade unions in agriculture and fisheries sectors. Punjab and Khyber Pakhtunkhwa have to emulate the policy and amend their laws accordingly. Government of Punjab has repealed the requirement of minimum number of workers (50 persons) in an establishment for registering a trade union.

Article 3 & 11 of the Constitution of Pakistan guarantee the abolition of bonded labour and

requires the state to gradually eliminate all forms of exploitation. In order to provide for abolition of bonded labour, State has enacted Bonded Labour System (Abolition) Act, 1992. There is a dire need for increased penalties aimed at elimination of bonded labour and effective implementation of legislation. Bonded labour legislation must be harmonized with other legislations, for example, Payment of Wages Act and Standing Orders Ordinance. The Labour Force Survey needs to be redesigned with inclusion of relevant questions to measure other facets of bonded labour existing in the so-called formal sector. A new Survey on Forced Labour must be conducted to know its incidence in the overall economy. No law in the country permits compulsory labour on account of dissenting political or religious opinion. This report further recommends extension of social security legislation to the informal and unorganized sector workers. Bonded Labour legislation has been amended in both Khyber Pakhtunkhwa and Punjab provinces. The KPK Act limits advances to three salaries (minimum wage rate announced by the government) while the newly promulgated Punjab Prohibition of Child Labour at Brick Kilns Ordinance 2016 limits advances to six times the wages in a wage period (maximum 6 months). Both legislations in KPK and Punjab increase penalties, especially increased fines.

Articles 11, 35 and 37 of the Constitution of Pakistan prohibit Child labour. The legislative mechanism includes Shops & Establishment Ordinance, 1969; Factories Act, 1934; Employment of Children Act, 1991; Mines Act, 1923; the Road Transport Workers Ordinance, 1961 and the Bonded Labour System (Abolition) Act, 1992. All these labour laws are compliant to the provisions of C138 on the minimum age for admission into employment. However, there is a difference between the compulsory education age (16 years) set in the Constitution and the minimum working age (14 years) as specified in various labour laws. These Acts need amendments whereby the minimum age for admission to work, for limited hours, may be retained as 14 years while the minimum age for admission to full time work must be raised to 16 years, in line with the Constitutional provision (Article 25-A). The Employment of Children Act, 1991 is partially compliant to the provisions of C182 and needs amendment by raising the current minimum age for admission to

hazardous work from 14 years to at least 16 years (and preferably 18 years) for some processes in consultation with the representative organisations of workers and employers. Government of Punjab has enacted Prohibition of Child Labour at Brick Kilns Ordinance, 2016 which prohibits employment of children under the age of 14 years at kilns. Although the new law is still not consistent with provisions of ILO Conventions (in setting the minimum age for engagement in employment and access to hazardous work), it is a commendable step to combat child labour which needs emulation by other provinces. Moreover, child labour surveys must be conducted at the provincial level or a module related to child labour must be added in the questionnaire of labour force survey.

The applicable constitutional framework for equality of opportunity and non-discrimination conventions (C100 & C111) comes from article 18, 25, 27, 37 & 38 of the Constitution. The provisions of Equal Remuneration Convention (C-100) are partially complied with under the Minimum Wages Ordinance (1961) and its Rules (1962). The Ordinance is not directly concerned with equal remuneration; it provides a platform for minimum rates of wages for workers however it requires equality in those minimum wage rates. No legislation has been enacted to ensure compliance with the provisions enunciated in C100 (Equal Remuneration) and C111 (Equality in all employment related matters). MOP&HRD has worked on the draft model provincial anti-discrimination legislation for enactment at the provincial level in order to comply with the obligation of these core conventions. Similarly, Punjab Women Empowerment Package must be taken as example by other provincial governments. Ministry of Human Rights has also prepared a Model Women Empowerment Package which can be looked into by provinces for possible adoption/adaptation. Quota for disabled persons has been increased to 3% in Punjab while it remains 2% in other provinces. Quota for women in public sector employment is also the highest in Punjab at 15%. Punjab Government has also approved its labour policy and domestic workers policy, which are a great step towards protection and promotion of the rights of workers, especially the vulnerable and marginalized groups.

Pakistan has ratified the ILO Labour Inspection Convention No. 81, which is one of the

priority conventions. For effective implementation of labour laws, a strong and unified labour inspection system is essential. Under this convention, labour inspection needs to be placed under the supervision and control of a central authority and the system should apply to all workplaces. There is no standalone law on inspection services in the country although inspection system is adequately regulated under the various labour laws. Regional/ Provincial labour inspection authorities must be established which should report to the central inspection authority for publishing a consolidated report and for reporting to the ILO. In order to gain full benefits from the GSP-Plus, the perspective on labour inspection and labour compliance must undergo a paradigm shift.

Similarly, there is a need to promulgate a standalone law on occupational safety & health. Currently, the provisions of Factories Act, 1934 and Shops & Establishments Ordinance, 1969 are used for provision of safe working environment and conditions. A draft law has been formulated by the MOP&HRD, with technical assistance from the ILO and inputs from the Employers and Workers organizations. The draft law has been vetted by the Law & Justice Commission of Pakistan. The draft Bill is now with the Provinces for adoption and for advancing towards improvement of safety and health situation in their respective jurisdictions. After the 2012 incident of Ali Enterprise, Sindh province worked on a tripartite Joint Action Plan (JAP) for necessary legislative and administrative reforms in the area. The JAP is still valid and can be emulated by other provinces.

In order to provide a consultative process for enforcement of international labour standards and reporting on ILO instruments, Government is required to consult the representative organizations of workers and employers before reaching a final decision on labour related matters. The Committees notified at the Federal and Provincial level (FTCC and PTCCs), in August 2014, not only hold consultations on the labour relating matters but also consult on the preparation and implementation of legislative and institutional measures to give effect to international labour Conventions and Recommendations, in particular to ratified Conventions. There is a need for a legislative cover in the form of rules issued under Industrial Relations Act(s) which can give these Committees a legal standing and its decisions

binding on all the partners. Moreover, there is a need for national consultation forum with representation from major workers and employers' organizations like the erstwhile Pakistan Tripartite Labour Conference (PTLC).

This report strives to act as a guide for both the Federal and Provincial Governments to initiate reforms with respect to core labour standards. While many efforts are being taken by the provinces to enforce regulatory frameworks, much ground is to be covered in the area of health and safety, and anti-discrimination & equality of opportunity.

GSP+ Overview

European Union, for the last 45 years, has applied a system of unilateral trade concessions called the Generalized Scheme of Preferences (GSP) to help developing countries and least developed countries generate export revenue by reducing or eliminating tariffs on a range of products entering the EU market. The aim of the scheme is also to facilitate integration of the developing countries into the international markets.

The three main arrangements under the GSP scheme are (i) the standard/general GSP arrangement; (ii) a special arrangement for least developed countries (Everything but Arms (EBA)); and (iii) a special incentive arrangement for good governance and sustainable development (GSP+). GSP+ scheme has been redesigned to encourage beneficiary countries for showing genuine commitment in implementing core human and labour rights, principles of sustainable development and good governance (as enumerated in 27 conventions; see Annex-A). By providing preferential access to the European Union market, the scheme aims to assist developing countries in their efforts to reduce poverty and promote good governance and sustainable development by helping them generate additional revenue through international trade, which can then be reinvested for the benefit of their own development and, in addition, to diversify their economies.

The coverage of GSP+ scheme is restricted to the countries, which are considered vulnerable owing to lack of diversification and insufficient integration into the international trading system. A country is considered vulnerable if it meets the following criteria: a) imports covered under the scheme represent less than 2 per cent of the EU's imports from all GSP+ beneficiaries (Pakistan's present share of total GSP+ imports of EU is 1.6 per cent); b) the 7 largest GSP Plus-covered product sections cover at least 75 per cent of the country's total GSP Plus-covered exports to the EU (Pakistan's 7 largest GSP+ sections account for 94.6 per cent of its total GSP+ covered exports).

With the removal of China, Thailand and Maldives from the list of GSP beneficiary countries, the vulnerability threshold has been raised by the EU from current 2% to 6.5% as of 1 January 2015¹. Other than the vulnerability criteria, in order to attain and retain the GSP+ status, a country must ratify and ensure the implementation of 27 UN and International Labour Organisation (ILO) conventions on human rights (7 conventions), labour (8 conventions), good governance (4 conventions) and the environment (8 conventions). In addition, the respective country must follow all reporting requirements imposed by each treaty and regular monitoring and review of the implementation record by relevant monitoring bodies; and participate in and cooperate with the EU monitoring procedures, which foresee a review of the conditionality points every two years. GSP benefits can be withdrawn temporarily for all three categories in cases of serious and systematic violations of principles laid down in international conventions, specifically relating to or concerning labour rights and core human rights.

¹ http://trade.ec.europa.eu/doclib/docs/2015/august/tradoc_153730.pdf

Pakistan's GSP+ Status

Pakistan became eligible for GSP+ as of 01 January 2014 by meeting the vulnerability and relevant convention-ratification criteria. Pakistan's share is only 1.6% of the total GSP+ imports of EU and its 7 largest GSP+ sections account for 94.6 per cent of its total GSP+ covered exports. It has ratified all the relevant conventions (ibid). The scheme is valid for 10 years; it can be withdrawn earlier if Pakistan is found seriously and systematically violating the core principles of the international conventions that it has already ratified. Other than mere implementation of these conventions, Pakistan is required to ensure that the relevant monitoring bodies for these conventions “do not identify a serious failure” in effective implementation of those conventions.

The EU will report on compliance every two years, with the first report to be issued by January 1, 2016. This report will cover the ratification and effective implementation status of 27 UN and ILO Conventions referred above. The GSP+ preferences can be withdrawn partially or fully if Pakistan fails to meet its commitment on effective compliance with relevant conventions.

It must be emphasized here that there are instances of withdrawal of GSP and GSP+ statuses either due to non-effective implementation of human rights conventions (Sri Lanka from GSP+ in 2010) or on the basis of serious and systematic violation of labour rights (Belarus from GSP in 2007; Myanmar from GSP between 1997-2013). Pakistan, itself, had to face allegations of child labour in the country in 1997 and go through investigations by EU.

As is evident from the list of conventions, nearly one-third of these relate to the labour issues (8 core conventions). The core labour standards relate to the categories of freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour and the elimination of discrimination in respect of employment and occupation. The four categories come from the ILO Declaration on Fundamental Principles and Rights at Work 1998 which recalls that although “these principles and rights have been expressed and developed in the form of

specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization”, the members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to “*respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions*”. Pakistan has not only ratified the above-referred eight fundamental conventions but has also taken steps for the effective implementation of these conventions. Pakistan is the second country in South Asia region (after Sri Lanka) to have ratified 8 fundamental conventions. The following pages elaborate on government's efforts in ensuring compliance with core conventions.

Why Measure Compliance with GSP+?

Federal Government has shown its commitment to the compliance with 27 international conventions and covenants by establishing Treaty Implementation Cell at the Ministry of Commerce to oversee the implementation of its international commitments. Similar cells have also been established at the provincial level.

The 18th Constitutional Amendment 2010 has devolved the subject of labour, with the deletion of concurrent legislative list, to the Provinces. The only federal legislation, still applicable to workers in provinces is Industrial Relations Act 2012, which deals with the formation of trade unions and improvement of relations between workers and employers in trans-provincial establishments and industry. The responsibility of coordination of labour matters, however, lies with the Federal Government. It is also the responsibility of Federal Government to ensure that Provincial labour laws are drafted in accordance with International Conventions ratified by Pakistan. Apart from the function of, “*keeping a watch from International angle and coordination of labour legislation*”, the subject of reporting on International Labour Standards (ILS) also vests with the Federal

Government. It is with this mandate that the Federal Ministry of Overseas Pakistanis & Human Resource Development (M/o OP&HRD) has undertaken this exercise to showcase compliance of local labour legislation in line with the core labour standards. Annex-B provides a comparative analysis of constitutional provisions (under legislative lists) and the business assigned to the Ministries (as in Rules of Business, 1973) prior to and subsequent to 18th Constitutional Amendment in 2010. Annex-C provides a comprehensive list of labour laws enacted, adapted or amended by provincial governments in the wake of 18th Constitutional Amendment.

It is relevant to quote here the comments made by the UN Committee on the Rights of Child (CRC) in its 34th session in 2003 regarding decentralization of power and State party's obligations towards implementation of conventions ratified by it.

The Committee has found it necessary to emphasize to many States that decentralization of power, through devolution and delegation of government, does not in any way reduce the direct responsibility of the State party's Government to fulfill its obligations to all children within its jurisdiction, regardless of the State structure.

The Committee reiterates that in all circumstances the State which ratified or acceded to the Convention remains responsible for ensuring the full implementation of the Convention throughout the territories under its jurisdiction. In any process of devolution, States parties have to make sure that the devolved authorities do have the necessary financial, human and other resources effectively to discharge responsibilities for the implementation of the Convention. The Governments of States parties must retain powers to require full compliance with the Convention by devolved administrations or local authorities and must establish permanent monitoring mechanisms to ensure that the Convention is respected and applied for all children within its jurisdiction without discrimination. Further, there must be safeguards to ensure that decentralization or devolution does not lead to discrimination in the enjoyment of rights by children in different regions.

Although the subject of labour has been devolved to the provinces, there is a need at the federal level of establishing an even closer

coordination with provincial governments to ensure that the ratified conventions are respected and applied across the country. In view of the above, any plan of action must include grassroots political mobilization, social involvement and initiative at the federal level to rectify the current decent work deficits in the labour market. Moreover, the mandated function of "coordination" and "keeping a watch on labour legislation" requires this Ministry to take on analytical work advocating such legal and institutional reforms as are necessary to comply with international labour standards. Using the functions of "coordination of labour legislation and keeping a watch on labour legislation", MOPHRD may work on a federal level legislative framework, designed in full compliance with the international labour standards. Ministry can work on model legislation which can be submitted to the provinces for adoption. Draft Model Anti-Discrimination legislation and Occupational Safety and Health Bill are good examples of such federal action.

Data Sources

The current report takes into account the comments made by ILO supervisory bodies as well as GSP-Plus scorecard and gives an insight to compliance mechanisms already in place and initiatives started in the last two years by the federal and provincial governments. The report presents the legal regime (through Constitution, Labour Code and other laws), responses to the comments of ILO Supervisory Bodies (Committee of Experts on the Application of Conventions and Recommendations - CEACR & Conference Committee on the Application of Standards - CCAS), statistical data (labour force survey data) and way-forward for reforming the current situation of labour rights in the country.

State of the Labour Market

The key statistical indicators that are used to determine the compliance with eight core labour standards for the purpose of this report, are listed in the Table below.

Statistical Indicators and Core Labour Standards
Decent Work: Economic & Social Context
Size and distribution of the labour force
Selected key indicators of the labour market
Labour Market (Gender Shares)
Sector-wise distribution of Employment & Sectoral Shares in GDP
Trends in labour productivity
Equality & Non-Discrimination
Employment distribution by sex within sectors (sectoral segregation)
Occupational Segregation of employment
Gender Wage Gap (by occupational classification)
Gender Wage Gap (by sectoral classification)
Wage Gap for the Formal Sector employees by wage payment Status
Wage Gap for Formal Sector Employees by Employment/Contract Status
Women in Non-agricultural employment (by payment type)
Child Labour
Incidence of child workers/child labour rate and hazardous child labour rate
Forced/Bonded Labour
Prevalence of Bonded labour (sectoral classification)
Freedom of Association & Collective Bargaining
Unionization/Trade Union Density
Collective Bargaining Agreements (No. of CBAs signed during a year)
No. of workers whose working conditions are determined through CBAs (Coverage)
Industrial Disputes/working days (and man days) lost
Occupational Safety & Health
Incidence of Occupational diseases/injuries
Decent Work Deficits
Workers engaged in the informal sector
Workers engaged in excessive hours of work (49 or more hours a week)
Workers receiving less than the minimum wage for unskilled work (regional, area, gender and sectoral classifications)
Vulnerable Employment
Wage Payment Status & Sectoral Distribution of Employment

Pakistan's population, as estimated in Pakistan Economic Survey 2014-15 is 191.72 million with 39% of the population based in urban areas of the country. 33% of population is under 15 years while 60% belongs to the working age population of 15-59 years.

In order to understand the state of labour market in the country, we have used data from the last three labour force surveys (LFS 2012-13, 2013-14 & 2014-15). Table 1 & 2 showcase selected key indicators of the labour market. The current labour force is estimated at 61 million with 3.62 million workers unemployed (unemployment rate decreased from 6.24% in 2012-13 to 5.94% in 2014-15). Of those employed, men constitute approximately 77% (44 million) while women are only 23% (13 million). The employed (57.42 million) are further distributed in agriculture (42.27%) and non-agriculture (57.73%) sectors or activities. The non-agriculture sector is categorized as formal and informal sector engaging 27.43% and 72.57% respectively of the 33 million workers. This is the first year that informal sector has decreased from 73% to 72.57%.

Table 1: Size and Distribution of the Labour Force

Variable/ Indicator	2012-13		2013-14		2014-15	
	Millions	%	Millions	%	Millions	%
Labour Force	59.74	100.00	60.10	100.00	61.04	100.00
Unemployed	3.73	6.24	3.58	5.96	3.62	5.94
Employed	56.01	93.76	56.51	94.04	57.42	94.06
Agriculture	24.48	43.70	24.57	43.48	24.27	42.27
Non-Agriculture	31.53	56.30	31.94	56.52	33.15	57.73
Formal	8.32	26.40	8.43	26.40	9.09	27.43
Informal	23.20	73.60	23.51	73.60	24.06	72.57

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics

Table 2: Selected Key Indicators of the Labour Market

Indicators	2012-13	2013-14	2014-15
Total Population (Millions)	181.72	186.19	189.19
Labor Force Participation Rate (%)	45.70	45.45	45.22
Male	68.89	68.07	67.78
Female	21.50	22.17	22.02
Unemployment Rate (%)	6.24	5.96	5.93
Male	5.41	5.08	5.00
Female	9.03	8.74	9.00
Share of Agriculture in Total Employment (%)	43.71	43.48	42.27
Male	34.47	34.19	33.06
Female	75.80	73.99	72.65
Share of Wage & Salaried Workers in Employment (%)	38.86	39.14	38.73
Male	43.01	43.01	42.92
Female	24.42	26.42	24.90
Share of Self-Employed Workers (%)	33.58	35.35	36.12
Male	38.92	40.46	40.87
Female	15.00	18.56	20.46
Share of Employment in the Informal Sector (%)	73.60	73.60	72.57
Male	73.80	73.70	72.45
Female	71.70	73.00	73.52
Share of Employment Working 49 or more hours a week (%)	37.93	41.05	40.79
Male	46.22	50.29	50.01
Female	9.08	10.76	10.31

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics

Labour Force Participation Rate (LFPR), an indicator of the relative size of the supply of labour currently available for the production of goods and services in an economy, is 45% in 2014-15 with male LFPR nearly three times higher (68%) as compared to that of female LFPR (22%). The unemployment rate for female workers is higher than for male workers during all the years under review. Employment-to-population ratio (EPR) on the other hand is 20% for female workers and 64% for male workers. EPR provides information on the ability of an economy to create jobs for its people and thus is a more insightful indicator than unemployment rate in Pakistan (and all developing countries) where no one can afford to remain unemployed for long.

Labour Productivity

Labour productivity is an important indicator to analyse whether the economy is building the pre-conditions for sustainable development. It is also a key factor in wage determination and can be used by social partners as a reference point in collective bargaining.

As described in various development theories, there is generally a shift from less productive sector (agriculture) to sectors with high value added per worker (manufacturing) with the development in an economy. Given that a large share of employment is still in agriculture (42.27%), improving productivity in that sector can bring direct benefits for workers in the rural areas. It must be emphasized here though that despite being the sector engaging the highest percentage of workforce, agriculture's share to GDP is only 20.88%. Industry engages 22.6% of the employed workforce and its share in GDP is 20.30% while services sector engages 35% of employed workers and its contribution to GDP is highest, i.e., 58.82%. The labour productivity, measured as gross value added per person employed, in 2014-15 was Rs. 185,376 (factor cost) and Rs. 195,569 (market prices). The sectoral labour productivity is highest in Services sector (Rs. 310,473), followed by Industry (Rs. 166,427) and Agriculture (Rs. 91,565). Table 4 shows sectoral shares in GDP and Employment. The employment must shift from Agriculture to other sectors, especially manufacturing to increase GDP growth rate.

Table 3: Trends in Labour Productivity (2005-06 base year prices)

Variable / Indicators	2012-13	2013-14	2014-15
Agriculture			
Value Added (million)	2,103,600	2,160,223	2,222,337
Employment (million)	24.48	24.57	24.27
Labour Productivity	85,923.59	87,916.92	91,565.58
Industry			
Value Added (million)	1,996,364	2,085,276	2,160,685
Employment (million)	12.42	12.53	12.98
Labour Productivity	160,690.04	166,387.04	166,426.70

Service			
Value Added (million)	5,716,248	5,965,957	6,261,314
Employment (million)	19.11	19.41	20.17
Labour Productivity	299,182.26	307,341.68	310,473.16
GDP (fc)			
Value Added (million)	9,816,212	10,211,456	10,644,336
Employment (million)	56.01	56.52	57.42
Labour Productivity	175,251.47	180,684.65	185,375.99
GDP (mp)			
Value Added (million)	10,159,011	10,640,381	11,229,656
Employment (million)	56.01	56.52	57.42
Labour Productivity	181,371.55	188,274.18	195,569.61

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics;
Economic Survey of Pakistan 2014-15, Finance Division

Table 4: Sector-wise distribution of Employment & Sectoral Shares in GDP, 2014-15

Sector	Sectoral Share in Employment (%)			Sectoral Share in GDP (%)
	Male	Female	Total (Both)	
Agriculture/Forestry & Fishing	60.05	39.95	42.28	20.88
Mining & Quarrying	98.94	1.06	0.16	2.92
Manufacturing	78.66	21.34	15.34	13.27
Electricity & Gas	98.37	1.63	0.40	1.67
Construction	99.36	0.64	7.31	2.44
Wholesale & Trade	97.81	2.19	14.64	18.26
Transport, Storage & IC	99.54	0.46	5.40	13.36
Financial & Insurance	95.91	4.09	0.59	3.14
Others	80.86	19.14	13.89	24.06

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics

Gender Equality and Access to work

Female EPR like its LFPR is affected by various religious, cultural and social norms impeding women's engagement in paid work. Compared to men, women are engaged in substantial numbers in agriculture (9.7 million), manufacturing (1.879 million) and community, social and personal services which include health and education (1.515 million).

In occupations, 39% female workers are engaged as skilled agricultural workers (against 61% male workers). Similarly, in the professional category, women are 32% (0.858 million) while male workers are 68% (1.86 million). Other occupations with large female representation are craft and related works as well as elementary (unskilled) occupations.

Table 5: Distribution of Employment by Gender within Sectors 2014-15 ('000)

Indicators / Variables	Male		Female		Total
	Number	%	Number	%	
Number Employed	44,076	77	13,344	23	57,420
Sectoral Distribution					
Agriculture	14,575	60.05	9,695	39.95	24,270
Manufacturing	6,927	78.66	1,879	21.34	8,805
Construction	4,168	99.36	27	0.64	4,195
Wholesale & Retail Trade	8,223	97.81	184	2.19	8,407
Transport, Storage & Communication	3,091	99.54	14	0.46	3,105
Community, Social & Personal Services	6,008	79.86	1,515	20.14	7,524
Others	1,084	97.36	29	2.64	1,114

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics

Table 6: Distribution of Employment by Gender within Occupation 2014-15 ('000)

Indicators / Variables	Male		Female		Total (Nos.)
	Number	%	Number	%	
Number Employed	44,076	77	13,344	23	57,420
Legislators, Managers, Senior Officials	1221	97	36	3	1,258
Professionals	1,859	68	858	32	2,717
Technical and Associate Professionals	1,672	93	125	7	1,797
Clerks	848	98	22	2	869
Service Workers and Sales Workers	8,729	97	284	3	9,014
Skilled Agricultural Workers	13,084	61	8,234	39	21,318
Craft and Related Trades Workers	6,100	78	1,676	22	7,775
Plant & Machine Operators & Assemblers	3537	99	47	1	3584
Elementary (Unskilled) Occupations	7025	77	2062	23	9088

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics

Table 7: Ratio of Female to Male wages by occupation (2014-15)

Average Wage per Month (Rs.)						
Indicators	Female		Male		Ratio of Wage	Gender Wage Gap (%)
Occupation	Share in Employment (%)	Average Wage (Rs.)	Share in Employment (%)	Average Wage (Rs.)		
Managers	0.27	45,410	2.77	51,819	0.88	12.37
Professionals	6.43	18,664	4.22	30,934	0.60	39.67
Technicians & Associate Professionals	0.94	13,784	3.79	24,131	0.57	42.88
Clerical Support Workers	0.16	19,523	1.92	21,825	0.89	10.55
Service & Sales Works	2.13	12,055	19.80	12,885	0.94	6.44
Skilled Agriculture Workers	61.70	3,800	29.69	11,579	0.32	67.18
Craft and Related Trade Workers	12.56	4,886	13.84	14,449	0.33	66.18
Plant and Machine Operators and Assemblers	0.35	71,80	8.02	13,162	0.54	44.45
Elementary Occupations	15.46	6,280	15.94	10,390	0.60	39.56
Total	100.00	9,760	100.00	15,884	0.61	38.55

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics

The share of female wage employment in the non-agricultural sector is 10.83% as against 89.17% share of male employment. Women are represented more in the agricultural employment than in the non-agricultural employment (whereas share rises to 39.58% from 38.73% in 2012-13) where female workers are engaged as contributing family workers. The share of female wage employment in the non-agricultural sector has remained in the range of 9.5 to 11 per cent for the last decade, with a relatively higher proportion of urban women engaged in wage employment outside agriculture, compared to their rural counterparts. The total wage employment in the non-agricultural sector is 19 million and the women share in that wage employment is only 10.29% (1.96 million). Even for those in the wage employment, only 61% of those female workers are paid regularly. Female workers paid by piece rate are 24% while casual paid employees are nearly 14%.

Wages & Wage-Gaps

Although average wages indicate a relatively better position (with workers in agriculture, wholesale and trade as well as household and employers getting less than the minimum wage), the 2014-15 data indicates that 50.35% of total employees received less than minimum wage (Rs. 12,000) (see table 9). The ratio is 55.13% in Punjab and the lowest in Balochistan (24.87%). While 47% of male employees are paid less than the minimum wage, the ratio increases to 71% for female workers (an improvement from 80% in 2013-14). In rural areas, 57% of the workers received less than the minimum wage while this ratio was 42% in urban areas.

Table 8: Gender Wage Gap

Indicators / Sectors	Average Wage 2012-13			Average Wage 2013-14			Average Wage 2014-15		
	Male (Rs.)	Female (Rs.)	Wage Gap (%)	Male (Rs.)	Female (Rs.)	Wage Gap (%)	Male (Rs.)	Female (Rs.)	Wage Gap
Agriculture	7,873	3,863	51	8,009	4,236	47	9,041	6,345	30
Industry	11,279	5,310	53	12,466	5,192	58	13,870	5,640	59
Services	15,352	12,463	19	17,006	13,558	20	19,135	14,722	23
Total	12,805	7,869	39	14,079	8,210	42	15,884	9,760	39

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics

Table 9: Average Wages by Sectors and Gender Wage Gaps

	Female		Male		Wage Gap (%)		
	Share in Employment (%)	Average Wage (Rs.)	Share in Employment (%)	Average Wage (Rs.)	2014-15	2013-14	2012-13
Agriculture, Forestry and Fishing	72.66	6,344.87	33.07	9,040.99	30	47	51
Mining and Quarrying	0.01	8,000	0.2	15,064.12	47	100	67
Manufacturing	14.08	5,434.9	15.72	14,465.2	62	61	58
Electricity and Gas	0.03	13,954.25	0.53	29,051.65	52	27	23
Water	0.05	16,658.06	0.48	21,696.84	23	27	22
Construction	0.2	10,705.2	9.46	12,040.33	11	22	-9
Wholesale and Trade	1.38	10,740.09	18.66	10,710.2	0	3	16
Transport and Storage	0.06	25,385.01	6.49	14,665.74	-73	-3	-85
Accommodation and Food	0.17	8,100.45	2.04	11,628.51	30	17	-38
Information and Communication	0.04	24,114.04	0.52	26,436.26	9	-42	23
Financial and Insurance	0.1	36,172.94	0.73	38,806.49	7	1	4
Real Estate	0.02	11,027.63	0.49	19,216.74	43	45	100
Professional, Scientific and Technical Services	0.06	14,000	0.57	24,035.94	42	9	-56
Administrative Support Services	0.05	10,591.26	0.63	15,023.78	30	-2	-15
Public Administration and Defence	0.21	23,935.94	3.11	25,946.24	8	11	2
Education	6.21	17,644.31	3.14	28,408.65	38	29	33

Health and Social Work	1.35	191,61.9	1.26	24,604.84	22	17	12
Arts and Entertainment	0.01	16,000	0.16	13,177.45	-21	69	33
Other Services	0.58	7,670.55	2.17	9,859.32	22	36	48
Household and Employers	2.72	5,078.95	0.55	10,601.45	52	56	52
Extra Territorial Organizations	0	23,787.61	0.03	38,889.35	39	100	100
	100.00	9,759.99	100.01	15,883.83	39	42	39

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics

The gender wage gap is the highest for skilled agriculture workers (67%), followed by craft and related trade workers (66%) and the lowest for services and sales workers (6.44%). Even for managers, professional and technical and associate professional workers, the gender wage gap ranges between 0.12 to 0.43 (Table 6 & 7). Seen through major sectors, the gender wage gap is the highest in industry (59%), followed by agriculture (30%) and the lowest in services sector (20%) (see Table 8).

Among the wage and salaried workers (employees), the gender wage gap is the lowest among regularly paid employees (10%) and the highest for workers paid by piece rate (51%) (Table 10). If analysed through contract status, the pay gap is the lowest for permanent employees (5%) and the highest for workers with less than one year contract (25%). The pay gap is quite high (22%) for workers without any contract (daily wagers) (Table 11).

Table 10: Average Monthly Income of Employees in Formal Sector by Employment Status (2014-15)

Employment Status	Average Wages (Rs.)			Wage Gap (%)
	Male	Female	Both	
Regular Paid Employee	23,591	21,123	23,330	10
Casual Paid Employee	11,064	7,413	10,005	33
Paid Worker by Piece Rate	11,880	5,790	8,975	51
Paid Non-Family Apprentice	6,486	8,249	6,710	-27

Source: Labour Force Survey 2014-15, Pakistan Bureau of Statistics

Table 11: Average Monthly Income of Employees in Formal Sector by Employment/Contract Status (2014-15)

Employment Contract Type	Average Wages (Rs.)			Wage Gap (%)
	Male	Female	Both	
Permanent Employee	28,438	26,154	28,187	8
Less than 1 year contract	12,750	10,036	12,381	21
Up to 3 years contract	16,509	10,942	15,754	34
Up to 5 years contract	22,942	18,258	22,599	20
Up to 10 years contract	20,493	29,651	21,119	-45
10 year and more contract	25,181	15,893	24,563	37
Without contract	11,765	6,818	10,384	42

Source: Labour Force Survey 2014-15, Pakistan Bureau of Statistics

Vulnerable Employment & Excessive Hours of Work

About 61% of the employment is vulnerable employment (a combination of own account and contributing family workers). This has been the same since 2006-07 when the vulnerable employment rate decreased to 60.6% from 63.1% in 1999-2000. A gender gap is also witnessed in vulnerable employment's sub parts. Males are more in the own account work while females work more as contributing family workers. Own-account

work is equally distributed in rural and urban areas while contributing family work is found more in the rural areas, which indicates a high proportion of underemployed agriculture sector workers. At the sectoral level, the own-account workers are found equally in agriculture and services sectors while contributing family workers are mostly found in the agriculture sector.

Table 12: Employees by Employment Status 15 years of age and above (2014-15 %)

Indicators / Sectors Units	Regular Paid Employees	Casual Paid Employees	Paid Worker by Piece Rate	Paid Non-Family Apprentice	Total
Agriculture/FF	19.29	45.46	35.21	0.03	100
Manufacturing	46.18	24.17	28.86	0.80	100
Construction	5.27	83.76	10.92	0.05	100
Wholesale & RT	61.93	27.50	8.57	2.00	100
Transport & ICT	63.75	29.29	6.82	0.13	100
CS & PS	88.48	8.91	2.41	0.19	100
Others	90.15	7.85	2.00	0.00	100
Total	51.15	33.31	15.10	0.44	100

Source: Labour Force Survey 2014-15, Pakistan Bureau of Statistics

The vulnerable employment indicator presumes that wage and salaried work is equal to decent work. This is however not the case in Pakistan where nearly half of the wage and salaried workers are irregularly paid employees with unfixed wages and salaries, who are likely to fall short of decent work objectives in terms of protection against dismissal, social protection and other rights at work (Table 11 & 12). This kind of vulnerable workers (casual paid employees and workers paid by piece rate) are found the most in construction sector (95%), followed by agriculture sector (80%) and manufacturing sector (53%) respectively.

Another way to look at vulnerable employment is to analyze workers engaged in

excessive hours of work (Table 13). Engaging in excessive hours of work (49 hours or more) is an indicator of exposure to overwork, i.e., work that exceeds the threshold beyond which negative effects on workers become visible — not only on workers' health, but also on their safety (e.g. increasing injury hazard rates) and on work-life balance. 41% of the employed labour force engages in excessive hours of work with the ratio higher in urban areas (52%) and for male workforce (50%). 40% of the workers have to work more than 49 hours per week. It must however be indicated here that the ratio is highest for employers (66%) followed by own account workers (53%).

Table 13: Share of Workers Engaged in Excessive Hours of Work

Indicators Units	2012-13 (%)	2013-14 (%)	2014-15 (%)
Total workers	37.93	41.05	40.79
Rural	33.32	36.81	35.75
Urban	48.60	50.56	52.21
Male	46.22	50.29	50.01
Female	9.08	10.76	10.31
By Employment Status			
Employer	63.58	64.38	66.47
Own Account Workers	52.17	54.06	53.18
Unpaid Family Workers	18.33	22.95	22.35
Employees	38.11	39.99	39.65

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics

Child Labour

Of the total population of 189 million as estimated under Labour Force Survey 2014-15, 13.11% are children aged between 10-14 years (24.8 million). The economically active children are 2.5 million and thus the labour force participation rate of children is 10.64% (Table 14 below). 70% of the children are engaged as contributing family

workers while 24% of these child workers are working as employees. These child workers are concentrated in skilled (63.85%), crafts (10.56%) and elementary occupations (15.84%). Sector-wise, child workers are found more in agriculture (74%) followed by manufacturing (10%) and wholesale & retail trade (7%).

Table 14: Incidence of child workers ('000)

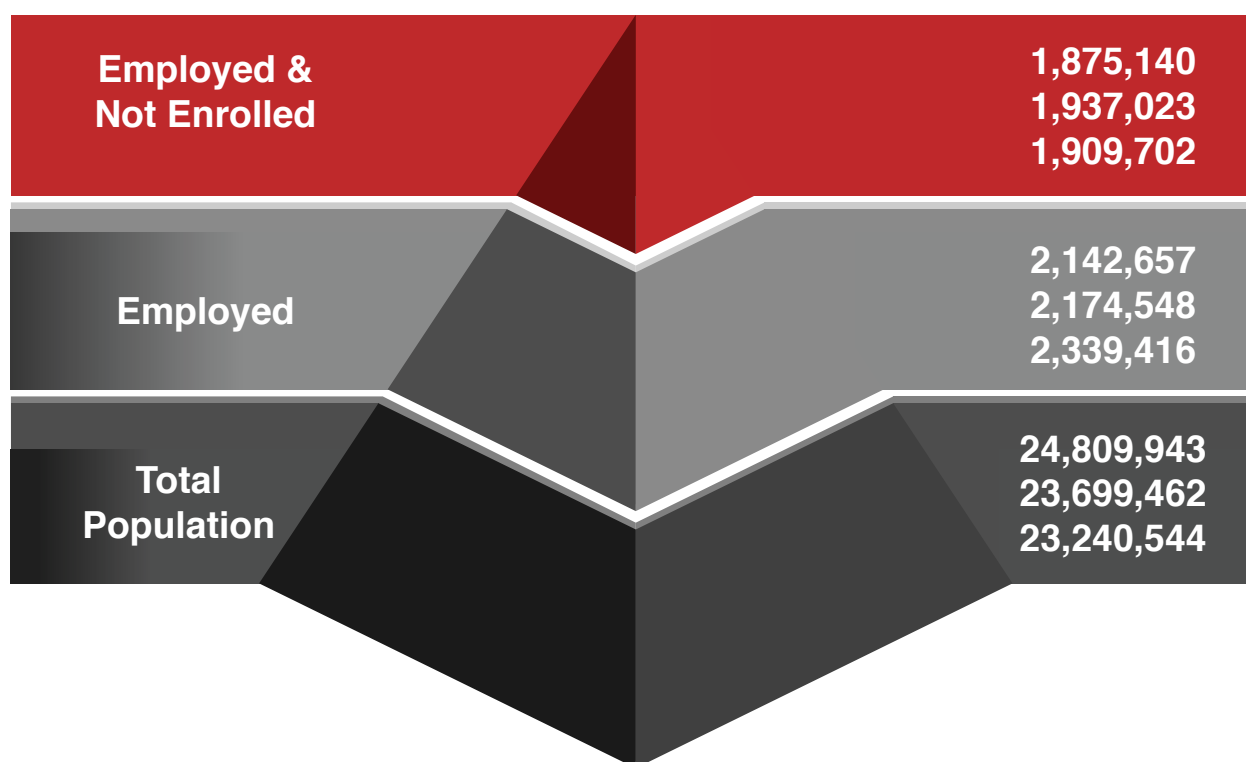
	2012-13	2013-14	2014-15
Population	181,720	186,190	189,190
Population aged 10-14 years (%)	12.79	12.73	13.11
No. of Children aged 10-14 years	23,240.54	23,699.46	24,809.94
Labor Force Participation Rate (%)	11.40	10.64	9.58
No. of Child Workers	2,649.53	2,522.51	2,377.65
No. of Child Workers engaged in Hazardous Work (10-14 years)	1,056.28	1,079.67	971.65
Children in Hazardous Work (%) (as a percentage of child workers)	39.86	42.80	40.87
Children in Hazardous Work (%) (as a percentage of children aged 10-14 years)	4.55	4.56	3.92

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics

Labour Force Survey enquires only about the labour force participation of children aged 10 years and above. Therefore, no data is available on work status of children between 5 to 9 years of age. Moreover, since no provincial administrative data is available on incidence of hazardous child labour, proxy definition of working hours (in excess of 36 hours per week) for child workers (10-14 years) as engaged in hazardous work have been used for the purpose of this report. The Employment

of Children Act, 1991 and KPK Prohibition on Employment of Children Act, 2015 specifies that the working hours for children and adolescents cannot be exceed 6 hours per day and 36 hours per week. Data indicates that of the 2.142 million employed children (aged 10-14 years) in 2014-15, 0.971 million were involved in hazardous work (working for longer than 36 hours). The incidence of hazardous child work among children aged 10-14 years is 3.92%.

A Snapshot of Child Labour



Various Issues of Labour Force Survey

- LFS 2014-15 ↑
- LFS 2013-14
- LFS 2012-13

Occupational Safety & Health

The incidence of work-related to injuries and diseases has decreased from 4.29% (2013-14) to 4.00% in 2014-15 with high incidence for male members of the workforce (4.70%) as against 1.69% for female workers. Occupational injuries are the highest in agriculture sector (48%) followed by construction and manufacturing (16%) each. Occupation-wise, most workplace injuries and accidents occur with skilled agricultural workers

(43%), followed by craft and related trade workers (20%) and elementary occupations (20%). Incidence of occupational injuries and diseases is highest for employees (40.64%) followed by own-account workers/self employed (40.59%) and contributing family workers (18.25%). Incidence of occupational diseases is higher in informal sector (4.25%) than the formal sector (1.90%).

Table 15: Incidence of Occupational Injuries/Diseases (%)

Indicator	2012-13	2013-14	2014-15
Pakistan	4.02	4.29	4.00
Male	4.52	4.93	4.70
Female	2.30	2.16	1.69
Distribution by Sector			
Agriculture	49.15	51.16	47.95
Manufacturing	13.32	14.21	15.90
Construction	15.24	14.14	16.27
Wholesale & Retail Trade	9.20	7.57	7.07
Transport, Storage & Communication	7.24	7.45	7.57
Community, Social & Personal Services	5.11	4.83	4.50
Others	0.75	0.64	0.74
Distribution by Occupation			
Managers	1.08	0.42	0.43
Professionals	0.84	0.76	0.93
Technicians & Associate Professionals	0.87	1.11	0.91
Clerical Support Workers	0.20	0.23	0.05
Service & Sales Works	7.22	6.76	5.86
Skilled Agriculture Workers	43.51	44.97	42.80
Craft and Related Trade Workers	18.78	19.05	19.76
Plant and Machine Operators and Assemblers	6.58	7.51	9.24
Elementary Occupations	20.92	19.21	20.02
Distribution by Employment Status			
Employer	0.66	0.50	0.52
Own Account Workers	38.80	41.97	40.59
Contributing Family Worker	22.42	19.61	18.25
Employees	38.12	37.92	40.64
Distribution by formal and informal sector			
Formal	2.03	1.95	1.90
Informal	4.21	4.33	4.25

Source: Labour Force Survey, Various Issues, Pakistan Bureau of Statistics

Analysis of data further indicated that the unsafe acts leading towards occupational injury included taking unsafe position, using unsafe equipment, excess speed, unsafe loading and storage and failure to use provided personal protective equipment (PPE). Among the unsafe condition leading to occupations injury, the most

prominent were slippery surfaces, defective tool or material, improper clothing & footwear, and non-provision of PPE. While workers took time-off from work, most workers were back to work in 2 weeks. Thus the occupational injuries did not lead to permanent disability.

Overhauling Labour Market: Suggestive Reforms

Work is the most important activity in many people's lives. Work must lead to expanding people's choices (through adequate supply of paid work) and making sure that opportunities are available (to those who are willing and able to engage in paid work).

Nearly all societies are facing the issues of joblessness and poor-quality work. A piecemeal approach in fixing decent work deficits would not bear fruit, especially in the long run. There is a dire need for a comprehensive national employment strategy, with a focus on creating more and better quality work for men and women. The needs of people must be at the heart of economic policy making and national development strategy. Making labour market efficient should be at the center stage of our national development plans. Vision 2025 refers to improving the labour market efficiency however concrete measures are needed for revamping the legal and institutional framework.

Employment is generally considered a derivative of economic growth and it is assumed that, in a trickle down fashion, economic growth will automatically lead to job creation. However, experience indicates either jobless growth or abundance of low quality jobs, replete with decent work deficits.

There is a need to design and implement a conducive legal and regulatory framework to tackle huge informal work. The informal sector constitutes 72.57% of the non-agriculture sector in the country (LFS 2014-15). The workers in the informal sector are most vulnerable and insecure. Regulatory frameworks are needed from the perspective of incentives for enhancing productivity and protection to reduce insecurity.

These regulatory frameworks as explained in the coming chapters, while being sensitive to the gender dimensions of informal work, could support the informal workers in making their voices heard and give them recognition as entrepreneurs. There is also need to address challenges in the rural economy since agriculture is at the heart of the rural economy (engaging 43% of total employed workforce), accounts for around one-fifth of Pakistan's total economy (with sectoral share at 21% of GDP) and with 65% of the population classified as rural.

Moreover, the experience in Bangladesh and now in Pakistan (through initiation of Buyers' Forum in December 2014) indicates that unacceptable working conditions in value chains is a global concern. The experience of Cambodia (under the ILO assisted Better Factories Program) indicates that low wages and compromises over working conditions are not the tools for gaining or maintaining competitiveness in the export markets.

Other than increasing employment opportunities, Government should complement these efforts by introducing policies that improve workers well-being and expanding the choices workers have by engaging in the type of work they desire - paid or unpaid. Workers well being however depends both on rights and benefits. Fundamental labour rights are encompassed in the eight core labour standards. The worker health and safety as well as issues of voice and representation are covered under governance/priority conventions. On the benefits side, income and social protection are relevant. Guaranteeing both rights and benefits at workplace means going beyond piecemeal measures and thus includes safe and productive work environment free of exploitation and abuse.

There is a need for a well-designed wage policy under which minimum wages are determined every year by the minimum wage boards while taking into account the cost of living, inflation level, levels of development in the region/country as well as the state of national economy. MOP&HRD may work with the Ministry of Finance and reach a well-researched minimum wage rate (after discussion with the social partners at the level of FTCC) and the Federal Government may announce it on the eve of annual budget (in June). At the minimum level, the federal government must help the provincial governments in establishing a standardized minimum wage setting and regulating system.

Although Pakistan has ratified core labour standards, generally referred to as Charter of Workers Rights, there is a need to implement these conventions. Compliance with core labour conventions is described in detail in the coming chapters.

Pakistan needs to have relevant policies in place to reduce the gender divides at work which are a manifestation of long standing inequalities. In order to raise the female wage employment from current abysmal levels, there is a need for expanding and strengthening gender sensitive policies for female waged employment. Although women do not face discrimination in tertiary education, legislative measures are needed to eliminate workplace discrimination affecting equality of opportunity and equal wages. Maternity leave duration needs to be raised from current 12 weeks to 14 weeks, to ensure compliance with ILO Convention 183 (Maternity Protection Convention, 2000). There must be a provision for partially paid parental leave. The maternity, paternity and parental leave must be publicly financed. Law must also provide flexible work arrangements (including reduced work time, telecommuting) for workers with family responsibilities. Women labour force participation can also be raised by enlarging care options by provision of day-care centers at enterprise and after-school programs. Government must allocate adequate budget for providing comprehensive, affordable and high quality day care services thereby freeing up women's time and leading to higher female labour force participation rate (FLFPR).

Government must also pursue proactive

measures for increased representation of women in senior decision-making positions. Affirmative actions in human resource and employment policies, gender equity in selection and recruitment, and incentive mechanisms for retention can help enhance women's representation in the public and private sectors. Women representation in senior management positions can be increased by introducing quotas for women on corporate boards, as seen more in the European Union. Similar initiative has been led by the Punjab Government that has made representation of 33% women in all Boards of statutory organizations, public sector companies and committees as well as in special purpose task force and committees as a mandatory requirement.

Estimates indicate that closing the gender gap in Pakistan can boost GDP by 30% (IMF: 2016)². Pakistan ranks the second last (144th position) in Global Gender Gap Index 2015. The Index was first introduced by the World Economic Forum in 2006 for capturing the magnitude of gender-based disparities and thus ranks countries on how well they are leveraging their female talent pool, based on economic, educational, health and political indicators. The gender gap is highest in the economic participation and opportunity category (rank 143), followed by educational attainment (rank 135) and health and survival (rank 125). It is only under the political empowerment indicator where Pakistan fares better (rank 87). It is mainly because of reserved seats for women (17%) in legislature and length of time with a female head of state (5 years rule by Benazir Bhutto - the only female Prime Minister). Recent IMF studies indicate that fertility, educational attainment, marital status, household income, household size, daughter inheritance rights, being the head of household impact women labour force participation and are associated with removing/aggravating the gaps. Thus, reforms should be wide ranging and must consider all these aspects in order to raise the current low ratio of female labour force participation.

In order to reduce the current wage gap of 39%, there is a need for legislation dealing with discrimination in employment related matters and requiring equal pay for equal work as well as work of equal value. In line with the conventions, the federal Ministry of OPHRD has drafted a model anti-discrimination law with inputs from social

² <http://www.imf.org/external/pubs/ft/scr/2016/cr1602.pdf>

partners and the ILO which can be adapted by the Provinces.

In line with the worldwide trend, practices of outsourcing of production tasks and parts of production even within a factory premises to workers engaged on temporary or contract status are used to avoid various labour welfare levies. The contributions for social security, provident fund, gratuity, pension (old age, invalidity, survivors pension etc.), group insurance, compensation for occupational injury or death, maternity benefits and education cess are avoided by some employers through hiring workers on a contract basis.

Although, the superior courts in the country have already ruled in favor of recognizing informally employed labor as that attached to an establishment given the existence of a “master and slave” relationship, little is known about it by the workers as well as government functionaries. Section 2(h) of the Factories Act, 1934 and Section 20 of Standing Orders Ordinance, 1968 clearly indicates that employer of the industrial and commercial establishment is personally responsible for the proper and faithful observance of the Standing Orders, whether or not the workmen of such establishment are employed through contractors.

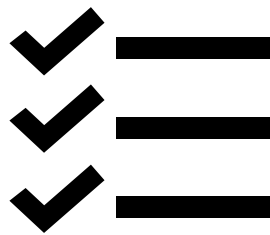
Although, the Industrial and Commercial Employment (Standing Order) Ordinance 1968, added the sixth category of contract worker in its categorization of workers, this is a “workman who works on contract basis for a specific period of remuneration to be calculated on piece rate basis” and thus is not the *contract worker that is not given any of rights and is hired through a contractor or employment agency*. The relevant law for dealing with contractors/employment agencies is fee-charging employment agencies (Regulation) Act, 1976 promulgated in line with ILO Convention 96. Rules under this Act have been recently drafted. This law recognizes labor contracting/provision of labour through employment agency as a separate category in the service industry.

Provincial Governments need to take into account the provisions of this law and implement it in order to regulate casualization of labour by contractors. The other way could be following the Indian example of regulating contract labour through a separate Act (Contract Labour (Regulation and Abolition) Act, 1970) requiring

minimum wages, health and safety, and the provision of some insurance.

Khyber Pakhtunkhwa Government has enacted Industrial and Commercial Employment (Standing Orders) Act, 2013 which requires employers to obtain a No Objection Certificate (NOC) from the Labour Department in order to contract-out jobs of peripheral nature and those not related to the basic production/activities of the establishment. A No Objection Certificate is issued initially for six months and it contains certain conditions related to the job and employment of contract workers.

COMPLIANCE WITH CORE LABOUR STANDARDS



Freedom of Association

The right to form association is considered as the social, economic and political right of a person. The principle of freedom of association is not only enshrined in the Universal Declaration on Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) but also in ILO Constitution (1919), the Philadelphia Declaration (1944), the ILO Declaration on Fundamental Principles and Rights at Work (1998), and the ILO Declaration on Social Justice for a Fair Globalization (2008). The right to organize and form organizations of employers and workers is the prerequisite for sound social dialogue and collective bargaining. The right to freedom of association ensures that workers and employers can freely associate to efficiently negotiate working conditions and work relations. Collective bargaining not only allows for negotiating better working conditions but also prevents labour disputes and thus increases workers' productivity.

Freedom of Association and Protection of the Right to Organise Convention (No. 87) requires that workers have the right to establish and join organizations of their own choice without previous authorisation. They must be free to draw up their constitutions and rules, elect their representatives in full freedom, organise their administration & activities and formulate their programmes. The Convention further contains provisions through which the State should take all necessary and appropriate measures to ensure that workers and employers freely exercise the right to organize. Moreover, the State should refrain from any interference which would restrict these rights.

Right to Organise and Collective Bargaining Convention (No. 98) requires that workers should be protected against acts of anti-union discrimination with respect to their employment. The employment of a worker must

not be subjected to the condition that he shall not join a union or shall resign from trade union membership. Similarly, causing the dismissal of a worker or prejudice a worker by reason of union membership or because of participation in union activities outside the working hours or during the working hours (with the consent of employer) are acts of discrimination. Workers' and employers' organizations must enjoy adequate protection against any acts of interference by each other and especially acts which are designed to promote the domination, or financing and control of workers' organizations by employers or employers' organizations. The Convention requires that necessary measures, appropriate to national conditions, must also be taken to encourage and promote the full development and utilization of machinery for promoting voluntary negotiations between workers' organizations and employers to regulate the terms and conditions of employment through collective agreements.

Box-1	Legislative Provisions and Institutional Arrangements
Constitution of the Islamic Republic of Pakistan, 1973	Article 17 Freedom of Association: (1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.
	Article 38 Promotion of social and economic well-being of the people: The State shall: (a) secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants;
Applicable to the private sector workers	
<ol style="list-style-type: none"> 1. Industrial Relations Act, 2012 2. Khyber Pakhtunkhwa Industrial Relations Act, 2010 3. Punjab Industrial Relations Act, 2010 4. Balochistan Industrial Relations Act, 2010 5. Sindh Industrial Relations Act, 2013 	<p>Section 1 (3): detailing the list of exclusions: Civil servants, the police, the military, the security staff of PIA, Ordnance Factories, Security Printing Press and Security Papers employees, charitable organizations and hospitals, establishments providing emergency services, educational institutions, and persons engaged in managerial and administrative capacity</p> <p>Section (3): workers and employers are allowed to form and join organizations of their own choice without previous authorization</p> <p>Section 31*: details the unfair labour practices on the part of employers and prohibits employers from engaging in anti-union discriminatory activities</p> <p>Institutional framework exists in the form of Registrar Trade Unions (provincial level) and National Industrial Relations Commission (federal level)</p>
Applicable to all sectors including the informal sector	
Societies Registration Act, 1860	<p>Section 1. Societies formed by memorandum of association and registration. Any seven or more persons associated for any literary, scientific or charitable purpose</p> <p>Institutional mechanism exists in the form of Registrar of Societies</p>
The Co-Operative Societies Act, 1925	<p>Section 5. A society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society</p> <p>Institutional mechanism exists in the form of Registrar of Co-operative Societies</p>
Trade Organizations Act, 2013	<p>Section 2. "trade organization" which, inter-alia, means an organization, formed or intended to be formed with the object of promoting any trade, industry or service or any combination thereof</p> <p>Institutional mechanism exists in the form of Directorate General of Trade Organisations</p>

Sindh Industrial Relations Act, 2013 Balochistan Industrial Relations Act, 2010	Section 1(3). It shall apply to all persons employed in any establishment or industry, including fishing and agriculture. Institutional framework exists in the form of Registrar Trade Unions
* Section 17 under provincial IRAs	
Cases of Interest	
Sindh Industrial Relations Act, 2013 Balochistan Industrial Relations Act, 2010	SIRA 2013 and BIRA 2010 (amended in 2015) allowed the agriculture and fishery workers in the history of this country to form and join unions. Sindh has become the first Province to recognize women and men in the agriculture and fisheries sector as workers under law and has registered the first ever trade union for this sector. The Sindh Agriculture and Fishing Workers Union (SAFWU) has been registered with the office of the Registrar Trade Unions, Karachi under the provisions of this Act. The union currently has 400 members of whom 180 are women, belonging to various districts of Sindh
Punjab Industrial Relations Act, 2010	The first 'Domestic Workers Union' has been registered in early 2015 with the office of the Registrar Trade Unions, Lahore, under the provisions of the Punjab Industrial Relations, 2010. The trade union, at the time of registration, had 235 members out of which 225 were female domestic workers. In October 2015, the number of members increased to 1200 with high percentage of female domestic workers.

Box 1 gives an overview of provisions ensuring freedom of association and right to bargain collectively. The Industrial Relations legislation is usually criticized for having a long list of exclusions however these exclusions are based on the peculiar nature of the organisations and their functioning. Compared with IRO-2002 and IRA-2008, the list of exclusions however has reduced considerably. Other than security institutions and installations exclusively connected with the Armed Forces of Pakistan, IRA excludes institution for the treatment or care of sick, infirm, destitute and mentally unfit persons as well as educational institutions, except those run on a commercial basis. The workers of charitable organizations are also excluded from the purview of labour legislation. The rationale behind excluding these institutions is that the industrial action (strike, go-slow, etc.) can put the lives of sick, infirm and destitute people in danger. Similar is the case of charitable organizations. It must however be mentioned that despite these so-called exclusions, workers in these organizations have the right to form associations and negotiate with their employers for improvement in their employment terms and conditions.

Under Article 17 of the Constitution of Pakistan, *every citizen has the right to form associations or unions*, thus every individual can form and join at least an association. In the healthcare sector, there are well-known examples

of the Young Doctors Association, Pakistan Paramedical Staff Association, and All-Pakistan Lady Health Workers Employees Association, which are working for protection of their members' rights. In the print media, Pakistan Federal Union of Journalists and All Pakistan Akhbar Farosh Federation are also well-known cases.

In the educational sector, the public sector has many associations as well as unions. This includes the notable case of Punjab Teachers Union, registered in 1937 under the Trade Union Act of 1926 and certified as a collective bargaining agent. Other teachers' associations are registered under Societies Registration Act of 1860. Some of the famous teachers' associations are Mutahida Mahaz Asatza (national), Tanzeem-e-Asatza (national) and Primary Teachers Associations (provincial).

Similarly, the public sector workers are not prohibited from forming associations rather the law allows occupational associations (confined to a distinct class of Government servants) under Government Servants (Conduct) Rules, 1964. The All Pakistan Clerks Association (APCA) is a notable example of association of persons engaged in the public sector in the lower grades (BPS 1-16). Similarly, the self-employed (and included in it are domestic and home-based workers) can form associations as guaranteed under article 17

of the Constitution. Sindh and Balochistan have allowed formation of trade unions in agriculture and fisheries sectors through amendments in their industrial relations legislation.

The Industrial Relations Acts further specify that supervisors and apprentices are also treated as workmen and have the right to form and join organizations. The industrial relations legislation considers any person responsible for the management, supervision and control of the establishment as an employer. Thus, managerial employees have all those rights of association that employers have under the laws. Industrial Relations legislation clearly stipulates, “employers may establish and, subject to the rules of the organization, may join associations of their own choice without previous authorization”. Similarly, they are allowed to establish and join federations and confederations and any such organization, federation or confederation may affiliate with international organizations and confederations of employers’ organizations. Thus, senior white-collar workers also have rights to form associations, federations and confederations for protecting their rights.

A step towards achieving gender parity has been taken by fixing the number of women trade union officers/executive in the same proportion in which they are employed in the establishment. Punjab and Sindh have added this provision in their industrial relations acts. Similar provision can be added in national and other provincial acts.

The Committee observed that government must not violate rights of workers’ organizations to organize their administration and to formulate their programmes by specifying the term of a trade union office and frequency of meetings of a union’s executive and general body in a trade union constitution. The ILSU is, however, of the view that the industrial relations laws prescribe the general guidelines/requirements for registration of a trade union. The legislation also stipulates the requisite information that a trade union constitution must contain. However, the formulation of constitution lies with the union itself. These provisions have been incorporated in the industrial relations laws to create harmony among different trade unions and to ensure that homogeneous information is provided in the constitutions of trade unions. Legislation has prescribed a standard format and

basic information for incorporation in the trade unions’ constitutions. A considerable flexibility is already available and unions can decide their matters accordingly. The requirement that a trade union officer may be elected for two years promotes trade union democracy and gives chance to other members to become part of the trade union executive. The other provisions (restoration of a trade union membership or compensation to a member by the union as provided under section 48 of IRA 2012) are there to construct check and balance for healthy promotion of trade union activities in the country so that workers are not punished by their unions for not participating in an illegal strike or lockout.

CEACR has made observations repeatedly regarding disqualification of a person on becoming or remaining an officer of the trade union after being convicted and imprisoned for an offence involving moral turpitude. The Provincial industrial relations laws now permanently disqualify a person from trade union office on his conviction. The federal law however stipulates that conviction and imprisonment should not stop a person from being elected as an officer of a trade union on lapse of a certain time period (fixed as 5 years under IRA 2012) after completion of sentence. A person found guilty of moral turpitude or who is convicted of a criminal offence of heinous nature under the Pakistan Penal Code 1860 such as; theft, assault, murder or attempt to murder, etc. cannot be allowed to hold position of trust in which he/she has to represent the workers before the employer and the government. The counterargument, supported by ILSU, is that the conviction for an act, *the nature of which is not such as to be prejudicial to the performance of trade union duties*, should not constitute grounds for permanent disqualification from trade union office (as is the case under provincial IRAs). The provincial IRAs must be amended to limit this disqualification to a limited number of years instead of making the disqualification indefinite.

Industrial relations legislation has been criticized many times for not allowing workers to become members of more than one trade union (if they are engaged in more than one job in different sectors or occupations), however the situation is not as simple as it looks. A worker, even if he/she is involved in different occupations in the same enterprise (for some hours in one job and

other hours in another job), cannot be allowed to become member of more than one trade union at a time since that worker is supposed to vote during referendums (for determination of collective bargaining agent) and this may cause ambiguity/overlapping. However, interesting is the case of workers engaged in employment (for limited hours/part time work) in two different workplaces. Current labour legislation does not recognize part-time work and thus does not regulate it. There is restriction on double employment of a worker under Factories Act 1934, therefore a worker is not usually allowed to engage in employment at two different workplaces and thus cannot become member of more than one trade union. The Factories Rules authorise an Inspector to permit the employment of an adult make worker in more than one factory on the same day if he/she is satisfied that the total working hours of such workers on any one day do not exceed ten hours and that such worker receives weekly holiday as specified under the law. This issue arises since labour legislation does not recognize part-time work and there are only limited number of workers who are engaged in part-time work. The Draft Model Provincial Anti Discrimination (Employment And Occupation) Act, 2015, developed by the federal Ministry is the only law, which defines part-time work and gives these workers rights equivalent to those of full time workers.

The provincial governments must enact laws and regulate part-time work ensuring these workers are eligible for all rights guaranteed under labour legislation and available to full time workers.

Both the federal and provincial industrial labour legislation require that every third and subsequent union must have at least 20% of the workers employed in the establishment as its members as a pre-condition for its registration. Government has been contending that these provisions are included to avoid mushroom growth of ineffective trade unions, maintain effectiveness of CBAs and promote healthy trade union activities. However, it has turned counterproductive, as it is allowing union-busting by employers through formation of two pocket unions before a genuine union can be registered. While those first two unions do not have to meet any such requirements (their individual membership can be as less as seven workers),

the third union has to have 20% of workers in an enterprise as its members. In large enterprises, the 20%-membership condition actually plays against workers' right to join and form a union. If the aim is to control the mushroom growth and multiplicity of trade unions, membership requirement should be the same for every union. Even in the case of genuine trade unionism, workers must have the option to establish a new union for reasons of independence, effectiveness and on the basis of ideological choice. The arbitrary trade union unity imposed directly or indirectly by law is contrary to the freedom of association right. Law can require minimum membership however that number must be fixed in a reasonable manner so that the establishment of organizations is not hindered. The minimum membership criterion must take into account the level at which a trade union is being established (industry or enterprise level) and the size of enterprise (thus the use of percentages instead of numbers is preferable).

Under the federal and provincial industrial relations legislation, certain rights (especially the right to represent workers in any proceedings and to check-off facilities) are granted only to the most representative unions, i.e., collective bargaining agents. However, the distinction between the most representative union (CBAs) and minority unions (non-CBAs) should not deprive of the trade unions from defending the occupational interests of their members (especially representing them in proceedings).

The concept of go-slow is one of the preliminary forms of strike action and is justified under provisions of C87 & C98. It is considered as an unfair labour practice under the current federal and provincial industrial relations legislation. The Standing Orders Ordinance 1968 (and its provincial variants) considers go-slow as gross misconduct, which can lead to summary dismissal of a person without any notice and severance payment. The Industrial Relations legislation and Standing Orders Ordinance define go-slow as *an organized, deliberate and purposeful slowing down of normal output, or the deterioration of the normal quality of work by a body of workmen acting in a concerted manner*. The restrictions as to the form of strike action (including go-slow) can only be justified if the action ceases to be peaceful. Go-slow strikes (slowing down the pace of work) and work-to-rule (strict adherence to rules) actions are also covered

by provisions of C87 & 98. Go-slow (especially the part which leads to slowing down of normal output) needs to be regulated properly instead of declaring it as the unfair labour practice. Go-slow can be allowed for certain days and on the completion of such days, trade union must either resort to full strike or go back to normal work. If the go-slow leads to deterioration of the normal quality of work, other sanctions can be applied. There is no doubt that allowing go-slow (leading to the deterioration of quality of work) as a legal form of industrial action can adversely affect the productivity of the concerned establishment and can be used as a weapon against the employers and economic activity. However, even in that case, it should not lead to summary dismissal.

The Federal and Provincial Industrial Relations legislation has been criticized for conferring on the Registrar the power to inspect the accounts and records of a registered trade union or investigate or hold such inquiry into the affairs of a trade union (5(d) of the IRA, 15(e) of the BIRA, and 15(d) of the KPIRA, PIRA and SIRA). The reality is that the Registrar of Trade Unions exercises vigilance upon the affairs of a trade union with a view to ensure that the unions work properly and there is no embezzlement of its funds. The Registrar of trade unions is empowered to inspect the accounts and record of the registered trade union so that the funds of the union are utilized transparently. The spirit of the relevant provision of the law is to prevent malpractices in the affairs of the trade union. It is not a coercive measure rather it is a facilitative one by the Government to ensure that union funds are not embezzled by any corrupt executive. As for holding of inquiry in the affairs of a trade union, a Registrar does not act arbitrarily. The powers conferred on the office of Registrar are exercised only after receiving complaint and/or if there are sufficient grounds to exercise such powers.

There also has been criticism on the long list of grounds allowing cancellation of a trade union's registration. These grounds include among others, the contravention to the provisions of Industrial Relations legislation or trade union's own constitution, failure to submit returns to the registrar, obtaining less than a specific percentage of total votes polled in a referendum (10-15%), embezzlement or misappropriation of funds, and election of a person, convicted of a heinous offense

or offenses involving moral turpitude under Pakistan Penal Code, to the trade union executive.

The first clarification in this regard is that registration of a trade union is canceled only on the order of NIRC (at Federal level) or Labour Courts (at Provincial level). Registrar of Trade Unions, on its own, has no jurisdiction to cancel the trade union registration. This is not only provided under laws (11(2) of IRA; 12(2) of BIRA, KPIRA, PIRA & SIRA) but also regulated by different courts. The ground "contravention to the provision of Act or Union Constitution" is however too vague and needs amendment. Failure to submit returns to the Registrar must be kept as a ground for cancellation of a trade union's registration. It is only through requiring regular submission of annual returns that reliable trade union membership data can be collected and maintained. On the basis of that data, most representative status of trade unions can be determined.

Governments are required to consult with the most representative unions and nominate delegation comprising of most representative unions to the international bodies. The Federal Ministry of OP&HRD is also working with the Pakistan Bureau of Statistics to include trade union related questions in the Labour Force Survey to determine the actual situation of trade unions and collective bargaining in the country (see Box-2).

Box-2	Trade Union Membership Questions	
<p>Employees are classified as to their union status: i) union member; ii) not a member but covered by a collective bargaining agreement; or iii) non-unionized. This will give us information on the number of trade unions present in the country and the actual membership of trade union federations or industrial level federations.</p>		
1. Is there a trade union in at your workplace?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Has there been an effort to unionize during the last two years at your workplace?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. What have been the hurdles in creation and registration of trade union in your enterprise/organization?		
i. Employer created hurdles		
ii. Labour Department created hurdles		
iii. Lack of unity among workers		
iv. Others		
4. Are you a union member?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. What is the name of the union, you are member of? _____		
6. Do you know which federation your union belongs to? _____		
7. Is your union certified as CBA?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. If not, which union is CBA? _____		
9. Are you covered by a collective bargaining agreement?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

The current legislation requires that in the event of existence of a single union in an enterprise, it can be granted the collective bargaining rights if one-third of the employed workers are its members. Although, Pakistan follows the model of industrial relations where a Collective Bargaining Agent (CBA) is the sole and exclusive representative of all workers (after its determination), it would be worthwhile to look into the option of allowing a union having less than one-third of employed workers as its members to negotiate with the employers at least on behalf of its own members. The minimum requirement for this partial collective bargaining agent can be 15-20% of employed workers as members. This process can attract workers towards unionization and can lead to higher union density in the country.

The Export Processing Zones Authority Rules exempt the EPZs from provisions of important labour laws including Industrial Relations legislation. There are eight (8) EPZs in Pakistan employing thousands of workers. These workers have no right to form and join unions, to bargain collectively and the right to strike. It is important to indicate here however the Special Economic Zones Act 2012 and its Rules (2013) require applicability of local labour and employment laws to SEZs as these are applicable to other territories of Pakistan (§30 of the Act & Rules 35 & 51). Pakistan may follow the Sir-Lankan model here and require the applicability

of same labour laws inside and outside export processing zones.

Industrial Relations legislation in Pakistan is enacted with the aim “to regulate formation of trade unions and trade union activities, relations between employers and workmen and the avoidance and settlement of any differences or disputes arising between them.” To facilitate this amicable settlement of disputes, many fora have been established under the IRAs. These include the institutions of shop steward, collective bargaining agent, joint management board, worker participation in management (management committee) and works council. There are also judicial fora of labour court and labour appellate tribunal. Management Committee and joint management boards have overlapping functions and thus need to be consolidated into one forum. Punjab and Sindh have already formed Joint Works Councils (by combining the functions of management committees and joint management boards) under their respective legislation. Similar provisions need to be incorporated in IRA 2012, KPIRA 2010 and BIRA 2010.

Legislative Reforms

Following are the instances of issues faced by the labor unions and proposed reforms in Industrial Relations legislation:

1. The requirement of simultaneous registration of two trade unions in IRA 2012 has been criticized a lot and it is against the principle of freedom of association. Even in the case of genuine trade unionism, it is requiring workers to split into two unions and cause multiplicity of trade union, an issue which is catered by the Industrial Relations legislation. The above-referred requirement rather impedes the formation of trade unions in establishment, where there are no unions or just one union, as no union could apply for registration.
2. Amending IRA and Provincial IRAs with regard to the following:
 - a. Formation of trade unions
 - b. Minimum membership criteria of 20% for every third and subsequent union
 - c. (Permanent) disqualification from a trade union office because of conviction under PPC, 1860
3. Allowing workers in agriculture and fishing sectors to form and join unions in Punjab and Khyber Pakhtunkhwa
4. Regulation of go-slow instead of considering it as unfair labour practice (unless go-slow means deterioration of quality of output produced)
5. Allowing sectoral or general trade unions especially in the informal sector. Similar to Trade Organizations regulated under the Trade Organizations Act, the informal sector workers should be allowed to form occupational/general associations through enactment of an Act for regulating rights of individuals in the informal sector

6. Pakistan may follow Sri Lankan model of enacting uniform laws both inside and outside EPZs. In order to maintain consistent production, reasonable limits can be placed on the right to strike (by requiring minimum service/production); however, to ban a trade union from the outset is a violation of fundamental rights.

Administrative Reforms

Following are some of the administrative measures / reforms suggested for the unions to comply-with:

1. Promotion of collective bargaining by making union registration and referendum holding process easier (promotion of trade unionism is a first; the trade union density must rise from current abysmal rate of 3.13% for employed labour force; the unionization rate is 8% for wage employees. Interestingly, if the trade union density is calculated as a percentage of formal sector workers, the rate rises to 19.8%. Current trade union membership (non-official) is estimated as 1.8 million)
2. Requiring submission of annual returns (detailing the trade union membership) by trade union. Non-compliance should lead to cancellation of registration
3. Provincial Registrars of Trade Unions and National Industrial Relations Commission should devise these annual return forms together in order to collect reliable data
4. MOP&HRD should work with PBS to include trade union and collective bargaining related questions in its upcoming labour force survey
5. Regulation of Part-time and allowing so-called "double employment" with daily hours of work i.e. not excessive of 8 hours per day. It will also allow part-time workers to become members of two or more trade unions in different workplaces.

Notable Developments

- Enactment of 5 Industrial Relations Acts after devolution
- Sindh and Balochistan IRAs are now applicable to workers in agriculture and fisheries sectors
- Sindh Agriculture and Fishing Workers Union (SAFWU)
- Punjab IRA initially restricted the formation of trade unions in factories with less than 50 workers. This requirement has now been removed
- First ‘Domestic Workers Union’ registered in 2015 in Punjab
- Gender Parity: Number of women trade union officers/executives in the same proportion in which they are employed in an establishment (Punjab & Sindh)

Equality of Treatment and Opportunity

ILO Convention 100 (Equal Remuneration Convention) stipulates that equal remuneration must be paid to men and women for the work of equal value and there must not be any discrimination on the basis of sex. The determination of work of equal value is based on the objective appraisal of jobs, a method that can be decided for fair assessment by the authorities responsible for determining wage rates. Differential rates of remuneration, which correspond to differences in the work to be performed, as determined by an objective appraisal are not considered as being contrary to the principles enshrined in this Convention.

ILO Convention 111 (Discrimination (Employment and Occupation) Convention) requires that there cannot be any discrimination (any distinction, exclusion or preference) in equality of opportunity and treatment in respect of employment and occupation on the basis of race, colour, sex, religion, disability, political opinion, national extraction or social origin. The terms **employment** and **occupation** include access to vocational training, employment and to particular occupations, and terms and conditions

of employment. The Convention defines discrimination as any distinction, exclusion or preference made on the basis of above grounds which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, and allows for additional grounds to be included after consultation with national workers and employers' organizations.

The elimination of discrimination at work is part of the 1944 Declaration of Philadelphia, the 1998 ILO Declaration on Fundamental Principles and Rights at Work, the 2008 ILO Declaration on Social Justice for a Fair Globalization, and the 2009 ILO Global Jobs Pact. Equality of treatment and non-discrimination are also themes of the International Convention on the Elimination of All Forms of Racial Discrimination-1965, International Covenant on Civil and Political Rights-2010, International Covenant on Economic, Social and Cultural Rights-2010, Convention on the Elimination of All Forms of Discrimination against Women-1979, and Convention on the Rights of Persons with Disabilities-2006; all of which have been ratified by Pakistan.

Box-3	Legislative Provisions and Institutional Arrangements
Constitution of the Islamic Republic of Pakistan, 1973	<p>Article 18 Freedom of trade, business or profession. (1) Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:</p> <p>Provided that nothing in this Article shall prevent:-</p> <p>(a) the regulation of any trade or profession by a licensing system; or</p> <p>(b) the regulation of trade, commerce or industry in the interest of free competition therein; or</p> <p>(c) the carrying on, by the Federal Government or a Provincial Government, or by a corporation controlled by any such Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons.</p>
	<p>Article 25 Equality of citizens. (1) All citizens are equal before law and are entitled to equal protection of law.</p> <p>(2) There shall be no discrimination on the basis of sex.</p> <p>(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.</p>
	<p>Article 27 Safeguard against discrimination in services. (1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place birth:</p> <p>Provided that, for a period not exceeding [forty] years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan:</p> <p>Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex</p> <p>[Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament).]</p>
Laws requiring equality of treatment in Private Sector	
West Pakistan Minimum Wage Rules, 1962	Rule 15. Rates of Wages-In fixing minimum rates of wages, the principle of equal remuneration for men and women worker of equal value shall be applied.
<ol style="list-style-type: none"> 1. Industrial Relations Act, 2012 2. Khyber Pakhtunkhwa Industrial Relations Act, 2010 3. Punjab Industrial Relations Act, 2010 4. Balochistan Industrial Relations Act, 2010 5. Sindh Industrial Relations Act, 2013 	<p>Unfair labour practices on the part of employers. (1) No employer or trade union of employers and no person acting on behalf of either shall-</p> <p>(c) discriminate against any person in regard to any employment, promotion, condition of employment or working condition on the ground that such person is, or is not, a member or office-bearer of a trade union;</p> <p>(d) dismiss, discharge, remove from employment or transfer or threaten to dismiss, discharge or remove from employment or transfer a workman or injure or threaten to injure him in respect of his employment by reason that the workman-</p> <p>(i) is or proposes to become, or seeks to persuade any other person to become, a member or office-bearer of a trade union; or</p> <p>(ii) participates in the promotion, formation or activities of a trade union;</p>
The Disabled Persons (Employment And Rehabilitation) Ordinance 1981 (Applicable in ICT & Balochistan)	<p>10. Establishments to employ disabled persons.- (1) Not less than one percent* of the total number of persons employed by an establishment at any time shall be disabled persons whose names have been registered with the Employment Exchange of the area in which such establishment is located and against whose names in the register maintained under section 12 an endorsement exists to the effect that they are fit to work.</p> <p>(2) The disabled persons employed against any post in pursuance of sub-section (1) shall be entitled to the terms and conditions which are not less favourable than those of the other persons employed by the establishment against similar posts.</p> <p>(3) When calculating the percentage of the posts in an establishment for the purposes of employment of disabled persons, the fraction of 0.5 and above shall count as a whole number.</p> <p>*raised to two percent by a notification from Establishment Division, dated 15 October 1998</p>
The Sindh Employees Old Age Benefits Act, 2014	Section 54. There shall no discrimination on the basis of sex, religion, race, creed, color, caste, ethnic background or domicile in employment, professional development and the wages for work of equal value.
Khyber Pakhtunkhwa Payment of Wages Act, 2013	Section 26. There shall be no discrimination on the basis of gender, religion, sect, colour, caste, creed, ethnic back ground in wages and other benefits for work of equal value.

<p>The Disabled Persons (Employment And Rehabilitation) Ordinance 1981 (amended in 2015) (Applicable to Punjab)</p>	<p>10. Establishments to employ disabled persons.– (1) Not less than three percent of the total number of persons employed by an establishment at any time shall be disabled persons whose names have been registered with the Employment Exchange of the area in which such establishment is located and against whose names in the register maintained under section 12 an endorsement exists to the effect that they are fit to work. (2) The disabled persons employed against any post in pursuance of sub-section (1) shall be entitled to the terms and conditions which are not less favourable than those of the other persons employed by the establishment against similar posts. (3) When calculating the percentage of the posts in an establishment for the purposes of employment of disabled persons, the fraction of 0.5 and above shall count as a whole number.</p>
<p>The Disabled Persons (Employment And Rehabilitation) Ordinance 1981 (Amended in 2012) (Applicable to Khyber Pakhtunkhwa)</p>	<p>10. Establishments to employ disabled persons.– (1) Not less than one percent of the total number of persons employed by an establishment at any time shall be disabled persons whose names have been registered with the Employment Exchange of the area in which such establishment is located and against whose names in the register maintained under section 12 an endorsement exists to the effect that they are fit to work. (2) The disabled persons employed against any post in pursuance of sub-section (1) shall be entitled to the terms and conditions which are not less favourable than those of the other persons employed by the establishment against similar posts. (3) When calculating the percentage of the posts in an establishment for the purposes of employment of disabled persons, the fraction of 2 and above shall count as a whole number.</p>
<p>The Sindh Differently Able Persons (employment, rehabilitation and welfare) Act, 2014</p>	<p>10. Establishments to employ disabled persons.– (1) Not less than two percent of the total number of persons employed by an establishment at any time shall be differently able persons whose names have been registered with the Employment Exchange of the area in which such establishment is located and against whose names in the register maintained under section 12 an endorsement exists to the effect that they are fit to work. (2) The differently able persons employed against any post in pursuance of sub-section (1) shall be entitled to the terms and conditions which are not less favourable than those of the other persons employed by the establishment against similar posts. (3) When calculating the percentage of the posts in an establishment for the purposes of employment of differently able persons, the fraction of 0.5 and above shall count as a whole number.</p>
<p>Khyber Pakhtunkhwa Minimum Wages Act, 2013</p>	<p>Section 18. No discrimination shall be made on the basis of religion, political affiliation, sect, color, caste, creed ethnic background in considering and disposing of issues relating to the enforcement of this Act.</p>
<p>Khyber Pakhtunkhwa Factories Act, 2013</p>	<p>Section 99. There shall be no discrimination on the basis of gender, religion, sect, color, caste, creed, ethnic back ground in employment, professional development and the wages for work of equal value.</p>
<p>Khyber Pakhtunkhwa Industrial and Commercial Establishment Act, 2013</p>	<p>Section 10. There shall be no discrimination on the basis of sex, religion, sect, color, caste, creed, ethnic background in considering and disposing of issues relating to compensation, in the event of injury or, death, to the workers or, their legal heir, as the case may be.</p>
<p>Khyber Pakhtunkhwa Worker's Compensation Act, 2013</p>	<p>Section 42. No discrimination shall be made on the basis of sex, religion, political affiliation, sect, color, caste, creed, ethnic background in considering and disposing of issues relating to the enforcement of this Act.</p>
<p>Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015</p>	<p>Section 22. No discrimination shall be made on the basis of gender, religion, sect, colour, caste, creed, ethnic back ground and political affiliation with regard to the observance of this Act.</p>
<p>Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act, 2015</p>	<p>Section 27. No discrimination shall be made on the basis of gender, religion, sect, colour, caste, creed, ethnic back ground and political affiliation with regard to the observance of this Act.</p>
<p>Sindh HIV and AIDS Control Treatment and Protection Act, 2013</p>	<p>Section 8. (1) No person shall discriminate against another on the basis of such other person's HIV status or presumed, suspected and or alleged HIV status, whether in the field of health care services, education, employment, provision of general, utility and or any other form of services and or in relation to accommodation, whether in respect of accommodation for lease, rent, to let or hire and or for purchase. (2) Except in accordance with this Act, it shall be unlawful to require, or to coerce, a person to be HIV screened for purposes of - (a) employment, promotion, training, or benefit, either in public or private sectors; (b) membership in any organization; (c) admission to any educational institution; (d) admission to any public or private place of accommodation; (e) marriage; (f) immigration to, emigration from, or citizenship of, Pakistan</p>

As shown in Box-3 above, the applicable constitutional framework for equality of opportunity and non-discrimination emanates from Articles 18, 25, 27, 37 & 38 of the Constitution. The provisions of Equal Remuneration Convention are partially complied to under the Minimum Wages Ordinance (1961) and its Rules (1962). The Ordinance does not directly guarantee equal remuneration; it only provides a platform for minimum rates of wages for workers. While setting the minimum wage rates, it requires equality in wage rates, equal remuneration for men and women workers for work of equal value. However, it does not define equal value and no clause is provided in these Rules as to how equal value (of jobs entirely different in nature) would be determined.

As for discrimination in employment related matters, although Pakistan has not yet enacted specific legislation compliant with the provisions of Convention 111, various laws prohibit discrimination on the grounds of sex, disability, and trade union membership. In the case of women workers, both the federal and provincial governments have fixed the employment quotas (Box 3).

The Federal Government has reserved 10% quota for women in all posts and 5% quota for minorities. Provincial Government of Punjab has fixed the 15% employment quota for women in Public Sector Organizations while the said quota is 7% in Sindh Province and 5% each in Khyber Pakhtunkhwa and Balochistan provinces. The quota for minorities in all government jobs is 5% while the quota for disabled persons varies a lot. It is 1% in Khyber Pakhtunkhwa, 2% in ICT, Baluchistan and Sindh and 3% in Punjab Province. Khyber Pakhtunkhwa has tried to comply with the provisions of ILO Conventions 100 & 111 through addition of extra /supplementary clauses on equality in all labour laws enacted or amended after devolution in 2010.

Though Government has fixed quota for persons with disabilities, these quotas are never fully implemented. Moreover, the approach of employer must change from one of charity and

assistance to one of investment. The current law (The Disabled Persons (Employment And Rehabilitation) Ordinance 1981) has no provision on reasonable accommodation that an employer must provide to a worker with disability. Law must require provision of a conducive environment to enhance the productivity of persons with disabilities (PWDs) and discourage discrimination against PWDs. Law can also ensure accessibility by stipulating changes in the infrastructure (with improved access to the premises), improved transportation to and from work, and by introducing disability-friendly office space, workplaces and equipment. The Sindh Differently Able Persons (employment, rehabilitation and welfare) Act, 2014 also does not address these issues.

It is important to mention here that under the Punjab Fair Representation of Women (PFRW) Act, 2014, the Punjab Government requires 33% mandatory inclusion of women on all boards of statutory organizations, public sector companies, special purpose taskforces and committees. Through this Act, the Minimum Wages Ordinance 1961, Provincial Employees' Social Security Ordinance, 1965, the Punjab Fair Price Shops (Factories) Ordinance, 1971, The Disabled Persons (Employment and Rehabilitation) Ordinance, 1981, the Employment of Children Act, 1991, The Punjab Destitute and Neglected Children Act 2004 and the Punjab Industrial Relations Act, 2010 have been amended to give fair and proportionate representation to the women in different bodies empowered to regulate implementation of Acts or provision of benefits.

Despite these sporadic provisions guaranteeing equality in employment (in certain provinces or in certain laws), there is a dire need for standalone legislation applicable across the sectors defining what amounts to discrimination in employment related matters, in line with the obligations of these Conventions. Keeping this in view, and the mandate of coordination of labour legislation, the Federal Ministry of OP&HRD worked on draft model law on anti-discrimination and shared it with the provinces for possible adoption. The draft law defines discrimination as

3 Protection against Harassment of Women at the Workplace Act, 2010 is already in place and the office of Ombudsman (under the Act) caters to the complaints received with regard to the sexual harassment at workplace. Data from Ombudsman Office indicated that 339 complaints were received until January 2016 out of which 332 were already decided and only 7 complaints were still pending decision.

“any distinction, exclusion or preference made on the basis of race, religion, caste, sex, colour, creed, marital status, disability, trade union membership, residence or place of birth, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. The draft law treats sexual harassment as discrimination on the ground of sex³. However, any distinction, exclusion or preference in respect of a particular job based on the inherent requirements is not considered as ‘discrimination.’

The draft law includes, in the definition of “employee”, the part-time workers and thus requires equal treatment between the workers irrespective of their employment contract status. The Act further requires equal wages on all of the above-protected grounds. The draft legislation allows use of affirmative action in order to eliminate any obstacles that, in practice, are preventing the realization of equal opportunities. Equality must be adopted as a law and in practice. Efforts must be made to ensure that men and women workers are paid equally for work of equal value, and in order to save the women workers from negative effects of occupational segregation, particular care must be exercised while setting the sectoral minimum wages so that these wages are free of gender bias.

Minimum wages are determined by Minimum Wages Boards established in each Province and in the ICT also under the Minimum Wages Ordinance, 1961. These Boards are tripartite in composition and besides Government include representatives of workers and employers in the decision making process with respect to setting of minimum wage for a specified period. In order to ensure that women workers’ rights are protected in the wage setting process, women now have 33% representation both from the worker and employer side in the Punjab Minimum Wages Board. The Government of the Punjab clearly stands-out in enacting the law on paying equal minimum wages for work of equal value for male and female workers. The minimum wage notification by provincial governments clearly specify that male and female workers must be paid equal minimum wages for work of equal value however there is no method to determine work of equal value (which should be based on objective job evaluation). What is encouraging here is that despite occupational segregation, the minimum wage rates are the identical for similar jobs in male

and female dominated sectors. Annex-D provides a comparison of minimum wage notification for Bakeries & Sweets Manufacturing (male denominated) and ready-made garments (female dominated) sectors.

Women workers are most concentrated in agriculture, manufacturing, education, health and social work, and wholesale & retail trade in the country. In manufacturing, they are predominantly engaged in textile sector (ready-made garments), pharmaceutical industry, and packaging.

As regards the statistical information, Labour Force Survey data indicates substantial wage differential between men and women workers (please refer to table 9). Moreover, the provincial governments, with the ILO support, have established gender-sensitive inspection system, which is based on a gender-mainstreamed inspection checklist. The Gender Sensitive Inspection System (GSIS) institutionalizes and digitalizes gender-disaggregated data collected through the above-referred checklist. The new system (although in nascent phase) brings transparency in the system, employers’ confidence on inspection procedure, identifies gender gaps, highlights employees concerns/issues and builds the labour inspectorate’s capacity for an efficient inspection.

In order to protect informal economy workers (mainly agriculture, home-based workers and domestic workers), government has taken many steps. The Provincial Governments of Sindh and Baluchistan have amended their respective Industrial Relations legislation allowing formation of trade unions in the agriculture and fisheries sectors. With the formation of trade unions, workers can not only bargain for better wages but also gain other employment benefits. It is suggested that similar steps are taken by other provinces to achieve such benefits. Although, the Federal Ministry of Human Rights is working on model drafts of home-based workers policy, such policies are also under consideration in the provincial governments. The provincial labour departments in Punjab and Sindh have finalized their respective policies on protecting the rights of home-based workers (HBWs) however these have not been notified as yet.

Government of Punjab has already approved its Domestic Workers Policy in December

2015. The Policy aims to recognize and accept the domestic workers as workers through both legislative and administrative actions and covers / provides the following:

1. To accord equality to the domestic workers in status and rights in relation to other wage earners without any discrimination irrespective of caste, creed, colour and their religion;
2. To focus on the needs, concerns, and demands of the domestic workers through an institutional approach at all levels;
3. To determine minimum wages / remunerations of the domestic workers to a just and decent level - considering the inflationary trends in the country;
4. To establish a system for application of all rights and entitlements on domestic workers available to other wage earners in formal sector including; social protection coverage, safe and fair conditions of work;
5. To provide the domestic workers visibility and opportunity for an organized voice to articulate their concerns and demands by extending right of freedom of association;

Federal government has also initiated efforts to legislate for the protection of domestic workers. A Bill in this regard has been introduced in the Senate namely, "The Domestic Workers (Employment and Rights) Bill, 2013" to ensure the protection of domestic workers and to regulate their employment and conditions of service and to provide them social security, safety net, health facilities and welfare. The draft bill is under consideration in the Parliament and consultative process is being conducted to finalize the Bill.

Government of Punjab announced a "Women Empowerment Package" in 2012 declaring that gender equality commanded a place of prominence among the priorities of the Government. The earlier package was reviewed in 2014 with new measures and initiatives started under "Punjab Women Empowerment Initiatives, 2014" along with an Action Plan. The initiatives include training of 10,000 women domestic

workers; technical training of workers' wives for earning livelihood (financed by the Workers Welfare Fund); free of cost Vocational Training to women belonging to minority communities; affordable residential facilities' voucher scheme for working women; encouragement of private sector to adopt employment policies encouraging women's participation in the workplace; establishment of Day Care Fund and establishment of daycare centers in organizations employing up to a specific number of women workers (i.e. 5 or more women in public sector & 25 or more women in private sector establishments for children under 6 years) to support working women⁴; inclusion of women in executive body and as office bearers in trade unions in the same proportion in which they are employed in the establishment (provided that at least one member in executive body must be a female); and formulation of domestic workers policy and enactment of legislation for protecting these workers. It must also be indicated here that Khyber Pakhtunkhwa Government announced its Women Empowerment Policy Framework in April 2015. The Framework aims to ensure social, economic, legal and political empowerment of women in the province.

National Commission for Minorities was reconstituted in 2013 to protect the rights of minorities. The Federal Government has issued necessary administrative instructions regarding reservation of 5% quota for employment of the minorities (Non-Muslims constituting 3.72% of national population) across-the-board in the Federal Government services/ jobs to all posts to be filled by direct recruitment including Central Superior Services (CSS) in addition to their participation in the open merit. Accordingly, the Punjab Government has also reserved 5% quota for the minorities (Non-Muslim) against the total number of posts advertised, including the posts to be filled on the basis of competitive examination to be conducted by the Punjab Public Service Commission.

There has also been criticism on blasphemy laws and how the provisions in Pakistan Penal Code, especially Section 298(c), singles out the member of Ahmadi Community. It must be asserted here that Ahmadi community is a constitutional minority and Article 260 of the Constitution clearly defines Muslims and Non-Muslims. ILO Convention 111 relates to discrimination in

⁴ The Daycare centers have been made mandatory for all public sector organizations.

employment related matters and in this area, not only are they covered through reservation of quota (5%) but they can also compete on the open merit. Article 36 of the Constitution states that “the State shall safeguard the legitimate rights and interests of minorities, including their due representation in the federal and provincial services.” All citizens of Pakistan are, thus, equal before law. Citizens of religious minority groups in Pakistan enjoy equal rights as citizenry of the State.

As for reference to scheduled castes under the Constitution, there used to be the Scheduled Caste (declaration) Ordinance 1957, which set 6 per cent quota for scheduled castes in government jobs, however, the law was repealed in 1998. It must be emphasized here, though, that at that time there was no separate quota for minorities. The term “scheduled caste”, although not explained anywhere in legislation especially after 1973, generally refers to low-caste Hindus (Dalits). Unlike Scheduled Caste (declaration) Ordinance 1957, no Act or Ordinance was promulgated after 1973 Constitution defining these castes. In 1956, Pakistan government declared about 32 castes and tribes as scheduled castes in the country. Majority of them are lower-castes-Hindus such as Kolhi, Menghwar, Bheel, Bagri, Balmaki, Jogi and Oad. Majority of these castes reside in Tharparkar and Umerkot Districts in Sindh, Rahimyar Khan and Bahawalpur Districts in southern Punjab. These districts share border with India. According to the last census held in 1998, total population of Hindus in Pakistan is 2.443 million of which 2.111 million are Hindu Jatis (upper castes) and 0.332 million are scheduled castes Hindus (lower castes).

National Database and Registration Authority (NADRA), established in 2000, is mandated under the law for the registration of all the citizens of the country. However, NADRA is of the view that there is no requirement under the Pakistani law to maintain data on the basis of castes. In its report to the **Committee on the Elimination of Racial Discrimination**, the Government has clearly stated that “Pakistan does not encourage the recognition of the individuals on the basis of caste, for it, may be discriminatory to divide a culturally diverse society on the basis of caste. Such an approach is evident from State practice. Government has abandoned all earlier references to the term “scheduled caste” from the pre-partition inherited documentations. The

Government has made policies after independence for the advancement of socially backward classes of citizens by prescribing quota for the underdeveloped castes and regions.” Under the 18th Constitutional Amendment, a new proviso has also been added to the clause (1) of Article 27 which states that “Provided also that under representation of any class or area in the service of Pakistan may be addressed in such manners as may be determined by an Act of Majlis-e-Shoora (Parliament).” This enables the Government to bring the under-represented classes in the mainstream using their full potentials and making them productive citizens in the society. Government, however, still relaxes the maximum age limit by two to three years for persons belonging to the scheduled castes⁵.

Legislative Reforms

Following are some legal opinions / suggestions which may be considered in devising / enacting the law for domestic / informal labor force / workers:

1. Enact a standalone anti-discrimination legislation with the following definition: “any distinction, exclusion or preference made on the basis of race, religion, caste, sex, colour, creed, marital status, disability, trade union membership, residence or place of birth, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.” The law must also require non-discrimination on the ground of contract status/ as well as working time (full time vs part-time) and should require registration of all workers with the social security institutions
2. Gradual formalization of the informal sector (formulation of policies and legislation for domestic and home-based workers among others)
3. Allowing agriculture and fisheries sector workers to form and join unions in Khyber Pakhtunkhwa and Punjab
4. Formulating policies and enacting laws on home-based and domestic workers

Administrative Reforms

Following are some administrative measures suggested / proposed:

1. Punjab Women Empowerment Packages need to be emulated by the Federal and Provincial Governments
2. The Women Empowerment Package prepared by the Federal Government may be adopted/adapted by the Provinces
3. Encouragement of women labour force participation by extending incentives (tax rebates) to the businesses
4. Registration of informal sector workers with EOBI and Social Security Institutions by reducing the contribution rates (or co-paying by the State with these workers). Self-registration can help increase the number of people paying contribution to the system and adding to the sustainability of this system. Government must ensure systematic registration of unregistered workers and units through improvement in the labour inspection system.
5. Sharing of the cost of maternity leave pay (12-week pay) with the employer by the federal and provincial governments in order to raise female labour force participation. The cost can be shared either through Workers Welfare Fund or general tax revenues. The funds collective under WWF already come from the employer side.
6. Initiation of work to objectively evaluate jobs across sectors using objective criteria such as skills (qualification, expertise), effort, responsibility, and conditions of work
7. Baseline studies initiated on compiling and analyzing statistical information on remuneration gaps between men and women across economic sectors and through value chains.

Notable Developments

- Preparation of a model draft law on anti-discrimination
- Development of model Women Empowerment Package by the Federal Government
- Women Empowerment Packages and policy frameworks by Governments of Punjab and Khyber Pakhtunkhwa
- Establishment of day care centers in the public and private sector organisations in Punjab
- Punjab Fair Representation of Women Act, 2014
- Gender Sensitive Inspection System (GSIS)
- Gender focal points in Labour Departments
- Draft policies on home-based workers
- Punjab domestic workers policy
- Sindh HIV and AIDS Control Treatment and Protection Act, 2013

Elimination of Forced/ Bonded Labour

ILO Convention 29 (Forced Labour Convention) defines forced labour as “*all work or service which is exacted/demanded from any person under the menace of any penalty and for which the said person has not offered himself voluntarily*”. The Convention has certain exceptions with respect to work of a “purely” military character; “normal” civic obligations; work as a consequence of a conviction in a court of law and carried out under the control of a public authority; work in emergency situations such as wars or natural calamities; and minor communal services.

ILO Convention 105 (Abolition of Forced Labour Convention) stipulates that forced (compulsory) labour can never be used as a means of political coercion or education; as punishment for expressing political views or for participating in strike action; as labour discipline; as racial, social, national or religious discrimination; and for mobilizing labour for economic development purposes. Forced Labour includes slavery (in its modern form) and practices similar to slavery, debt bondage and serfdom as defined in other international instruments, such as the League of Nations Slavery Convention (1926) and the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) and International Covenant on Civil and Political Rights (ICCPR).

Bonded labour, a special form of forced labour found particularly in South Asia region, occurs when a person enters into an agreement to render his/her family member's services at the disposal of a creditor in consideration of advance (peshgi) obtained by him or his family or guardian without considering whether such advances are documented or not. Other than agreement with a person because of advance (peshgi), a person may enter into bonded labour in pursuance of any

customary or social obligation or for financial benefit received by him or by any member of family. The incidence of bonded labour is more in the rural areas and mostly prevalent in the informal sector. ILO research has indicated that there are many instances of bonded labour in agriculture, domestic work, fisheries, mines, and brick kilns.

The pre-partition law to control forced labour by children was Children (Pledging of Labour) Act, 1933, which aimed to prohibit the making of agreements to pledge the labour of children, and the employment of children whose labour was pledged by parents or guardians. While in the post-partition era, Article 3 & 11 of the 1973 Constitution guarantee the abolition of bonded labour and require the state to gradually eliminate all forms of exploitation. Article 11 declares that slavery is non-existent and forbidden and no law can be made to permit or facilitate its introduction in Pakistan in any form. All forms of forced labour are prohibited. The only exceptions allowed are forced labour as part of punishment ordered by a Court of law or works required by a law for public purpose but this too is subject to the condition that no compulsory service shall be of a cruel nature or incompatible with human dignity.

Bonded labour is also covered by Article 3 of the Constitution, which says “The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work.” Since bonded labour admittedly amounts to exploitation and a bonded labourer has neither opportunities of working to his ability nor does receive according to work, its eradication is regarded as constitutional obligation. Bonded labour is barred under Article 14 of the Constitution (which prohibits violation of the dignity of man and torture), Article 15 (freedom of movement and residence, both denied to bonded labourers), and Article 37 (e) (the State's

obligation to make provision for securing just and humane conditions of work). These constitutional provisions have been given effect by enacting various laws.

Bonded Labour System (Abolition) Act, 1992 abolishes bonded labour and targets customary arrangements that lead to bonded labour. It also ends any debts that existed which

led to individuals being forced into labour to pay-off the debt. The other specific laws, which deal with forced labour, include Prevention and Control of Human Trafficking Ordinance, 2002 (to check economic and sexual exploitation) and Pakistan Penal Code, 1860 (to suppress economic and sexual exploitation).

Box-4	Legislative Provisions
Constitution of the Islamic Republic of Pakistan, 1973	<p>Article 11 Slavery, forced labour, etc. prohibited: (1) Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.</p> <p>(2) All forms of forced labour and traffic in human beings are prohibited.</p> <p>(3) No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.</p> <p>(4) Nothing in this Article shall be deemed to affect compulsory service:-</p> <p>(a) by any person undergoing punishment for an offence against any law; or</p> <p>(b) required by any law for public purpose provided that no compulsory service shall be of a cruel nature or incompatible with human dignity.</p>
Children (Pledging of Labour) Act, 1933	<p>Section 3. Agreements contrary to the Act to be void. An agreement to pledge the labour of a child shall be void.</p> <p>Penalty for parent or guardian making agreement to pledge the labour of a child.-Whoever, being the parent or guardian of a child, makes an agreement to pledge the labour of that child, shall be punished with fine which may extend to fifty rupees.</p> <p>Penalty for making with a parent or guardian an agreement to pledge the labour of a child.-Whoever makes with the parent or guardian of a child an agreement whereby such parent or guardian pledges the labour of the child shall be punished with fine which may extend to two hundred rupees.</p>
<p>Bonded Labour System (Abolition) Act, 1992 (applicable to ICT, Sindh & Balochistan)</p> <p>Bonded Labour System (Abolition) Act, 1992 (adopted by Punjab in 2012)</p> <p>Khyber Pakhtunkhwa Bonded Labour System Abolition Act, 2015</p>	<p>Section 4. Abolition of bonded labour system (1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour.</p> <p>(2) No person shall make any advance under, or in pursuance of, the bonded labour system or compel any person to render any bonded labour or other form of forced labour.</p> <p>Section 5. Agreement, custom, etc., to be void.- Any custom or tradition or practice or any contract, agreement or other instrument, whether entered into or executed before or after the commencement of this Act, by virtue of which any person, or any member of his family, is required to do any work or render any service as a bonded labourer, shall be void and inoperative.</p>
Pakistan Penal Code, 1860	<p>Section 370. Buying or disposing of any person as a slave: Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term, which may extend to seven years, and shall also be liable to fine.</p>

Pakistan Penal Code, 1860 (contd.)	<p>Section 371. Habitual dealing in slaves: Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, shall also be liable to fine.</p> <p>Section 374. Unlawful compulsory labour: (1) Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to [five years] or with fine, or with both. (2) Whoever compels a prisoner of war or a protected person to serve in the armed forces of Pakistan shall be punished with imprisonment of either description for a term, which may extend to one year.</p>
Code of Criminal Procedure, 1898	<p>Section 100. Search for persons wrongfully confined. If any Magistrate of the first class or Sub-Divisional Magistrate has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.</p> <p>Section 491. Power to issue directions of the nature of a Habeas Corpus. Any High Court may, whenever it thinks fit, direct: (a) that a person within the limits of its appellate criminal jurisdiction be brought up before the Court to be dealt with according to law; (b) that a person illegally or improperly detained in public or private custody within such limits be set at liberty; (c) that a prisoner detained in any jail situate within such limits be brought before Court to be there examined as a witness in any matter pending or to be inquired into in such Court; (d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively. (e) that a prisoner within such limits be removed from one custody to another for the purpose of trial; and (f) that the body of defendant within such limits be brought in on the Sheriff's return of cepi corpus to a writ of attachment. (2) The High Court may, from time to time, frame rules to regulate the procedure in the cases under this section. (3) Nothing in this section applies to persons detained under [any other law providing for preventive detention.]</p> <p>Section 552. Power to compel restoration of abducted females. Upon complaint made to a District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of sixteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.</p>
Prevention and Control of Human Trafficking Ordinance, 2002	<p>Section 3. Punishment for human trafficking. The human trafficking shall be punishable as under.</p> <p>(i) Whoever knowingly plans or executes any such plan for human trafficking into or out of Pakistan for the purpose of attaining any benefit, or for the purpose of exploitative entertainment, slavery or forced labour or adoption in or out of Pakistan shall be punishable with imprisonment which may extend to 7 years and shall also be liable to fine:</p> <p>Provided that in case of an accused who, in addition to committing an offence as aforesaid has also been guilty of kidnapping or abducting or any attempt thereto in connection with such offence, the imprisonment may extend to ten years with fine:</p>

<p>Prevention and Control of Human Trafficking Ordinance, 2002 (contd.)</p>	<p>Provided further that whoever plans to commit an offence under this clause but has not as yet executed the same shall be punishable with a term of imprisonment, which may extend to five years and shall also be liable to fine.</p> <p>(ii) Whoever knowingly provides, obtains or employs the labour or services of a person by coercion, scheme, plan or method intended to make such person believe that in the event of non-performance of such labour or service, he or any other person may suffer from serious harm or physical restraint or legal proceedings, shall be punishable with imprisonment which may extend to seven years and shall also be liable to fine:</p> <p>Provided that if the commission of the offences under this clause involves kidnapping or abduction or any attempt thereto, the term of imprisonment may extend to ten years with fine:</p> <p>Provided further that payment of any remuneration in lieu of services or labour of the victim shall not be treated as mitigating circumstance while awarding the punishment.</p> <p>(iii) Whoever knowingly purchases, sells, harbours, transports, provides, detains or obtains a child or a woman through coercion, kidnapping or abduction, or by giving or receiving any benefit for trafficking him or her into or out of Pakistan or with intention thereof, for the purpose of exploitative entertainment by any person and has received or expects to receive some benefit in lieu thereof shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine: Provided that if the commission of the offence under this clause involves kidnapping or abduction or any attempt thereto of the victim, the term of imprisonment may extend to fourteen years with fine: Provided further that plea, if any, taken by the biological parents of the child shall not prejudice the commission of offence under this clause.</p> <p>(iv) Whoever knowingly takes, confiscates, possesses, conceals, removes or destroys any document related to human trafficking in furtherance of any offence committed under this Ordinance or to prevent or restrict or attempt to prevent or restrict, without lawful authority, a person's liberty to move or travel shall be punishable with imprisonment which may extend to 7 years and shall also be liable to fine. Provided further that payment of any remuneration in lieu of services or labour of the victim shall not be treated as mitigating circumstance while awarding the punishment.</p>
<p>Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016</p>	<p>Section 3. Contract of engagement on work.- (1) Every engagement or appointment of a worker at a brick kiln shall be subject to a written contract in the prescribed form between the worker and the occupier showing the terms and conditions of his employment or engagement including:</p> <p>(a) the amount of advance(peshgi), if any;</p> <p>(b) the amount of wage; and</p> <p>(c) the pay back schedule of the advance(peshgi).</p> <p>(2) The occupier shall send a copy of the contract made under subsection (1) to the inspector having jurisdiction in the area.</p> <p>(3) An occupier shall, within sixty days of the commencement of this Ordinance, arrange for the execution of the contract of engagement under subsection (1) with each of the workers engaged on work at a brick kiln immediately before the commencement of this Ordinance.</p> <p>(4) If a worker is engaged on work at a brick kiln in contravention of subsection (1), he shall be deemed to be a bonded labourer and the occupier shall be liable under the provisions of the Bonded Labour System (Abolition) Act, 1992 (III of 1992).</p> <p>(5) The contract of engagement made under subsection (1) may be terminated either by the worker or by the occupier subject to thirty days prior notice in writing.</p>
<p>Provincial Tenancy Laws to regulate tenant and landlord relations in agriculture sector</p>	<p>The Punjab Tenancy Act, 1887 The Sindh Tenancy Act, 1950 The NWFP Tenancy Act, 1950 The Baluchistan Tenancy Ordinance, 1979</p>

Box 4 provides specific provisions of these laws. The Provincial Tenancy Acts regulate the tenant and landlord relations in the agriculture sector and can be used to protect these workers from bonded labour. Previous Laws (Foreigners Act 1946, Emigration Ordinance 1979, Passport Act 1974, Exit from Pakistan Control Ordinance 1981, Pakistan Penal Code, etc.) covered only human smuggling and related offences however, PCHTO (2002) focuses on trafficking (centering on exploitation whether labour or sexual). The law provides for compensation to victims and requires severe punishments against offenders, repeat offenders and organized gangs ranging from seven to fourteen years. The punishments under the BLSA 1992 range from two to five years.

Under the 1992 law, Vigilance Committees are set up at the District level of all the provinces consisting of representatives of the District Administration, Bar Associations, Press, recognized Social Services and Labour Departments.

The functions of a Vigilance Committee are: (a) to advise Government, both District and Provincial, on matters relating to the effective implementation of the law and to ensure its implementation in proper manner; (b) to help in the rehabilitation of the freed bonded labourer; (c) to keep an eye on the working of the law; and (d) to provide the bonded labourers such assistance as may be necessary to achieve the objectives of the law.

National Policy and Plan of Action (NPPA) for the Abolition of Bonded Labour and the Rehabilitation of Freed Bonded Labourers were adopted in 2001 with the aim to eliminate the bonded and forced labour practices from the society. Some of the important measures envisaged under the Plan included relief package for freed Haris in Sindh; registration of brick kilns; organizing vocational training programs for freed bonded laborers; rendering counseling and advocacy to the bonded workers by establishing free legal aid cells with the support of Bar Councils.

In July 2013, while hearing a petition, Supreme Court ordered the Government of Punjab to reactivate the District Vigilance Committees as early as possible. The Government was also directed to ensure, within two weeks of the receipt of this Order, all laborers working on Brick Kilns

must be registered as the recipient of social security (subject to the fulfillment of legal requirements) and owners be required to pay their contributions to the Social Security Department.

After devolution in 2010, Provincial Governments of Punjab and Sindh adopted their respective Provincial Action Plans to combat bonded labour. These Provincial Action Plans aimed to take various measures in the legal regime, socio-economic uplift of bonded laborers, awareness & advocacy and social protection. Provincial Governments also aimed to work on rationalization of BLSA 1992 (giving ownership to a department and creating the institution of inspector), re-activation of District Vigilance Committees, expanding the coverage and scope of PCHTO 2002 to internal trafficking for the purpose of forced and bonded labour in the country; and stricter enforcement of various labour laws. In order to improve socio-economic plight of bonded laborers, Provincial Governments are working on establishment of Provincial Bonded Labour Welfare Fund; holding of a bonded labour Survey; provision of micro-credit (interest-free loans); establishment of legal aid units and provision of free accommodation to freed/rescued bonded labourers.

Although Provinces have indicated their resolve to conduct bonded labour surveys, Federal Ministry of OP&HRD has requested PBS to include some questions in the questionnaire of upcoming labour force survey. This will help estimate the number of bonded laborers in the country. The following Box-5 illustrates detail of questions submitted by the Ministry to the PBS.

Box-5	Forced Labour Questions	
1. Have you been provided with the appointment letter?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. If yes, whether it provides following information?		
i. Working conditions ii. Legal status iii. Nature of the job iv. Location of the job v. Employer's name vi. Wages vii. Working time viii. Annual & Sick Leave ix. Weekly holiday x. Social security coverage		
Wages		
3. Are you aware of the current minimum wage you are entitled to?		
4. Is your wages/salary equal to or higher than the statutory minimum wage?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Are illegal/unfair deductions from your salary made by the employer?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Are you paid regularly on fixed dates?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Hours of work		
7. How many hours do you usually work (per day/week)?	_____	
8. How many hours of overtime do you usually work (per day/week)?	_____	
9. How many days of leave can you take (per week/month/year)?	_____	
10. In your job, does the employer force you to do any of the following?		
i. Perform tasks that are not part of your contract or verbal agreement ii. Perform hazardous tasks without adequate protection (PPEs) iii. Work overtime without additional pay iv. Work overtime with additional pay v. Work for another employer without your consent vi. Commit illicit/criminal activities		
11. Can you leave your employer?		
<input type="checkbox"/> Yes, at any time, as long as the terms of the contract are respected (notice, etc.) <input type="checkbox"/> No, because there are no jobs available locally <input type="checkbox"/> No, the employer would not let me go <input type="checkbox"/> I don't know		

In order to tackle issues of bonded labour, Provincial Governments have started various development projects to eradicate bonded labour. Instances of elimination of bonded labour can be observed in Brick Kilns located in 4 districts of Punjab i.e., Faisalabad, Sargodha, Bahawalpur & Gujrat". This project has a total cost of Rs. 196.987 million and was initiated in October, 2012 envisaged for a span of 6 years initially. The focus of the scheme is on elimination of child and bonded labour from the brick kilns in four districts. A total of 196 Non-Formal Education Centers are now operational in the 4 districts in which 6131 learners (male 3143, female 2988) have been enrolled and lists of the 1423 brick kiln workers have now got provision of CNIC and 2590 children have been prepared for their Birth Registration in respective Local Union Councils.

After the successful completion of the Elimination of Bonded Labour on Brick Kilns focusing on Lahore and Kasur, Punjab Government has initiated an integrated "Elimination of Child & Bonded Labour" Project and promotion of decent work for vulnerable workers with the cost of Rs 5.16 billion in all of the 36 districts of Punjab. The project involves elimination of worst forms of child labour and bonded labour particularly at brick kilns along with rehabilitation of freed labour for their economic empowerment. The project is being executed at a larger scale and covers ten (10) districts in the first phase (i.e. Sialkot, Shaikhupura, Hafizabad, Okara, Gujranwala, D.G. Khan, Rahim Yar Khan, Bahawalnagair, Multan and Khanewal). The project aims at rehabilitation of 375,000 children through non-formal basic education and skill development; economic empowerment

of 100,000 child labour families; amendment in labour laws dealing with eradication of child labour and improvement in legislation; capacity building of the inspection staff of Provincial Labour Departments; issuance of social security cards to 150,000 families of brick kiln workers; establishment of model workplace; and integration of all the efforts to eradicate child labour. Under the project, it has been identified that there are 6,600 total brick kilns in Punjab and 23,000 children are residing in these kilns. Of these 23,000 children, 18,622 have been successfully enrolled in schools for education.

Although Pakistan has law to deal with external trafficking (PCHTO-2002), there is no law to regulate internal trafficking which is only partially covered under PPC. Earlier, two bills naming the ‘Prevent and Combat Trafficking in Persons, Especially Women and Children 2013’ and ‘Prevent and Combat the Smuggling of Migrants by Land, Sea and Air 2013’ to address the gaps of trafficking and human smuggling laws were pending with the Federal Ministry of Law and Justice. It has been reported now that the Ministry has cleared Prevent and Combat Trafficking in Persons, Especially Women and Children 2013 (relevant for reforms in PCHTO 2002) and it will be presented in the Parliament soon for debate.

In order to tackle issues of child labour as well as bonded labour at brick kilns, Government of Punjab has promulgated the Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016. The Ordinance not only prohibits engagement of children (under 14 years) on brick kilns but also regulates employment of adults by requiring written contracts and allows for termination of such contracts by either party. The new Ordinance also has provisions requiring brick kiln owners to provide written contract to every worker engaged in a brick kiln specifying the amount of wage, amount of advance (peshgi) and the payback schedule for the advance given. The Ordinance further limits the amount of advance to the maximum of six times of the wages of a worker for one wage period (time rated or piece rated). Brick kiln owner or occupier is also required to send a copy of contract to the inspector in the area. Another important provision in the Ordinance is that either party can terminate the contract by giving a 30-day prior notice in writing.

Issues of Forced Labour & Other Laws

Pakistan Merchant Shipping Ordinance 2001 has been criticized by the Committee of Experts saying that it imposes penalties of imprisonment, which may involve compulsory labour, for various breaches of labour discipline by seafarers (absence without leave, willful disobedience, or combining with crew in neglect of duty) and that they may be forcibly returned on board ship to perform their duties. Government reiterates and reasserts its earlier stance that these provisions serve a deterrence purpose in order to avoid misconduct endangering the ship or life of persons on board. Moreover, the close analysis of these provisions actually indicates that in the event of absence without leave, desertion or willful disobedience, law only provides for fines. Imprisonment (for a term which may extend to one year) is allowed only if a seaman *combines with any of the crew to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage*. These acts tend to endanger the ship or the life or health of persons and punishment for these actions is not prohibited under ILO Convention 105. As regards the issue of forcible return of seafarers on board a ship to perform their duties, Federal Ministry of OP&HRD has requested the Federal Ministry of Ports and Shipping to consider reviewing relevant provision of MSO 2001 in consultation with ship-owners and seafarer organizations in the country.

As regards the criticism on Essential Services (Maintenance) Act 1952 (ESMA), it clearly stipulates (in its Section 3) that the Act applies to every employment under the federal government and to any class of employment, which is declared as essential through notification. Such declaration and notification is issued only if the federal government is of the opinion that such employment is essential in securing the defense or the security of Pakistan or any part thereof and for sustenance of such supplies or services as relate to the matters with respect to which the legislature has the power to make laws and are essential to the life of community. What is more important is that no such declaration can be enforced for an indefinite period. It is first in force for a period of six months, extendable to further six months at any

one time. Even in cases where ESMA is applied to an establishment, National Industrial Relations Commission is authorized to regulate the wages and employment conditions of workers engaged in “essential services”.

Legislative Reforms

Following are the some proposals / legislative reforms to tackle / control the bonded labor:

1. Provincial governments must work on rationalization of BLSA 1992
2. Federal government must expand the scope of PCHTO 2002 to internal trafficking (leading to forced labour or sexual exploitation)
3. Reviewing PMSO 2001 and bringing it in line with the recommendations of Committee of Experts
4. Harmonization of bonded labour legislation with other legislations, for example, Payment of Wages Act and Standing Orders Ordinance
5. Enactment of separate legislation for curbing the menace of bonded labour in brick kilns and agriculture sector (on the pattern of Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016)

Administrative Reforms

Following are the some administrative measures to identify bonded labor and proposed reforms to comply-with:

1. Conduct bonded labour surveys to gauge incidence of bonded labour in various economic sectors
2. Stricter enforcement of working time and payment of wages laws by strengthening the labour inspection system (by standalone legislation on labour inspection and having a dedicated career service)

3. Inclusion of questions regarding forced labour in the upcoming Labour Force Survey to gauge actual incidence of forced labour in the formal and informal sectors
4. Capacity building of Provincial Labour Departments in identifying instances of forced labour in formal and informal sector (and strive towards gradual formalization of informal sector)
5. In line with Standing orders Ordinance 1968, workers must be provided written contracts
6. Judicial application of ESMA 1952 and requiring the active role of NIRC in determining the wages and employment conditions of workers engaged in essential services
7. Securing convictions under BLSA 1992 since so far no conviction has been secured under this Act. The focus has been more to use Section 491 of CrPC 1898 (habeas corpus)
8. Bring the workers in the formal sector (in so-called informal employment) in the social safety net. This drive can then be expanded to the broad informal sector as well. Most of the workers involved in bonded labour remain entrenched in those slave like conditions since the leading cause for individual bankruptcies everywhere is medical related, either illness of a family member or death of a breadwinner. Workers, with limited means, have to take loans from their employer in order to meet such unplanned expenses. If these workers are registered with Social Security Institutions, then they may enjoy some relief by not taking loans and will not remain under bonded debts.
9. Since bonded labour is more prevalent in the agriculture sector (employing 43% of labour force), Government should bring agriculture sector under the jurisdiction of labour laws. The Tenancy Acts must also be rationalized. Sindh and Balochistan Provinces

have started to bring the agriculture sector under labour laws by allowing workers in the agriculture and fisheries sectors to form and join unions. Punjab and Khyber Pakhtunkhwa provinces must also follow the same steps.

Trade Union rights are the enabling rights and once workers have these rights, they have the option to get other rights through collective bargaining or by protesting or lobbying with the government.

10. All shops and establishments must be registered and workers' employment records must be maintained by employers and some state department. The access to Social Security Institutions (like ESSI, EOBI and WWF etc.) should not be based on the employment contract status of a worker. A worker must be registered once he starts the employment and that registration should not be affected because of employment contract (type of contract) that a worker has to go through during his employment life. Institutional capacity to cover all workers must be enhanced.

Notable Developments

- Enactment of Khyber Pakhtunkhwa Bonded Labour System Abolition Act
- Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016
- Elimination of Child & Bonded Labour project in Punjab
- Cost: \$50 million
- Raising of financial penalties in Punjab and Khyber Pakhtunkhwa for engaging someone as bonded labourer

Abolition of Child Labour

Child labour is a violation of fundamental human rights and hinders children's development. There is a strong link between household poverty and child labour. The continued existence of child labour is a significant indicator of decent work deficits. Ensuring that every child is free of the compulsion to work and has access to quality education is the first step towards achieving decent work for the most vulnerable in society. Prior to the adoption of ILO Convention 138, the ILO instruments on the minimum age for admission to employment or work were sector-specific. The Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15), ratified in 1922 by the Government of British India and Minimum Age (Industry) Convention (Revised), 1937 (No. 59), ratified by the Pakistan Government in 1955 are two such conventions which were later denounced on the ratification of ILO Convention 138 (Minimum Age Convention, 1973) in 2006. ILO Convention 138 sets the general minimum age for admission to employment or work at 15 years (13 years for light/minor work) and the minimum age for hazardous work was at 18 (16 under certain strict conditions). It also provides for the possibility of initially setting the general minimum age at a lower level, i.e., 14 years (12 years for light / minor work) where the economy and educational facilities are insufficiently developed.

ILO Convention 138 ensures the effective abolition of child labour and demands to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. Each ratifying member is required to notify a minimum age in this respect, which cannot be less than the age of completion of compulsory schooling and, in any case, cannot be less than 15 years. The Convention further stipulates that countries with insufficiently developed economy and educational facilities can initially specify a

minimum age for admission to employment as 14 years. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons cannot be less than 18 years.

ILO Convention 182 (Worst Forms of Child Labour Convention) defines a "child" as a person under 18 years of age. It requires ratifying states to eliminate the worst forms of child labour, including all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour including forced or compulsory recruitment of children for use in armed conflict; child prostitution and pornography; using children for illicit activities, in particular for the production and trafficking of drugs; and work which is likely to harm the health, safety or morals of children. A ratifying member has to provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Moreover, it requires States to ensure access to free basic education and vocational training for children removed from the worst forms of child labour. Further, a ratifying member must identify and reach out to children at special risk; and take account of the special situation of girls.

Box-6	Legislative Provisions
Constitution of the Islamic Republic of Pakistan, 1973	Article 11 Slavery, forced labour, etc. prohibited (3) No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.
	Article 25A Right to education. The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.
	Article 37 Promotion of social justice and eradication of social evils. The State shall: (e) make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment;
Minimum age for admission to work	
Mines Act, 1923	Section 26 Children. No child (who has not completed his fifteenth year) shall be employed in a mine, or be allowed to be present in any part of a mine which is below ground.
Factories Act, 1934 Khyber Pakhtunkhwa Factories Act, 2013	Section 50 Prohibition of employment of young children. No child who has not completed his fourteenth year shall be allowed to work in any factory.
	Section 80 Prohibition of employment of children. No child shall be allowed to work in any factory.
Shops and Establishments Ordinance, 1969	Section 20 Prohibition of employment of children. No child (who has not completed his fourteenth year) shall be required or allowed to work in any establishment.
Minimum age for hazardous work	
Employment of Children Act 1991 (applicable to ICT, Sindh, Balochistan) Employment of Children Act 1991 (adopted by Punjab)	Section 3 Prohibition on Employment. No child shall be employed or permitted to work in any of the occupations set forth in Part I of the Schedule or in any workshop wherein any of the processes set forth in Part II of that Schedule is carried on. 4 occupations & 34 processes
	Section 3 Prohibition on Employment. No adolescent (15-18 years of age) shall be employed or permitted to work in any hazardous work included in the Schedule. 4 occupations & 35 processes
Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015	
Worst Forms of Child Labour	
Pakistan Penal Code 1860	Section 366-A Procurement of minor girl. Whoever by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.
	Section 366-A Procurement of minor girl. Whoever by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.
	Section 366-B Importation of girl from foreign country. Whoever imports into Pakistan from any country outside Pakistan any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016	<p>Section 52 Child trafficking. Whoever involves himself in child trafficking within Pakistan shall be punished with imprisonment for life or which shall not be less than fourteen years and shall also be liable to fine which shall not be less than five hundred thousand rupees and may extend to ten hundred thousand rupees.</p> <p>Section 5. Prohibition of employment.- Notwithstanding the provisions of any other law, an occupier shall not employ, engage or permit a child (person who has not completed the fourteenth year of age) to work at the brick kiln.</p>
Pakistan Penal Code 1860	<p>Section 370 Buying or disposing of any person as a slave. Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.</p> <p>Section 371 Habitual dealing in slaves. Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves. Shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, shall also be liable to fine.</p> <p>Section 374 Unlawful compulsory labour. (1) Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to 1 [five] years or with fine, or with both.</p>
Prevention and Control of Human Trafficking Ordinance, 2002	<p>Section 3. Punishment for human trafficking. The human trafficking shall be punishable as under: -</p> <p>(i) Whoever knowingly plans or executes any such plan for human trafficking into or out of Pakistan for the purpose of attaining any benefit, or for the purpose of exploitative entertainment, slavery or forced labour or adoption in or out of Pakistan shall be punishable with imprisonment which may extend to seven years and shall also be liable to fine:</p> <p>Provided that in case of an accused who, in addition to committing an offence as aforesaid has also been guilty of kidnapping or abducting or any attempt thereto in connection with such offence, the imprisonment may extend to ten years with fine:</p> <p>Provided further that whoever plans to commit an offence under this clause but has not as yet executed the same shall be punishable with a term of imprisonment, which may extend to five years and shall also be liable to fine.</p> <p>(ii) Whoever knowingly provides, obtains or employs the labour or services of a person by coercion, scheme, plan or method intended to make such person believe that in the event of non-performance of such labour or service, he or any other person may suffer from serious harm or physical restraint or legal proceedings, shall be punishable with imprisonment which may extend to seven years and shall also be liable to fine:</p> <p>Provided that if the commission of the offences under this clause involves kidnapping or abduction or any attempt thereto, the term of imprisonment may extend to ten years with fine:</p> <p>Provided further that payment of any remuneration in lieu of services or labour of the victim shall not be treated as mitigating circumstance while awarding the punishment.</p> <p>(iii) Whoever knowingly purchases, sells, harbours, transports, provides, detains or obtains a child or a woman through coercion, kidnapping or abduction, or by giving or receiving any benefit for trafficking him or her into or out of Pakistan or with intention thereof, for the purpose of exploitative entertainment by any person and has received or expects to receive some benefit in lieu thereof shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.</p>

Prevention and Control of Human Trafficking Ordinance, 2002 (contd.)	<p>Provided that if the commission of the offence under this clause involves kidnapping or abduction or any attempt thereto of the victim, the term of imprisonment may extend to fourteen years with fine;</p> <p>Provided further that plea, if any, taken by the biological parents of the child shall not prejudice the commission of offence under this clause.</p>
The Sindh Children Act 1955	<p>Section 49 Employing Children for Begging. Whoever employs any child for the purposes of begging or causes any child to beg or whoever having the custody, charge or care of a child connives at or encourages its employment for the purpose of begging and whoever uses a child as an exhibit for the purpose of begging shall, on conviction be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to Rs 300 or with both.</p>
	<p>Section 56 Causing or Encouraging Seduction etc. (1) Whoever having the actual charge of, or control over, a girl under the age of 18 years causes or encourages the seduction (which shall include inducement to indulge in immoral behavior) or prostitution of that girl or causes or encourages any one other than her husband provided his wife has attained the age of 14 years, to have sexual intercourse with her shall, on conviction be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to Rs 1,000 or with both.</p>
	<p>Section 59 Exploitation of Child Employees. (1) Whoever secures a child ostensibly for the purpose of menial employment or for labor in a factory or other establishment, but in fact exploits the child for his own ends, withholds or lives on his earnings, shall, on conviction, be punished with fine which may extend to Rs 1,000.</p> <p>(2) Whoever secures a child ostensibly for any of the purposes mentioned in subsection (1), but exposes such child to the risk of seduction, sodomy, prostitution or other immoral conditions, shall, on conviction, be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to Rs 1,000 or with both.</p> <p>(3) Any person who avails himself of the labor of a child exploited in the manner referred to in subsection (1) or (2) or for whose immoral gratification such child is used shall be liable as an abettor.</p>
Punjab Destitute and Neglected Children Act, 2004	<p>Section 36. Employing child for begging. Whoever employs any child for the purpose of begging or causes any child to beg or whoever having the custody, charge or care of a child connives at or encourages his employment for the purpose of begging and whoever uses a child, connives at or encourages his employment for begging shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both.</p>
	<p>Section 40. Exposure to seduction. Whoever secures custody of a child ostensibly for any purpose but exposes such a child to the risk of seduction, sodomy, prostitution or other immoral conditions, shall be punished with imprisonment of either description for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both.</p>
The Khyber Pakhtunkhwa Child Protection And Welfare Act, 2010	<p>Section 2. Definitions. "child at risk" means a child in need of protection who;</p> <p>(i) is at risk, including an orphan, child with disabilities, child of migrant workers, child working and or living on the street, child in conflict with the law and child living in extreme poverty;</p>
	<p>Section 45 Employing child for begging. Whoever employs any child for the purpose of begging or causes any child to beg or whoever having the protective care of a child connives at or encourages his employment for the purpose of begging, shall be punished with rigorous imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to fifty thousand rupees.</p>

The Khyber Pakhtunkhwa Child Protection And Welfare Act, 2010 (contd.)	Section 48 Punishment for child pornography. Whoever commits an offence of child pornography shall be punished with rigorous imprisonment of either description for a term which may not be less than three years and may extend to seven years and also liable to fine which may not be less than two hundred thousand rupees and may extend to five hundred thousand rupees.
	Section 50 Exposure to seduction. Whoever seduces a child by any means whatsoever with an intent to involve him in any sexual activity or exposes him to obscene and sexually explicit material, document, a film, video or a computer generated image or attempts to do the aforementioned action, shall be punished with rigorous imprisonment of either description for a term which may extend to seven years or liable to fine which may extend to ten hundred thousand rupees, or with both

Under the 18th Constitutional Amendment 2010, Article 25-A was added to the Constitution requiring the state to provide free and compulsory education to all children of the age of five to sixteen years. Government of Pakistan believes that education is the one of the most effective means of controlling and combating child labour. Therefore, the Federal Government as well as the Provincial Governments in all provinces (except Khyber Pakhtunkhwa) have enacted compulsory education laws to provide for free and compulsory education as guaranteed under the Constitution. Government of Pakistan is cognizant of the fact that it not only needs to raise minimum age for admission to full time work to 16 years (in line with Article 25-A of the Constitution), incorporate minimum age for light work for limited hours (12 years and onwards) and raise the minimum age for admission to hazardous work from current 14 years to 18 years (in line with provisions of ILO Convention 138).

The Government of Khyber Pakhtunkhwa has enacted its Prohibition of Employment of Children Act in 2015. The Act is quite in line with the provisions of Convention 138 and CEACR comments, sets the minimum age for light work, (12 years) and raises the minimum age for hazardous work to 18 years. The new law also requires formation of a Coordination Committee on Child Labour to advise Government for appropriate legislative, administrative and other measures for eradication of the child labour as per national and international instruments. However, this new law still does not raise the minimum wage for admission to full time work from 14 years to 16 years in line with Article 25-A of the Constitution. Moreover, the law does not limit hours of work for school going children to 2-3 hours per day. Other

Provincial Governments have also worked on draft legislation prohibiting employment of children which will soon be enacted.

It is usually criticized that Pakistan does not have minimum age for admission to work however this view is misplaced since Factories Act 1934, Mines Act 1923 and Shops & Establishments Ordinance 1969 set the minimum age as 14 years (15 years for mine workers). Thus, Pakistan is compliant with obligations under Convention 138. However, since the 18th Constitutional Amendment has implicitly raised the minimum age for work by requiring compulsory education from five to sixteen years, there is a need to raise minimum age for admission to work. If the minimum age for admission to work is lower than the compulsory schooling age (as is the case now), children may be compelled to leave school and join work since they are legally permitted to join work. Keeping a lower minimum age for work hurts government's efforts to provide free and compulsory education in line with Constitutional provisions.

While provinces are working on prohibition of employment of children laws, there is a need to work on the revision of hazardous work list as well. Nevertheless, the Government of Khyber Pakhtunkhwa has added the process "work at oil & gas fields including rigs" in its list of hazardous work and processes where workers under 18 cannot be engaged.

Committee of Experts had requested information about existence of an apprenticeship program and the minimum age for admission to apprenticeship. Apprenticeship Ordinance 1962 is the relevant law governing the system of apprenticeship training in the country. Both Federal and Provincial Governments have notified

apprenticeship rules in their relevant jurisdictions. Though, the minimum age for admission to apprenticeship varies between 14 (Sindh) and 15 years (in other provinces), the fundamental requirement is that no child below the age of fourteen should be hired as an apprentice.

Since there are approximately three million children under the age of 14 engaged in employment, there is a dire need to regulate this economically active population and bring it under the protection of law. Although, Khyber Pakhtunkhwa has allowed light work for children, a list of allowed light work (for children aged 12-14 years) must be formulated. Other provinces must follow suit.

Last National Child Labour Survey was conducted in 1996. Since then, no new survey has been conducted which hampers the Federal and Provincial Governments' ability to accurately assess the scope and prevalence of child labor in the country. According to the 1996 Survey, the child laborers (economically active on full time basis) were 3.3 million, 8.3% of the 40 million children aged between 5 to 14 years. Realizing the need for new and reliable data on the incidence and scope of child labour, the Punjab Government has initiated a provincial level Survey in collaboration with Board of Statistics. Provincial Child Labour Survey is approved as an Annual Development Plan (ADP) project by the Punjab Government at a cost of Rs. 140.187 million (with financial assistance from UNICEF). Work on survey has already been started and it will be completed by May 2017.

Other than the Elimination of Child & Bonded Labour Project (Integrated Project for Promotion of "Decent Work for Vulnerable Workers" in Punjab Province), Government of Punjab is also running a project on Combating Worst Forms of Child Labour in 4 districts of Punjab (i.e. in Chakwal, Jehlum, Jhang, and Layyah). The focus of the scheme is to eradicate worst forms of child labour as defined under ILO Convention 182. Balochistan Government is also executing a project for combating the worst forms of child labour at a cost of Rs. 40 million. Khyber Pakhtunkhwa has a development scheme providing for establishment of child and bonded labour unit in the Labour Department. It is important to indicate here that a Bill (Criminal

Law Amendment Bill, 2015) has already been passed by the National Assembly (currently under discussion in Senate), calling for an Amendment in Pakistan Penal Code 1860 (PPC) and Code of Criminal Procedure, 1898 (CrPC). The Bill aims to incorporate serious offenses against children like child pornography, exposure to seduction, sexual abuse, cruelty to a child and trafficking in human beings within the country in PPC & CrPC. It criminalizes all the above activities and proposes stringent punishments. The Bill also proposes to raise the minimum age for criminal responsibility from 7 to 10 years and the upper age limit from 12 to 14 years.

Noting the concern expressed by Committee of Experts on the situation of child domestic labour, it must be indicated that many steps are being taken to protect children from exploitative and hazardous works. Provincial Child Protection Bureaus/authorities are addressing the issues of child domestic labour. The Bureaus/authorities deal with the issue of street children and treat them as "children at risk". The KPK Government established a special center for street children (Zamung Kor-Our Home), which has the capacity of housing one thousand children. The center was inaugurated on Universal Children's Day (20 November 2015). The center provides street children with education, health, recreation, sports, boarding, food, career, psychological counseling and other necessary facilities. These facilities will make street children responsible, financially independent and valued citizens.

Government of Punjab has recently approved its Domestic Workers Policy and soon domestic work will be regulated in the Province. Similarly, Domestic Workers (Employment Rights) Bill was tabled in the Senate and is under review. Though the Bill is applicable only to ICT, once it is passed by the Parliament, the provincial government can adopt the law (as a model law) and enact it in the provinces. The bill treats domestic workers as workers and gives them all those right available to formal sector workers (ranging from employment contract to occupational safety & health to social security coverage).

Pakistan Bait-ul-Mal (PBM), an autonomous body set up in 1991 to provide social protection to the poor marginalized segments of society, has two programs addressing the issue of child education

as well as child labour. Under its Child Support Program, PBM supports poor families for sending their children between the ages of 5 to 16 years to school, providing these families with the incentive to send their children to school instead of work. A cash subsidy of Rs. 300 is provided to a family with a single child going to school. The amount is raised to Rs. 600 for two or more children. Nearly 85,000 children have benefited from this program. Under its National Centers for Rehabilitation of Child Labour (NCRCL), PBM removes children between the age of 5-14 years from hazardous labour and enroll them in centers where they are provided free education, clothing, footwear and stipend as well as subsistence allowance to their parents. There are 158 Educational Centers in the country and nearly 20,000 children are receiving Primary Education through these centers.

In order to tackle issues of child labour at brick kilns, Government of Punjab has promulgated the Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016. The Ordinance prohibits employment of children under the age of 14 years. The Ordinance further stipulates that if a child over the age of 5 years is found at a brick kiln during school hours, he shall be deemed to have employed or engaged or permitted to work at the kiln (unless the contrary is proved). On the contravention of provisions of this Ordinance, a brick kiln can be sealed for a maximum of seven days. In case of violation of the Ordinance, a case is registered against the owner/occupier and up to six-month imprisonment and fine up to Rs. 500,000 can be imposed. Government of Punjab has also notified District Labour Committees and Inspectors under the Ordinance to ensure compliance with the law.

Government of Punjab has further announced a special package for education of children working at brick kilns. Besides free education (explained below), a monthly stipend of Rs. 1,000 will be given to every child going to school whereas an annual stipend of Rs. 2,000 will be given to parents on admission of children in schools. Punjab Education Foundation (PEF) has launched a province-wide programme to provide free education to children of brick kiln workers through its partner schools. These schools will provide free education (including free uniform and shoes) to the children of brick kiln workers helping these children in obtaining education without burdening parents. Labour and Human Resource

Department has set up a free helpline (UAN 0800-55444) for lodging complaints about child labour at brick kilns. Labour Department has indicated that 17,240 labourers were residing at 6,090 kilns in Punjab and the number of children from five years to 14 years of age not attending school was 23,642; out of whom the Labour Department with the cooperation of Literacy, School Education, Local Government and other Departments has provided admission to 21,847 children in the nearest schools of kilns. On inspection of more than 5,000 brick kilns, 207 were sealed and 650 cases were registered on violation of above referred Ordinance. 717 brick kilns owners have also been arrested.

It is a commendable step taken by the Government of Punjab to contain child labour at brick kilns however it again does not conform to the provisions of ILO core conventions on child labour (i.e. Conventions 138 & 182). The current Ordinance allows engagement of children in brick kiln on attaining the age of 14 years. The brick making process can be hazardous as it involves not only preparing the clay or moulding the clay into balls but also includes an important step of firing the bricks. The Ordinance must have raised the minimum age for full time employment at a kiln to 16 years, in line with the provisions of Article 25-A of the Constitution. Moreover, since certain activities at kilns are considered hazardous (like firing the bricks), the Ordinance must have specified the minimum age for those activities as 18 years. The Ordinance must also have specified the activities and areas, which may be allowed, with proper protections, for persons over the age of 16 years. The Ordinance must also have set the working hours for school going children (e.g. two-three hours per day for children aged 12 years and above) after school hours.

A Child Labour focal point has been appointment at the MOP&HRD to develop an inventory of all previous work done on child labour (and bonded labour) at federal and provincial level; develop a national strategy for the elimination of child labour in Pakistan; and advocate with the provincial governments to adopt the necessary provincial legislation and to conduct local child labour surveys.

Legislative Reforms

1. The current Employment of Children Act 1991 needs to be repealed and a new Prohibition on Employment of Children Act must be enacted.
2. The new law should require the following:
 - a. Minimum age for admission to full time work as 16 years (in line with Article 25-A of the Constitution & compulsory education laws);
 - b. Minimum age for light work and for limited hours as 12-14 years (in line with the provisions of Convention 138). Similarly, light work and hours of work for adolescents aged 14-16 must also be specified
 - c. Minimum age for admission to hazardous work as 18 years (in line with the provisions of Convention 138)
3. Review of hazardous work list
4. Formulation of light work list (allowed for children as young as 12 years)
5. Ensure that laws criminalize internal child trafficking
6. The following worst forms of child labour should be taken as criminal offence.
 - a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
 - b. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and

- c. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons

Administrative Reforms

1. Provinces should conduct Child Labour Surveys
2. Collect data on hazardous work through Labour Force Survey and worst forms of child labour through independent surveys
3. Pakistan Bureau of Statistics may be requested to develop a module for collection of data on child labour (with ILO assistance and in consultation with MOP&HRD) to be attached with Labour Force Survey questionnaires. Measuring child labour on regular basis will not only help in monitoring the situation of child labour in all its forms but also the effectiveness of policies and projects being implemented in combating child labour in the country. Punjab has taken a lead in conducting the provincial Child Labour Survey.
4. The Punjab Free and Compulsory Education Act, 2014 requires a local government to maintain a record of children up to the age of sixteen years residing/remaining within its jurisdiction; and ensure and monitor admission, attendance and completion of education by every child residing within its jurisdiction. This step will not only ensure increased literacy but will also help in combating child labour and assessing the true magnitude of underage employment. Other Provinces may also follow suit and require the local governments to collect this data.

Notable Developments

- Child labour survey with the support of UNICEF in Punjab
- Elimination of Child & Bonded Labour Project (Integrated Project for Promotion of “Decent Work for Vulnerable Workers” in Punjab Province at the cost of \$50 million
- Project For Combating Worst Forms Of Child Labour in Balochistan at the cost of \$0.4 million
- Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016
- Special package for education of children working at brick kilns (Punjab)
- Distribution of Khidmat cards (monthly stipend of Rs. 1,000) among children of brick kiln workers for maintaining attendance in schools

Occupational Safety & Health & Labour Inspection

Since Government of Pakistan has ratified ILO Governance Convention on Labour Inspection (C81) and noting that the European Union's 2015 Policy 'Trade for All' emphasises that *"the Commission will prioritise work to implement effectively the core labour standards (abolition of child labour and forced labour, non-discrimination at the workplace, freedom of association and collective bargaining), as well as health and safety at work in the implementation of FTAs and GSP"*, it was decided to include chapters on occupational safety and health, labour inspection and tripartite consultations as one of the aims of GSP+ scheme is to add to the better governance.

The provisions of ILO Convention 81 cover the functions, duties and responsibilities of labour inspection system, recruitment of inspection staff, and resources for inspectors along with their powers and obligations. The Convention stipulates that labour inspection should be placed under the supervision of a central authority. It further stresses that the inspection should cover a basic set

of parameters such as hours of work, wages, safety and health of workers employed.

Moreover, the inspectors must be empowered and should have the authority to conduct an inspection visit during any time of the day. Furthermore, the Convention provides for the imposition of adequate penalties as a result of violations detected. The Convention requires a ratifying member to produce an annual inspection report detailing the issues raised at the time of inspection visits. The principle functions of labour inspection system are securing the enforcement of legal provisions, particularly through inspection visits, supplying technical information and advice to employers, workers and their respective organizations, and bringing to the notice of the competent authority defects or abuses not being covered by existing legal provisions.

Box-7	Legislative Provisions
Constitution of the Islamic Republic of Pakistan, 1973	<p>Article 3 Elimination of exploitation: The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work.</p> <p>Article 37(e) Promotion of social justice and eradication of social evils. The State shall: make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment</p>
Mines Act, 1923	Labour Inspection: sections 4-9A Occupational Safety & Health: sections 17-22
Factories Act, 1934	Labour Inspection: sections 9-12, 49-E, and 63 Occupational Safety & Health: sections 13-33Q
Shops & Establishment Ordinance, 1969	Labour Inspection: sections 25 & 26 Occupational Safety & Health: No provision in Act
The Employment Of Children Act, 1991	Labour Inspection: sections 09 & 17 Occupational Safety & Health: section 13
Dock Labourers' Act, 1934	Labour Inspection: sections 03 & 04 Occupational Safety & Health: Section 5 allows rule making with regard to safe working conditions
The Dock Workers (Regulation Of Employment) Act, 1974	Labour Inspection: section 04 Occupational Safety & Health: Section 3 allows making schemes with regard to health and safety measures in places where dock workers are employed in so far as satisfactory provision there for does not exist apart from the scheme
Road Transport Workers Ordinance, 1961	Labour Inspection: section 9 Occupational Safety & Health: No provision
Newspaper Employees (Conditions of Service) Act, 1973	Labour Inspection: section 20 Occupational Safety & Health: No provision
The above laws are applicable on specific sectors or specific type of workers. Labour Inspection system is provided under all labour laws as referenced below	
The Apprenticeship Ordinance, 1962	Labour Inspection: section 08
The Boilers and Pressure Vessels Ordinance, 2002	Labour Inspection: sections 05-16
The Bonded Labour System (Abolition) Act, 1992	<p>Labour Inspection: no provisions with regard to the institution of labour inspection however office of District Coordination Officer (at some places District Magistrate) was authorized to ensure that provisions of this Act are implemented. Vigilance Committees, established under the Act, were also required to keep an eye on the working of law (Section 9 & 15).</p> <p>The Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act, 2015 however creates the institution of labour inspector under the Act (Sections 11-17).</p>
Emigration Ordinance, 1979	Inspections conducted by the Protector of Emigrants (Section 4)
Employees' Old-Age Benefits Act, 1976	An official of the Employees Old Age Benefits Institution is required to check employer records (section 12)
The Provincial Employees' Social Security Ordinance, 1965	An official of the Employees Social Security Institution is required to check employer records (section 22)
The Payment Of Wages Act, 1936	Labour Inspection: Section 14
The Minimum Wages Ordinance, 1961	Labour Inspection: Power of the Minimum Wage Board to collect information (Section 12)

Labour Inspection is provided nearly under all labour laws (as indicated in Box-7 above) while occupational safety and health provisions are mainly found in Factories Act, 1934 (chapter III) and Mines Act, 1923 (Chapter V).

According to the ILO Convention 81, the system of labour inspection in industrial workplaces must apply to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors. An effective labour administration system provides for a stable business climate and encourages national and foreign direct investment. Legal compliance helps to ensure a level playing field where all are required to respect the same rules and standards. Proper labour inspection can help companies benchmark their compliance and, rather than being purely a fine-imposing service (penalty-oriented regime), the labour inspectors can help educate and assist business in meeting these obligations.

There is a comprehensive system of inspection in Pakistan to ensure that working conditions are safe for workers and laws are complied with. The inspection machinery is mainly established in Department of Labour and Department of Mines in each province. The Inspectors, both men and women, are public servants recruited through a prescribed procedure and competitive process. The Inspectors periodically inspect the workplaces to ensure the compliance with applicable laws. They have the right to enter any workplace, inspect the workplace or any prescribed record, and other documents maintained by the firm. The inspectors supply /furnish the information and advise the employers and workers on how to comply with the law and alert the competent authority on any defects, shortcomings and violations found during inspection.

Labour inspection under various labour laws in the industrial and commercial establishments as well as mines was already entrusted with the provinces prior to devolution. Enforcement of laws and regulations in mines and industrial and commercial establishments was the responsibility of the respective provincial governments. Enforcement of laws for dockworkers as well as marine workers (seafarers) is entrusted to Ministry of Ports and Shipping at the Federal

level. The Directorate of Dock Workers Safety and Government Shipping Office ensure compliance with Dock Labourers Act, 1934 and Pakistan Merchant Shipping Ordinance 2001 respectively. The enforcement of health and safety provisions in the oil and gas installations (rigs) is with the Federal Government, i.e., the Ministry of Petroleum & Natural Resources. The inspection under various labour laws and OSH provisions under these laws in ICT and Federally Administered Tribal Areas (FATA) also remains the responsibility of the federal Government (Ministry of Interior).

Informal economy (domestic and home-based workers), agriculture, and construction sectors are out of the ambit of law. Although, penalties have been imposed for violation under the said laws, however these are very meager and have no deterrence effect. Some time the employers prefer to pay penalties rather than to be compliant. However, after devolution, the provinces are in process to amend the laws. The inspection system in Pakistan faces a serious shortage of inspectors in relation to the number of workplaces liable to inspection. A recent study indicated that there is one labour inspector for every 25,000 employed workers. Tables 16 & 17 contain relevant information on the number of inspectors and registered workplaces. The number of inspector does not correspond to the number of industrial and commercial units. Labour Departments are currently at a dual disadvantage. Not only is the number of inspectors lower, the capacity of those inspectors is also limited. And then, there is issue of training and capacity development (though Punjab and Sindh have at least institutions for training purposes, i.e., Saeed Awan Centre for Improvement of Working Condition & Environment and National Institute of Labour Administration and Training respectively).

Table 16: Number of Registered Factories, Shops and Establishments

Key Elements	Punjab	Sindh	Khyber Pakhtunkhwa	Balochistan
Number of Registered Factories	14,013	8,572	895	503
Number of Registered Shops and Establishments	337,308	17,311	74,286	88,920

Table 17: List of Inspectors in the Provinces

Province	Labour			Mines	Total
	Factory	OSH	Technical		
Punjab	114	4	2	10	130
Sindh	78	8	10	24	120
Khyber Pakhtunkhwa	24	0	1	14	39
Balochistan	33	2	0	10	45
Total	249	14	19	58	334

There is a need for standalone law on labour inspection in order to provide for a reformed labour inspection system with participation from the private sector. Inspection services have limited domain as these cover only the so-called formal sector. Labour extension services must be started to bring the huge informal sector in the legal domain. Consolidated annual report (in line with provisions of Convention 81) on inspections conducted during the year must also be published and provincial labour departments should provide timely data for preparation of this report. Provincial labour inspectorates, with dedicated career officials, need to be established with the mandate of enforcing legal provisions relating to conditions of work such as working time, wages, occupational safety & health, social security, child labour, bonded labour and other issues (benefits guaranteed under laws as well as types of contracts).

The current applicability requirements under various labour laws can be used to evade beneficial provisions under the laws and thus hurt workers' rights. Factories Act, 1934 is applicable on industrial establishments employing at least 10 workers while those establishments employing less than 10 workers are covered under Shops & Establishments Ordinance, 1969. The West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 is applicable on industrial and commercial establishments employing 20 or more workers however its provisions related to compulsory group insurance and gratuity are applicable to the industrial establishments employing 50 or more workers.

On the other hand, Provincial Employees Social Security Ordinance, 1965 and Employees' Old-Age Benefits Act, 1976 cover establishments employing 5 or more workers.

Government may extend the coverage of these laws to the establishments below the above-referred threshold on the advice of inspectors. The applicability criteria must be made homogeneous to avoid confusion in straightforward implementation of labour laws.

The current Factories Act, 1934 (as well as the KPK Factories Act, 2013) has provision only on Welfare Officer; though, the KPK Act has reduced the threshold for appointment of said Officer from 500 to 100 workers. There is no provision for Health & Safety Officer, which must be added to the relevant legislation.

Labour Inspection is conducted in isolation of the other inspection conducted by environment specialists, boiler engineers, civil defense officials, electric inspectors and inspection by Tehsil Administration. Social Security Institutions and EOBI also have their inspection mechanism, which has no link with the inspections under Labour Department.

Inspecting Officers are not allowed to visit factories without prior notice to the management (in Punjab & Sindh) while Convention 81 stipulates that inspectors must be empowered to "enter freely and without previous notice at any hour of the day or night any workplace liable to inspection". There is a need to change this situation in order to bring it

in line with the provisions of Convention 81.

Federal Ministry of OP&HRD has worked on a framework document for revitalization and restructuring of labour inspection system in the country. It argues that the reforms can be started through the following initiatives:

1. Registration and risk assessment (requiring compulsory registration and focusing on “at risk” enterprises through various risk assessment techniques)
2. Integrated inspection (‘one enterprise-one inspector’ with one **general inspector** undertaking inspection in all work areas)
3. Self-inspection and self-reporting (on completion of registration and risk assessment, self-inspection and self-reporting can be piloted in “low-risk” enterprises)
4. Systems inspection (instead of focusing on minor details, the proposed system focuses on the systems the enterprise has in place to prevent accidents, protect workers, and improve working conditions)
5. Labour extension (providing advisory services to assist informal sector enterprises to improve their working conditions and the working environment -emphasis is on **information** and **advice**. Of particular importance is the issue of safety and health for these workers)
6. Private Sector involvement (engaging private sector through granting of licenses to duly accredited companies and individuals for performing specific inspection tasks, working under the authority of the Labour Inspectorate.
7. Another way could be through involvement of employer and labour representatives in through district level tripartite committees.

Supreme Court of Pakistan took the suo-motu notice on the death of 18 stone-crushing workers due to silicosis in Gujranwala during 2014. This further led to the order of the Court

to prepare a draft standalone law on occupational safety and health. The draft law, initially prepared by the Ministry of OP&HRD, has been vetted by the ILO as well as Law & Justice Commission of Pakistan. The draft Bill is now with the Provinces who can enact this as a law and take a step towards improvement of safety and health situation in their respective jurisdictions.

Legislative Reforms

1. Separate Occupational Safety and Health (OSH) Law
2. Standalone Labour Inspection legislation (separate from Factories Act)

Administrative Reforms

1. Dedicated labour inspection career service (separate from labour department) through creation of independent labour inspection authority at the provincial level
2. Raising of penalties for non-compliance
3. Publishing of yearly inspection reports
4. Online complaint mechanisms (like federal ombudsman for harassment)
5. Computerization of labour inspection reporting (Punjab is already doing it)
6. Push for Public Private partnerships for self/voluntary inspection
7. Compilation of sectoral OSH profiles and trend analysis for effective policy formulation

Notable Developments

- Establishment of Federal and Provincial Tripartite Consultative Committees
- Reforms in the labour inspection system (with the support of Dutch Government)
- Draft law on Occupational Safety & Health
- Computerization of labour inspection reporting
- Approval by the Prime Minister of expanded delegation to the ILO meetings with inclusion from Provincial Labour Departments

Hiring of 66 labour inspectors and 3 labour officers started in KPK

- Establishment of an OSH Facility approved as ADP Scheme in KPK
- Asian Living Wages Conference being Organised in May 2016

Tripartite Consultations & Social Dialogue

The Convention 144 (Tripartite Consultation (International Labour Standards) Convention) obligates the State to ensure conduct of effective consultations between representatives of the government, employers and workers. It binds the Government to respond to the questionnaires concerning items on the agenda of the International Labour Conference and comments on proposed texts, submit timely reports on ratified and unratified Conventions & Recommendations, re-examine unratified Conventions & Recommendations for possible ratification and submit proposals on denunciation of any ratified Convention(s). Convention 144 sets forth the framework for effective national tripartite consultations. These consultative meetings are required to be carried out at appropriate intervals at least once a year and the selection of the workers and employers for the membership of such bodies has to be based upon the principle of true representation.

Tripartism is ingrained in labour laws in Pakistan. Various tripartite institutions are established under labour legislation. These include:

1. Governing Body of the Workers Welfare Fund (GB-WWF)
2. Board of Trustees of Employees' Old-age Benefits Institution (BOT-EOBI)
3. Four Provincial Minimum Wage Boards (PMWB)
4. National Steering Committee on the Bonded Labour (NSCBL)
5. Four Governing Bodies of the Provincial Social Security Institutions (GB-ESSI)
6. Workers Welfare Boards (WWB)
7. Four Provincial Tripartite Advisory Committees under Apprenticeship Ordinance 1962

8. Miner's Welfare Board (MWB)
9. Provincial Occupational Safety & Health (OSH) Councils (OSH Council)
10. Provincial Committees on the Elimination of Bonded Labour (PCEBL)
11. Vigilance Committees under Bonded Labour System (Abolition) Act 1992 (VC-BLS)

Before devolution, there also existed institutions like Federal Labour Conference, Pakistan Tripartite Labour Conference (PTLC) and Standing Labour Committee, however these institutions only partially fulfilled the obligations set under C144 for discussion on possible ratification or denunciation of ILS and reporting to ILO (under articles 19 & 22 of the ILO Constitution). It must also be indicated that these institutions were engaged irregularly on ad-hoc basis without specific agenda. Last meeting of the PTLC was held in 2010.

In 2014, the Federal Government notified the Federal Tripartite Consultative Committee (FTCC) in line with the provisions of C144. Similarly Provincial Tripartite Consultative Committees (PTCC) have been notified by all the provincial governments. These Committees meet the requirement of consultation as stipulated under C144 on international labour standards. (See Annex-E)

However, to fulfill and perform its functions of coordination of labour legislation, Federal Ministry of OP&HRD must establish an institution, similar to Pakistan Tripartite Labour Conference, with representation from relevant government departments and wide worker and employer representation from all over the country. Labour law reforms and similarly issues of national importance, suggesting nationwide reforms (like

labour inspection reforms) must be discussed at National Tripartite Labour Conference. This is the only way to promote social dialogue, which is defined by the ILO as “all types of negotiation, consultation or simply the exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy”. The institution of social dialogue with wider representation from both worker and employer side as well civil society can help ensure “equitable adjustment of rights between employers and employees” as required under article 37 of the Constitution of Pakistan.

Further guidance on having such social dialogue institution can be taken from ILO Recommendation 113 (Consultation (Industrial and National Levels) Recommendation, 1960), which describes the purpose of consultation in tripartite bodies in the following words:

“Such consultation and co-operation should have the general objective of promoting mutual understanding and good relations between public authorities and employers’ and workers’ organisations.....with a view to developing the economy as a whole or individual branches thereof, improving conditions of work and raising standards of living.” The Recommendation further states that the consultations should aim:

1. At joint consideration by employers’ and workers’ organizations of matters of mutual concern with a view to arriving, to the fullest possible extent, at agreed solutions; and

2. At ensuring that the competent public authorities seek the views, advice and assistance of employers’ and workers’ organizations in an appropriate manner, in respect of such matters as:

- a. The preparation and implementation of laws and regulations affecting their interests;
- b. Organisation of employment, vocational training and retraining, labour protection, industrial health and safety, productivity, social security and welfare;
- c. The elaboration and implementation of plans of economic and social development.”

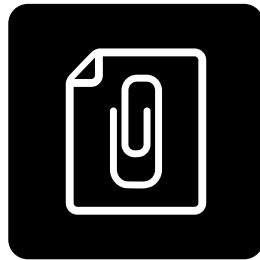
Since the institution of Tripartite Labour Conference helps involve social partner in government policy making (at various levels), it can help fostering the climate of social peace and ownership of policies among worker and employer groups. The national consultation event can be held on annual or biennial basis. In order to have true representation of workers and employers, we need to have reliable data on the number of trade unions and employer associations. The trade union data can be obtained through mandatory annual returns (or through inclusion of relevant data questions in labour force survey questionnaire) while the employer associations data can be taken from Directorate General of Trade Organisations.

Conclusion

The current report has attempted to analyse the existing legal and institutional as well as statistical indicators for ensuring compliance with core international labour standards ratified by Pakistan. This report provides a holistic view of the national labour law, its access as well as any gaps and lacuna with regard to the eight core labour conventions and GSP-Plus requirements. Amendments in laws are required in the areas of freedom of association, child labour and bonded labour. New enactments are needed in the area of health and safety, and anti-discrimination & equality of opportunity. This report should serve as a guide for both the Federal and Provincial Governments to know about their obligations under the core labour standards and initiate wide-ranging reforms.

Although GSP-Plus can be used as important incentive for all actors to further promote compliance with ILO standards, it is still the responsibility of the State to protect the fundamental rights of workers. This report should also act as instrument for the provinces to improve implementation of labour laws. Not only must the progress on protection and promotion of labour rights be accelerated, but achievements in the legal and institutional regime during the current years also need safeguarding against any deterioration through a vibrant labour inspection system.

ANNEXES



GSP Plus and 27 UN/ILO, Governance and Environment Related Conventions

PART A

Core human and labour rights UN/ILO Conventions

1. Convention on the Prevention and Punishment of the Crime of Genocide (1948)
2. International Convention on the Elimination of All Forms of Racial Discrimination (1965)
3. International Convention on Civil and Political Rights (1966)
4. International Convention on Economic Social and Cultural Rights (1966)
5. Convention on the Elimination of All Forms of Discrimination Against Women (1979)
6. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
7. Convention on the Rights of the Child (1989)
8. Convention concerning Forced or Compulsory Labour, No.29 (1930)
9. Convention concerning Freedom of Association and Protection of the Right to Organize, No.87 (1948)
10. Convention concerning the Application of the Principles of the Right to Organize and to Bargain Collectively, No.98 (1949)
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No.100 (1951)
12. Convention concerning the Abolition of Forced Labor, No.105 (1957)
13. Convention concerning Discrimination in Respect of Employment and Occupation, No.111 (1958)
14. Convention concerning Minimum Age for Admission to Employment, No.138 (1973)
15. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, No.182 (1999)

PART B

Conventions related to the environment and to governance principles

16. Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)
17. Montreal Protocol on Substances that Deplete the Ozone Layer (1987)
18. Basel Convention on the Control of Trans boundary Movements of Hazardous Wastes and their disposal (1989)
19. Convention on Biological Diversity (1992)
20. The United Nations Framework Convention on Climate Change (1992)
21. Cartagena Protocol on Bio-safety (2000)
22. Stockholm Convention on persistent Organic Pollutants (2001)
23. Kyoto Protocol to be United Nations Framework Convention on Climate Change (1998)
24. United Nations Single Convention on Narcotic Drugs (1961)
25. United Nations Convention on Psychotropic Substances (1971)
26. United Nations Convention against illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)
27. United Nations Convention against Corruption (2004)

The Constitution of the Islamic Republic of Pakistan, 1973 (Prior to 2010 Constitutional Amendment)

Concurrent Legislative List (Entries related to labour)

26. Welfare of labour, conditions of labour, provident funds, employees liability and workmen's compensation health insurance including invalidity pensions, old age pensions.
27. Trade unions, industrial and labour disputes.
28. The setting up and carrying on of labour exchanges, employment information bureaus and training establishments.
29. Boilers.
30. Regulation of labour of safety in mines, factories and oil-fields

Rules of Business 1973

20. Labour and Manpower Division

1. National policy regarding-
 - a. Employees Social Security Schemes;
 - b. War Injuries Scheme and War Injuries Compensation Insurance; and
 - c. The Employment (Record of Services) Act, 1951(XIX of 1952).
2. (a) Legislation relating to welfare of labour; conditions of labour, provident fund; employers liability and workmen's compensation; health insurance, including invalidity pensions; old-age pensions; workers' children education; un-employment insurance; trade unions; industrial relations and labour disputes.

 (b) the Industrial Relations Ordinance, 2002(XCI of 2002).
3. Labour research, including compilation of labour statistics for national and international consumption.
4. Dealing and agreements with international organizations in the fields of labour and social security.
5. Keeping a watch on labour legislation from international angle.
6. Federal Labour Conference; the Pakistan Tripartite Labour Conference; Standing Labour Committee; Bonus Commission.
7. Administration of,-
 - a. The Workers Welfare Fund Ordinance, 1971(XXXVI of 1971);
 - b. The Companies Profits (Workers Participation) Act, 1968(XII of 1968);
 - c. The Employees' Old Age Benefits Act, 1976(XIV of 1976, including supervision and control of the Employees' Old Age Benefit Institution; and
 - d. The Newspapers Employees (Conditions of Service) Act, 1973(LVIII of 1973).

8. Regulation of labour and safety in mines and oil-fields.
9. Administrative control of the National Institute of Labour Administration Training.
10. Coordination of labour legislation in Pakistan.
11. Education of workers in the essentials of trade unions, including education in respect of their rights and obligations.
12. National policy, planning and coordination regarding manpower development and employment promotion.
13. Foreign employment and emigration.
14. National policy regarding-
 - a. Resettlement and employment of demobilized personnel; and
 - b. Registration of essential personnel under the Essential Personnel (Registration) Ordinance, 1948(X of 1948).
15. Compilation of manpower and employment statistics for national and international consumption.
16. Administration of-
 - a. The Emigration Ordinance, 1979(XVIII of 1979); and
 - b. The Control of Employment Ordinance, 1965(XXXII of 1965).
17. Policy and programme regarding setting up and development of employment exchanges; employment information bureaus; vocational guidance and youth employment offices.
18. Welfare of Seamen.
19. Periodic assessment, review and analysis of manpower resources and requirements with reference to the employment situation in the country.
20. Preparation of short and long-term programmes for manpower development and employment promotion.
21. Stock taking of highly qualified and skilled personnel; National Talent Register.
22. Training in manpower planning and research.
23. Technical Training; Federal Training Board apprenticeship training and other training programme for workers.
24. Scheme of regular visits to Pakistan of qualified Pakistani experts positioned abroad excluding scheme for “Retransfer of Technology”.
25. 25. Administrative control of -
 - a. Overseas Employment Corporation; and
 - b. Bureau of Emigration and Overseas Employment.

The Constitution of the Islamic Republic of Pakistan, 1973

Federal Legislative List

PART I

Entry 32. International treaties, conventions and agreements and International arbitration

Rules of Business 1973 (amended in 2012)

15B. Human Resource Development Division

1. Administration of—
 - a. The Emigration Ordinance, 1979, (XVIII of 1979) and;
 - b. The Control of Employment Ordinance, 1965 (XXXII of 1965);
 - c. The Workers Welfare Fund Ordinance, 1971 (XXXVI of 1971);
 - d. The Companies Profits (Workers participation Act, 1968 (XII of 1968); and
 - e. The Employees' Old Age Benefits Act, 1976 (XIV of 1976) including supervision and control of the Employees' Old Age Benefits institution(s).
2. Administrative control of:-
 - a. Overseas Employment Corporation; and
 - b. Bureau of Emigration and Overseas Employment.
3. Foreign Employment and Emigration.
4. Administration of the Industrial Relations Act, 2011, keeping a watch on labour legislation from international perspective, coordination of labour legislation in Pakistan and the Industrial Relations Commission.

Adoption/Enactment of Labour Laws by Provinces after Devolution

Provinces		Nomenclature Law	Status
Khyber Pakhtunkhwa	1	KPK Industrial Relations Act, 2010	Approved
	2	KP Factories Act, 2013	Approved
	3	KP Minimum Wages Act, 2013	Approved
	4	KP Industrial and Commercial Employment (Standing Orders) Act, 2013	Approved
	5	KP Industrial Statistics Act, 2013	Approved
	6	KP Payment of Wages Act, 2013	Approved
	7	KP Workers' Compensation Act, 2013	Approved
	8	KP Maternity Benefits Act, 2013	Approved
	9	KP Prohibition of Employment of Child Act, 2015	Approved
	10	KP Bonded Labour System (Abolition) Act, 2015	Approved
	11	KP Shops and Establishments Bill, 2015	Approved
Punjab	1	Employment of Children Act, 1991	Approved
		Punjab Restriction of Employment of Children Act 2015	In process
	2	Employment (Record of Services Act, 1951	Approved
	3	Factories Act, 1934	Approved
	4	Minimum Wages Ordinance, 1961	Approved
	5	Road Transport Workers Ordinance, 1961	Approved
	6	West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968	Approved
	7	West Pakistan Maternity Benefit Ordinance, 1958	Approved
	8	Workers' Children (Education) Ordinance, 1972	Approved
	9	Workmen's Compensation Act, 1923	Approved
	10	Bonded Labour System (Abolition) Act, 1973	Approved
	11	Payment of Wages Act, 1936	Approved
	12	Industrial Statistics Act, 1942	In process
	13	Employees Cost of Living (Relief) Act, 1973	Approved
	14	Minimum Wages for Unskilled Workers Ordinance, 1969	Approved
	15	West Pakistan Shops and Establishments Ordinance, 1969	Approved
	16	Essential Personnel (Registration) Ordinance, 1948	In process
	17	Provincial Employee's Social Security Ordinance, 1965	Approved
	18	Punjab Industrial Relations Act	Approved
		Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016	Approved

Baluchistan	1	Baluchistan Industrial Relations Act, 2010	Approved
	2	Employees Cost of Living (Relief)	In process
	3	Employment (Record of Services) Bill, 2015	In process
	4	Prohibition of Employment of Children Bill, 2015	In process
	5	Essential Personnel Bill, 2015	In process
	6	Factories Bill, 2015	In process
	7	Minimum Wages Bill, 2015	In process
	8	Standard Order Bill, 2015	In process
	9	Industrial and Commercial Bill, 2015	In process
	10	Industrial Statistics Bill, 2015	In process
	11	Payment of Wages Bill, 2015	In process
	12	Workmen Compensation Bill, 2015	In process
	13	Workers Children Education Bill, 2015	In process
	14	Shops and Commercial Establishments Bill, 2015	In process
Sindh	1	Sindh Industrial Relations Act, 2013	Approved
	2	Sindh Factories Act	In process
	3	Sindh Payment of Wages Act	In process
	4	Sindh Industrial and Commercial Employment Stand- ing Order	In process
	5	Sindh Workers Compensation Act	In process
	6	Sindh Shops Establishment Ordinance Being Made Act	In process
	7	Sindh Employee Old-Age Benefits Institution (EOBI) Act	Approved
	8	Sindh Workers Participation in Profit Act	In process
	9	Sindh Employees Social Security Institute Act	In process
	10	Sindh Minimum Wage Act	Approved
	11	Sindh Workers Welfare Fund Act	Approved
	12	Sindh Occupational Safety and Health Act	In process
	13	Sindh Home Based Workers Act	In process
	14	Sindh Road Transport Act	In process
	15	Sindh Employment of Children Act	In process

03. APPLICABLE TO WORKERS EMPLOYED IN BAKERIES AND SWEETS MANUFACTURING INDUSTRY.

Nomenclature	Approved minimum rates of wages per month for 26 days	Nomenclature	Approved minimum rates of wages per month for 26 days
<u>Managerial and Supervisory Group</u> 1. Accountant	Wages left for mutual bargaining between the employers & workers	<u>Skilled</u>	14,561/-
<u>Ministerial-A</u>	15,647/-	<u>Skilled-A</u> 1. Head Mistri 2. Baker 3. Head Confectioner 4. Bread Maker 5. Biscuit Maker 6. Head Cook	14,691/-
<u>Ministerial-B</u>	14,691/-	<u>Skilled-B</u> 1. Mixing Man 2. Sweet Maker 3. Confectioner 4. Cook 5. Driver	14,343/-
<u>Ministerial-C</u> 1. Sales Man	14,126/-	<u>Semi-Skilled</u>	13,604/-
<u>Highly Skilled</u>	15,517/-	<u>Semi-Skilled-A</u>	13,734/-
<u>Highly Skilled-A</u>	15,647/-	<u>Semi-Skilled-B</u> 1. Packing Man 2. Bread Packing 3. Biscuit Packing 4. Second Mistri 5. Security Guard	13,474/-
<u>Highly Skilled –B</u>	14,995/-	<u>Unskilled</u> 1. Helper 2. Sweeper	13,000/-
<u>Miscellaneous</u>	13,257/-	<u>Miscellaneous-A</u>	15,431/-
<u>Miscellaneous-B-I</u>	14,126/-	<u>Miscellaneous-B-II</u>	13,474/-

72. **APPLICABLE TO WORKERS EMPLOYED IN READY MADE GARMENTS INDUSTRY.**

Nomenclature	Approved minimum rates of wages per month for 26 days	Nomenclature	Approved minimum rates of wages per month for 26 days
<u>Supervisory</u> 1. Accountant 2. Manager 3. Supervisor 4. Marketing Manager 5. Production Manager 6. Export Officer 7. Office Superintendent 8. Assistant Merchandiser 9. Cost and Financial Controller 10. T.Q.M. Coordinator 11. Pay Roll Incharge 12. Audit Officer 13. Assistant Accounts Officer 14. Finance Manager 15. Senior Accountant 16. Deputy Finance Manager 17. Dyeing and Finishing Incharge	Wages left for mutual bargaining between the employers and the workers.	18. Deputy Quality Manager 19. Electrical Engineer 20. Chief Engineer 21. Senior Supervisor 22. Accounts Manager 23. Accounts Officer 24. Field Officer 25. Senior Manager Production 26. Admn Officer 27. Manager Export 28. Merchandiser 29. Assistant Manager 30. Purchase Officer 31. Boiler Engineer 32. Process Incharge 33. Incharge Section 34. Quality Control Manager 35. Chemist 36. Auditor 37. Assistant Accountant	
<u>Ministerial-A</u> 1. Accounts Assistant 2. Store Keeper	15,647/-	<u>Ministerial-B</u> 1. Assistant Store Keeper 2. Cashier	14,691/-
3. Computer Operator 4. Personal Assistant 5. Assistant Incharge 6. Assistant all types		3. Checker 4. Sales Man 5. Telephone Operator	
<u>Ministerial-C</u> 1. Assistant Salesman 2. Clerk all types 3. Store man 4. Typist 5. Assistant Time Keeper	14,126/-	-----	-----
<u>Highly Skilled-A</u> 1. Cutting Master 2. Knitting Master 3. Mistry 4. Mechanic 5. Patter Maker 6. Senior Dyer 7. Assistant Supervisor	15,647/-	<u>Highly Skilled-B</u> 1. Deputy Dyeing Master 2. Senior Soft Flow Operator 3. Quality Inspector 4. Rowing Inspector 5. Assistant Knitting Master 6. Assistant Pattern Maker 7. Inspector/Trims Inspector 8. Junior Dyer	14,995/-

<u>Skilled-A</u> 1. Collar Man 2. Electrician 3. Fitter 4. Outfit Tailor/Karigar 5. Knitting Operator 6. Jet Operator 7. Soft Flow Operator 8. Vinch Operator 9. Hydro Operator 10. Lab Operator 11. Boiler Operator 12. Winder 13. Sample man 14. Line Checker 15. Table Checker 16. Rafugar 17. Quality Checker 18. Painter 19. Lot Maker 20. Darner	14,691/-	<u>Skilled-B</u> 1. Driver 2. Accessory O/L Operator 3. Acterman 4. Stain man 5. Size man 6. Cook 7. Operator not elsewhere classified 8. Card Filler 9. Lab Assistant	14,343/-
<u>Semi- Skilled-A-I</u> 1. Assistant Fitter 2. Assistant Cutter 3. Button Stitcher 4. Button Holes Maker 5. Helper Tailor 6. Pressman/Presser 7. Packer 8. Assistant Operator 9. Lot Stitcher 10. Bundler	13,734/-	<u>Semi- Skilled-B-I</u> 1. Thread Cutter 2. Helper not elsewhere classified 3. Cleaner 4. Clipper 5. Security Guard 6. Mali/Gardener 7. Gate Keeper	13,474/-
<u>Unskilled</u> 1. Chowkidar 2. Cleaner 3. Peon 4. Qasid 5. Sweeper 6. Office Boy 7. Washman	13,000/-	-----	-----

**GOVERNMENT OF PAKISTAN
MINISTRY OF OVERSEAS PAKISTANIS AND
HUMAN RESOURCE DEVELOPMENT**

Islamabad, the 04th July, 2014

NOTIFICATION

No.6-5/2014-ILO-I: In pursuance of the obligations arising out of ratification of ILO Convention Number 144 -Tripartite Consultation (International Labour Standards) Convention, 1976 a tripartite committee is established hereby with the following composition and mandate:-

COMPOSITION:

1. Secretary, OP & HRD	Chairman
2. Joint Secretary (HRD)	Member
3. Labour Secretary, Punjab	Member
4. Labour Secretary, KPK	Member
5. Labour Secretary, Sindh	Member
6. Labour Secretary, Balochistan	Member
7. President, Employer Federation of Pakistan	Member
8. Secretary General, Pakistan Workers Federation	Member

TERM OF REFERENCES:

- (i) To discuss draft replies of the Government to the questionnaires concerning items on the agenda of the International Labour Conference (ILC).
- (ii) To discuss comments of the Government on proposed texts to be discussed in the International Labour Conference.
- (iii) To discuss any proposal concerning to the adoption of any new Convention or recommendation as enunciated in Article 19 of Constitution of ILO.
- (iv) Examination of un-ratified Conventions and recommendations for the purpose of considering these for ratification.
- (v) To discuss questions asked by International Labour Office which arise out of previously submitted reports.
- (vi) To discuss any proposal for the denunciation of ratified Conventions.
- (vii) To monitor and Review of the Provincial level labour legislations to ensure their coherence and alignment with International Labour Standards.
- (viii) Committee shall meet at least once in a quarter.

o/c **(Naila Kanval)**
Section Officer (ILO-I)
Ph: 9103840

The Manager,
Printing Corporation of Pakistan Press,
Karachi.

A Schematic View of Social Protection Instruments in Pakistan

Programme (Starting Year)	Benefits	Beneficiaries	Financing
Social Security Programs			
Government Servants Pension Fund (1954)	Provident Fund Old Age Pension	Public sector employees after retirement	Employee Contribution Budgetary Expenditure
Public Sector Benevolent Funds and Group Insurance (1969)	Benevolent Fund Group Insurance	Public sector employees	Employee Contribution
Employees Social Security Institutions (1967)	Health Services Cash Support	Private formal Sector registered employees	Employer Contribution
Employees Old- Age Benefits Institutions (1976)	Old age pension Invalidity pension Survivor's pension Old age cash grant	Private formal Sector registered employees	Employer Contribution Employee Contribution
Workers Welfare Fund (1971)	Cash support In-kind support (Jahez Grant, Death Grant) Education facilities Housing facilities	Workers of registered Establishments (Private sector)	Employer Contribution
Workers Children's Education Ordinance (1972)	Free education of up to two children	Workers of registered Establishments (Private sector)	Employer Contribution
Social Assistance Programs			
Zakat & Ushr (1980)	Cash support	Needy and destitute Muslims	Zakat & Ushr Levy (Special levy on bank balances & agricultural output) Private Contribution
Pakistan Bait-ul-Mal (1991)	Cash support In-kind support	Needy and destitute	Federal Budget Private Contribution
Benazir Income Support Program (2008)	Cash as Income Support (PKR.1,000 at start, now PKR.1500)	Married females belonging to ultra poor households	Budgetary Expenditure
Labour Market Programs			
Peoples' Works Program	Cash for Work	Unemployed (Provision of electricity, gas, farm to market roads, good, water supply and other facilities to the rural poor)	Budgetary Expenditure
People's Rozgar Program	Credit with subsidized interest rate	Unemployed population, especially educated youth	Budgetary Expenditure National Bank
Micro and area-based safeguards			
Micro-Finance	Small Loans	Poor	Credit line by donors NGOs and private sector

Ratification of International Labour Standards

Subject	Convention	Ratification
Freedom of Association & Collective Bargaining	Freedom of Association and Protection of the Right to Organise Convention, 1948 (C87)	1951
	Right to Organise and Collective Bargaining Convention, 1949 (C98)	1952
	Right of Association (Agriculture) Convention, 1921 (C11)	1923
Forced Labour	Forced Labour Convention, 1930 (C29)	1957
	Abolition of Forced Labour Convention, 1957 (C105)	1960
Elimination of Child Labour	Minimum Age Convention, 1973 (C138)	2006
	Worst Forms of Child Labour Convention, 1999 (C182)	2001
Equality of Treatment & Opportunity	Equal Remuneration Convention, 1951 (C100)	2001
	Discrimination (Employment and Occupation) Convention, 1958 (C111)	1961
Labour Inspection & Administration	Labour Inspection Convention, 1947 (C81)	1953
Tripartite Consultation	Tripartite Consultation (International Labour Standards) Convention, 1976 (C144)	1994
Working Time	Hours of Work (Industry) Convention, 1919 (C001)	1921
	Weekly Rest (Industry) Convention, 1921 (C14)	1923
	Weekly Rest (Commerce and Offices) Convention, 1957 (C106)	1960
Protection of Children and Young Persons	Night Work of Young Persons (Industry) Convention, 1919 (C006)	1921
	Night Work of Young Persons (Industry) Convention (Revised), 1948 (C90)	1951
Night Work	Night Work (Women) Convention, 1919 (C004)	1921
	Night Work (Women) Convention (Revised), 1948 (C89)	1951
Occupational Safety & Health	Underground Work (Women) Convention, 1935 (C045)	1938
Employment Policy & Promotion	Fee-Charging Employment Agencies Convention (Revised), 1949 (C96)	1952
	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (C159)	1994
Social Security	Workmen's Compensation (Occupational Diseases) Convention, 1925 (C18)	1927
	Equality of Treatment (Accident Compensation) Convention, 1925 (C19)	1927
	Equality of Treatment (Social Security) Convention, 1962 (C118)	1969
Migrant Workers	Inspection of Emigrants Convention, 1926 (C021)	1928
Indigenous & Tribal People	Indigenous and Tribal Population Convention, 1957 (C107)	1960
Dock Workers	Marking of Weight (Packages Transported by Vessels) Convention, 1929 (C027)	1931
	Protection Against Accidents (Dockers) Convention (Revised), 1932 (C032)	1947
Seafarers	Medical Examination of Young Persons (Sea) Convention, 1921 (C016)	1922
	Seamen's Articles of Agreement Convention, 1926 (C022)	1932
	Seafarers' Identity Documents Convention (Revised), 2003 (C185)	2006

TABLES & CHARTS

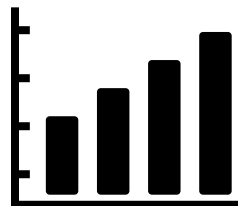


Table 18: Size and Distribution of Labour Force			
	2012-13	2013-14	2014-15
Labour Force	100%	100%	100%
Unemployed	6%	6%	6%
Employed	94%	94%	94%
Agriculture	44%	43%	42%
Non-Agriculture	56%	57%	58%
Formal	26%	26%	27%
Informal	74%	74%	73%

Table 19: Trends in labour productivity (2005-06 prices)			
	2012-13	2013-14	2014-15
Agriculture			
Value Added (million)	2,103,600	2,160,223	2,222,337
Employment (million)	24.48	24.57	24.27
Labour Productivity (Agriculture)	85,923.59	87,916.92	91,565.58
Industry			
Value Added (million)	1,996,364	2,085,276	2,160,685
Employment (million)	12.42	12.53	12.98
Labour Productivity (Industry)	160,690.04	166,387.04	166,426.70
Service			
Value Added (million)	5,716,248	5,965,957	6,261,314
Employment	19.11	19.41	20.17
Labour Productivity (Services)	299,182.26	307,341.68	310,473.16
GDP (fc)			
Value Added (million)	9,816,212	10,211,456	10,644,336
Employment	56.01	56.52	57.42
Labour Productivity (GDP @ fc)	175,251.47	180,684.65	185,375.99
GDP (mp)			
Value Added (million)	10,159,011	10,640,381	11,229,656
Employment	56.01	56.52	57.42
Labour Productivity (GDP @ mp)	181,371.55	188,274.18	195,569.61

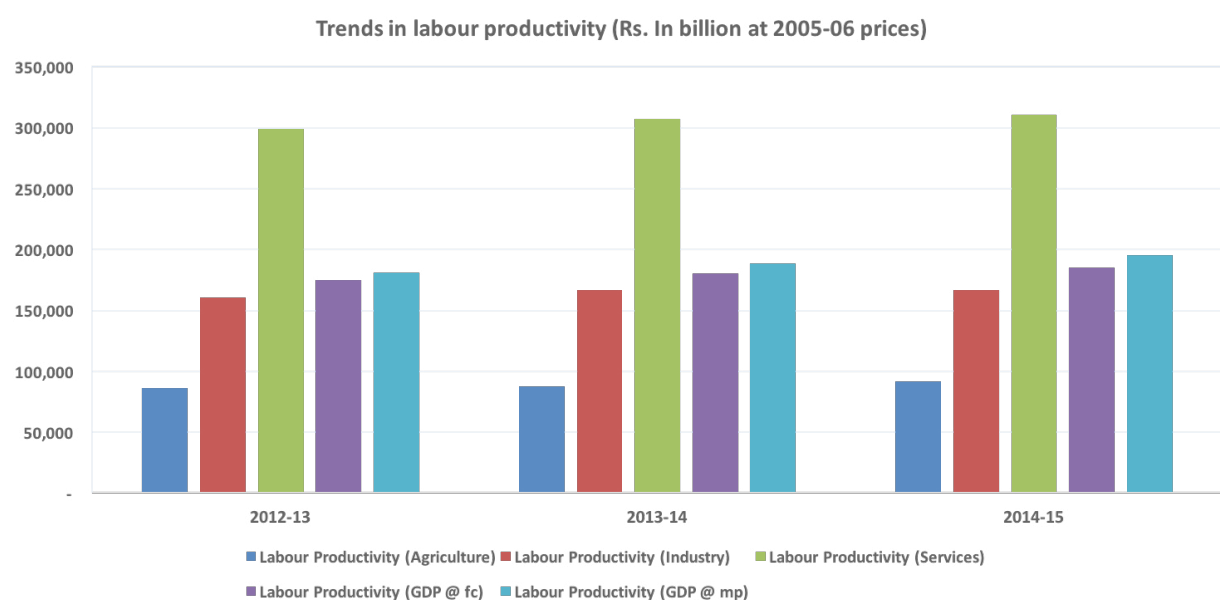
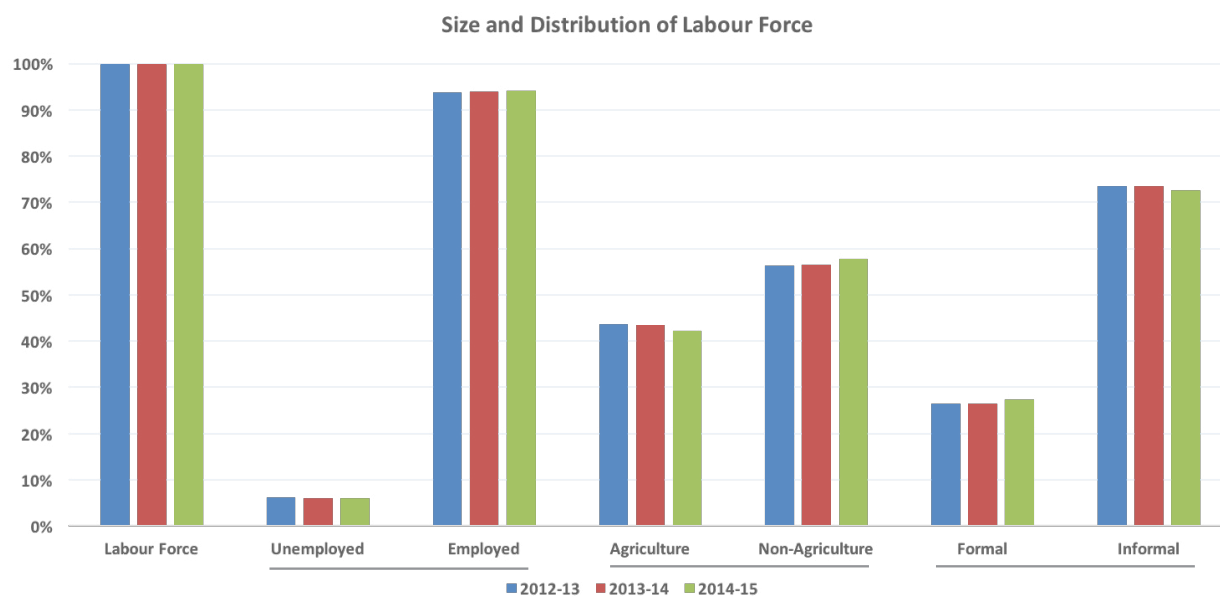
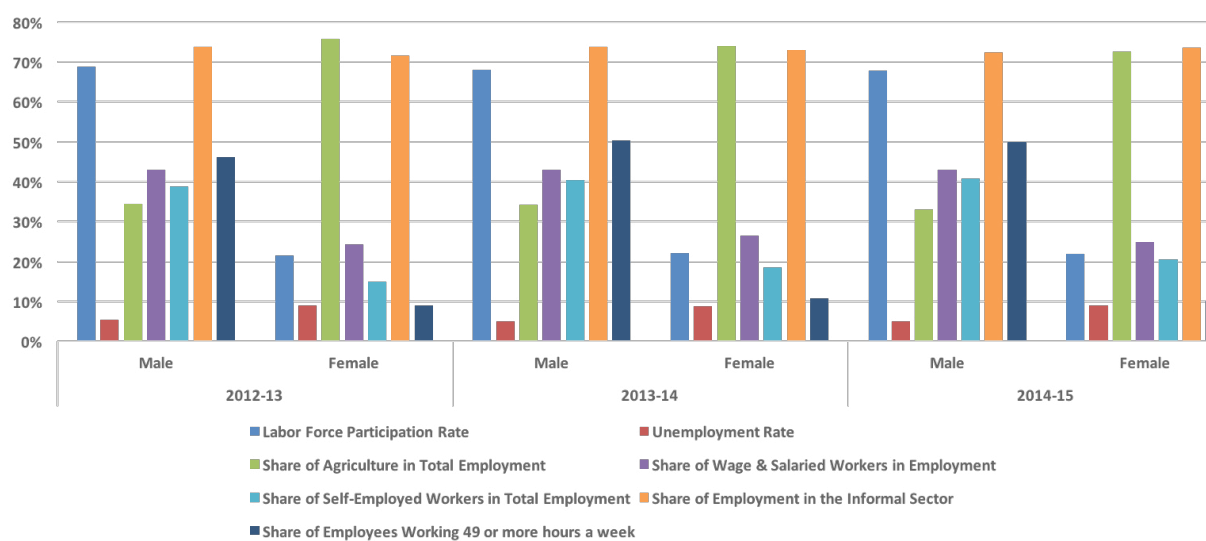


Table 20: Selected key indicators of the labour market						
Indicator	2012-13		2013-14		2014-15	
	Male	Female	Male	Female	Male	Female
Labor Force Participation Rate	69%	22%	68%	22%	68%	22%
Unemployment Rate	5%	9%	5%	9%	5%	9%
Share of Agriculture in Total Employment	34%	76%	34%	74%	33%	73%
Share of Wage & Salaried Workers in Employment	43%	24%	43%	26%	43%	25%
Share of Self-Employed Workers in Total Employment	39%	15%	40%	19%	41%	20%
Share of Employment in the Informal Sector	74%	72%	74%	73%	72%	74%
Share of Employees Working 49 or more hours a week	46%	9%	50%	11%	50%	10%

Table 21: Share of “overworked” workers (49 or more hours a week)			
	2012-13	2013-14	2014-15
All Workers	37.93%	41.05%	40.79%
Rural Workers	33.32%	36.81%	35.75%
Urban Workers	48.60%	50.56%	52.21%
Male	46.22%	50.29%	50.01%
Female	9.08%	10.76%	10.31%

Selected key indicators of the labour market



Share of "overworked" workers (49 or more hours a week)



Table 22: Share of “overworked” workers (by employment status)			
	2012-13	2013-14	2014-15
Employer	63.58%	64.38%	66.47%
Own Account Workers	52.17%	54.06%	53.18%
Unpaid Family Workers	18.33%	22.95%	22.35%
Employees	38.11%	39.99%	39.65%

Table 23: Average Monthly Income of Employees in Formal Sector by Employment Status (2014-15)			
	Male	Female	Wage Gap (%)
Regular Paid Employee	23,591	21,123	10.46%
Casual Paid Employee	11,064	7,413	33%
Paid Worker by Piece Rate	11,880	5,790	51.26%
Paid Non-Family Apprentice	6,486	8,249	-27.18%

Share of Overworked Workers by Employment Status



Average Monthly Income of Employees in Formal Sector by Employment Status (2014-15)

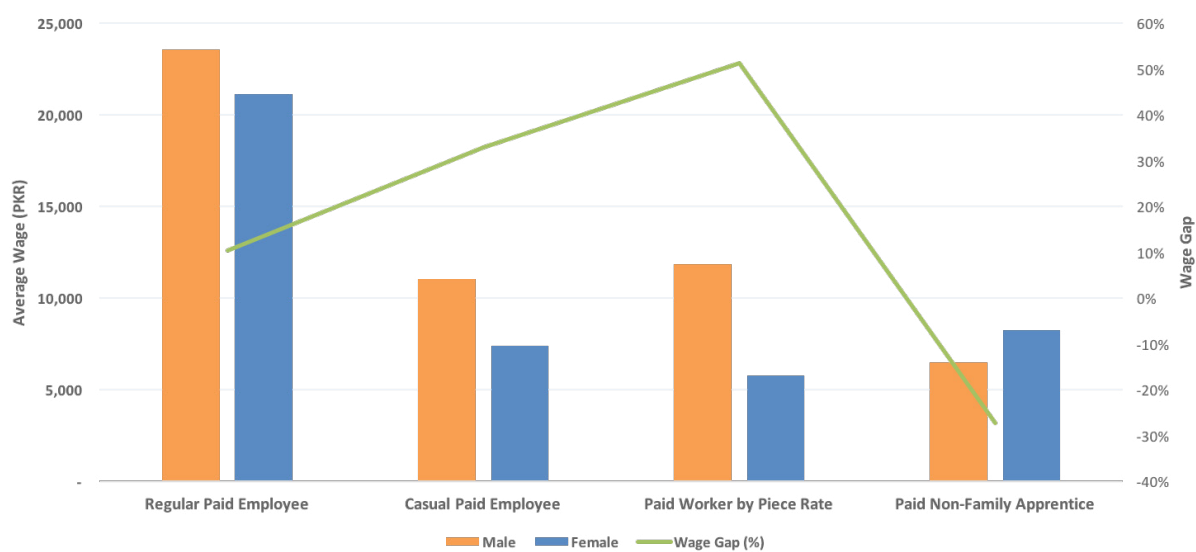


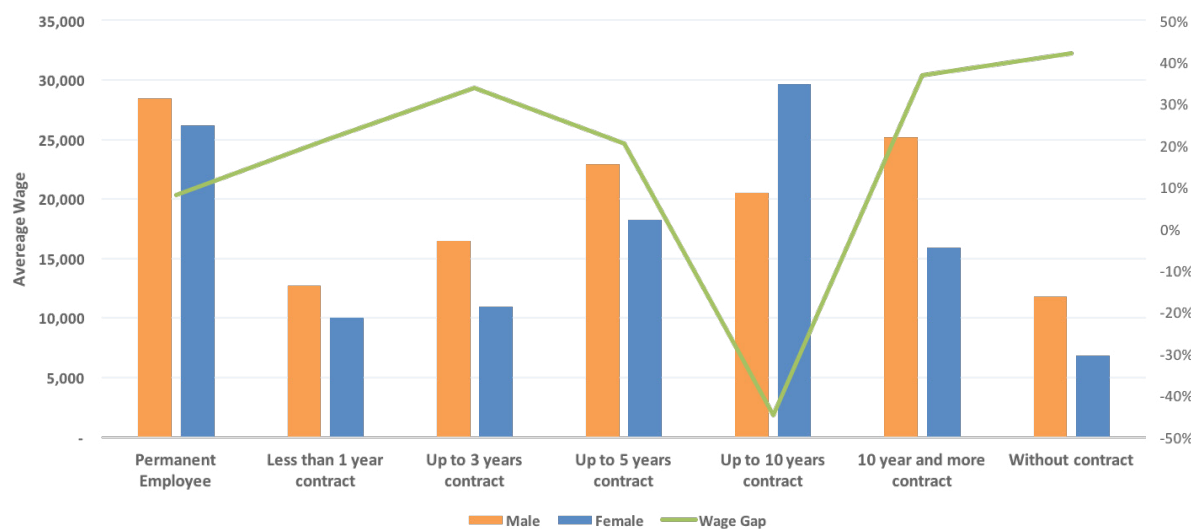
Table 24: Average Monthly Income of Employees in Formal Sector by Employment/Contract Status (2014-15)

	Male	Female	Wage Gap
Permanent Employee	28,438	26,154	8.03%
Less than 1 year contract	12,750	10,036	21.29%
Up to 3 years contract	16,509	10,942	33.72%
Up to 5 years contract	22,942	18,258	20.42%
Up to 10 years contract	20,493	29,651	-44.96%
10 year and more contract	25,181	15,893	36.88%
Without contract	11,765	6,818	42.05%

Table 25: Employees by Employment Status 15 years of age and above (2014-15)

	Regular Paid Employees	Casual Paid Employees	Paid Worker by Piece Rate	Paid Non-Family Apprentice
Agriculture	19%	45%	35%	0.03%
Manufacturing	46%	24%	29%	0.80%
Construction	5%	84%	11%	0.05%
Wholesale & RT	62%	28%	9%	2%
Transport & ICT	64%	29%	7%	0.13%
CS & PS	88%	9%	2%	0.19%
Others	90%	8%	2%	0%

Average Monthly Income of Employees in Formal Sector by Employment/Contract Status (2014-15)



Employees by Employment Status 15 years of age and above (2014-15)

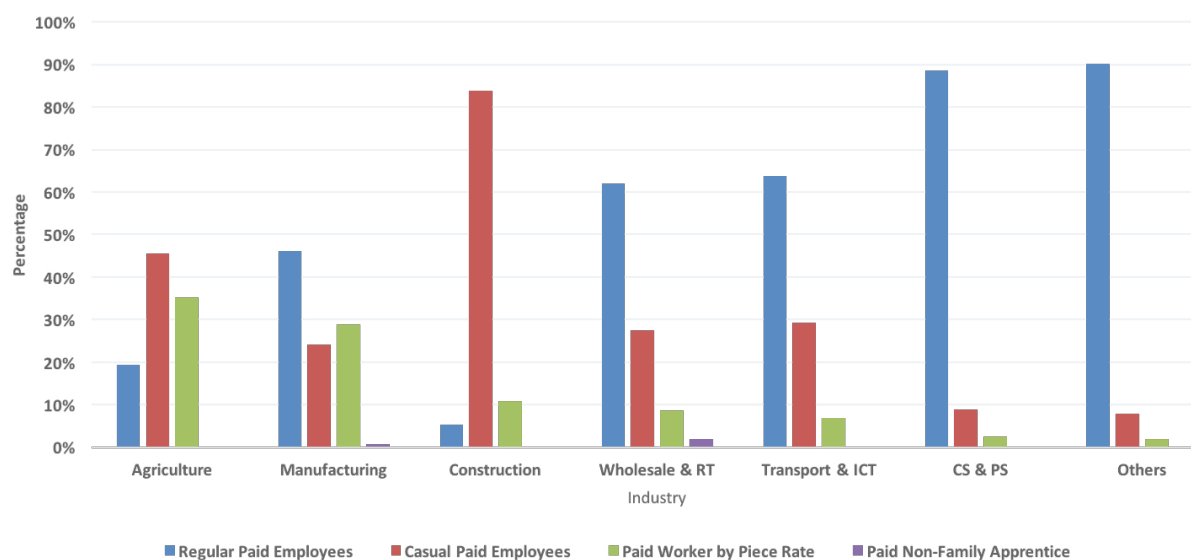


Table 26: Number of employed workers in the informal sector

	2012-13	2013-14	2014-15
Employment in the Agricultural Sector	24,482	24,571	24,270
% Employed in Agriculture	43.71%	43.48%	42.27%
Employment in the Non-Agricultural Sector	31,530	31,944	33,150
% Employed in Non-Agricultural Sector	99.56%	99.57%	99.58%
Number of workers employed in the Informal Sector	23,206	23,511	24,057
% in Informal Sector	74%	74%	73%

Table 27: Social Dialogue, Employers' and Workers' Representation

	2010	2011	2012
Punjab	305,032	306,603	306,993
Sindh	494,099	501,156	506,208
Khyber Pakhtunkhwa	37,160	36,727	36,330
Balochistan	21,292	21,392	21,412

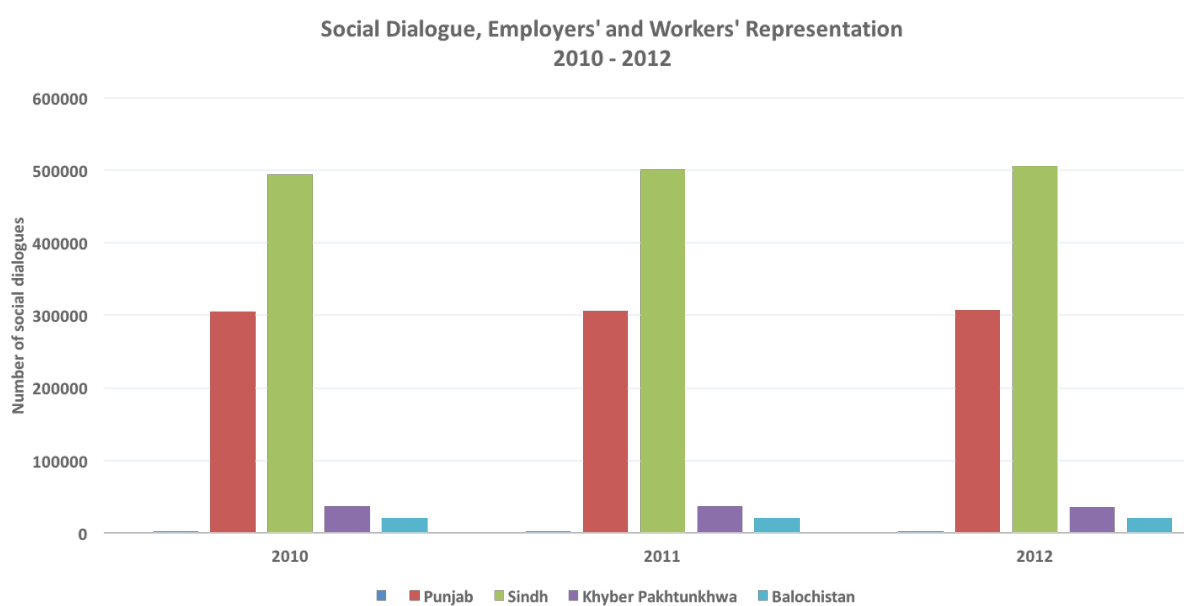
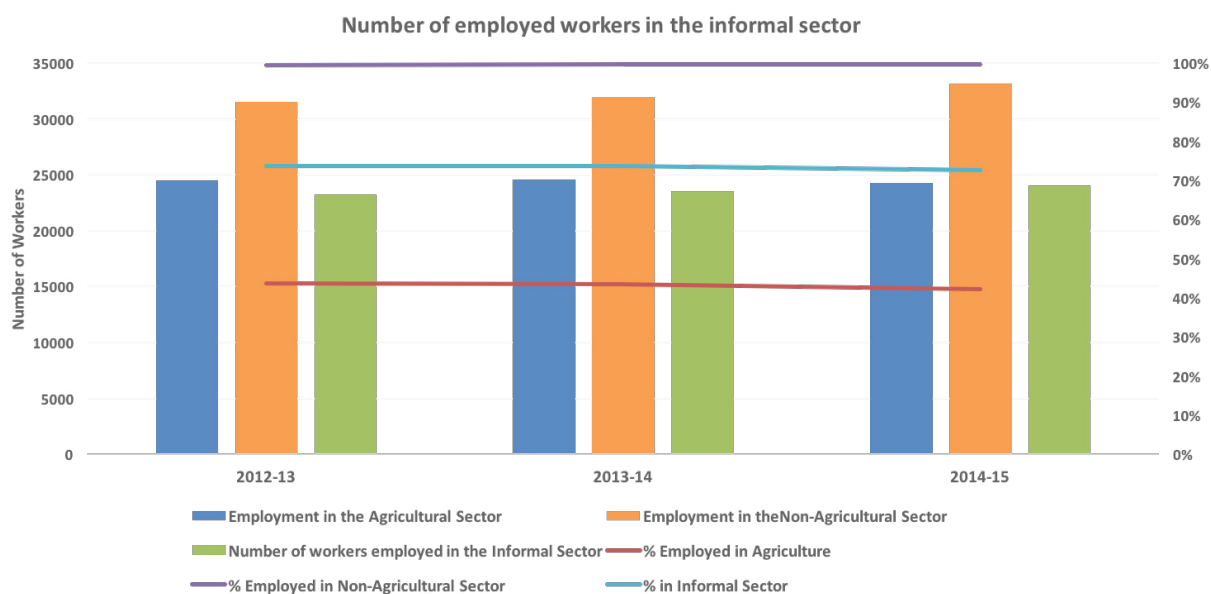


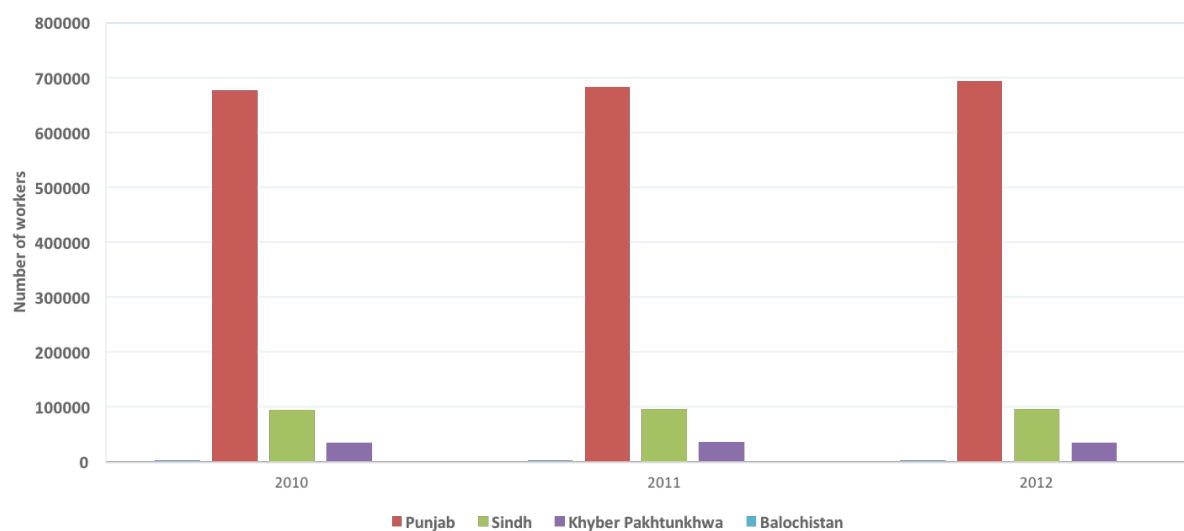
Table 28: Number of Workers in Employment Whose Pay and Conditions are Determined by Collective Agreement

	2010	2011	2012
Punjab	676,755	682,300	693,573
Sindh	948,99	95,897	96,102
Khyber Pakhtunkhwa	342,60	35,954	34,230
Balochistan	0	0	127

Table 29: Incidence of child workers

	2012-13	2013-14	2014-15
% of Population aged 10-14 years	12.79 %	12.73 %	13.11 %
No. of Children aged 10-14 years ('000)	23,240	23,699	24,809
Labor Force Participation Rate	11.40 %	10.64 %	8.64 %
No. of Child Workers ('000)	2,649	2,522	2,142
No. of Child Workers engaged in Hazardous Work ('000)	642.95	667.19	603.78
% of Child Workers engaged in Hazardous Work (as a percentage of child workers)	24.3%	26.4%	28.2%

Number of Workers in Employment Whose Pay and Conditions are Determined by Collective Agreement 2010 - 2012



Incidence of child workers

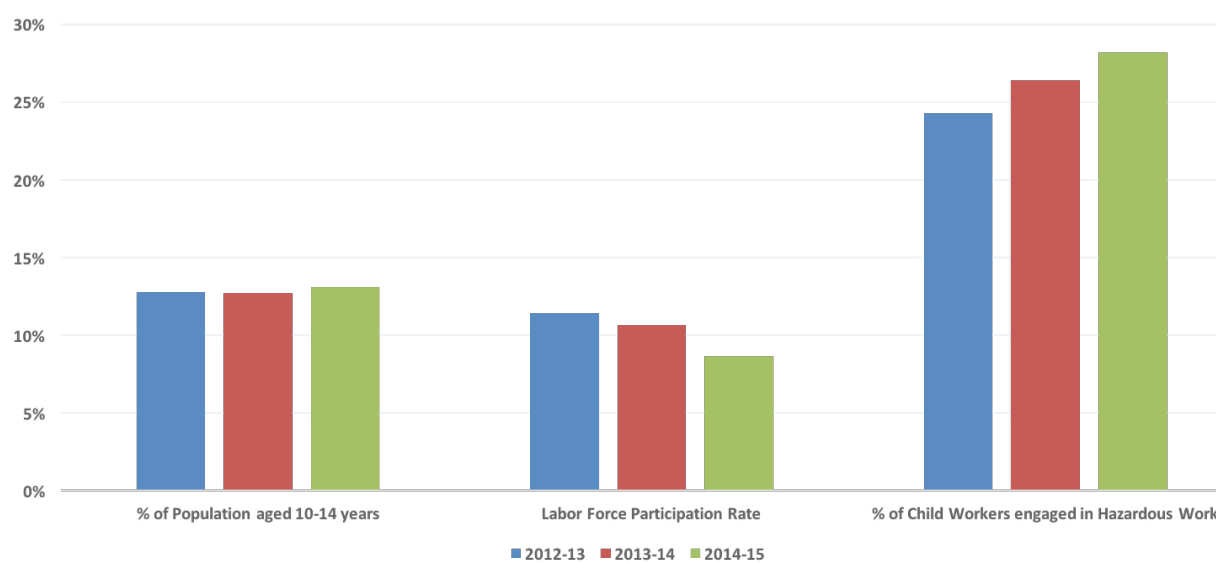
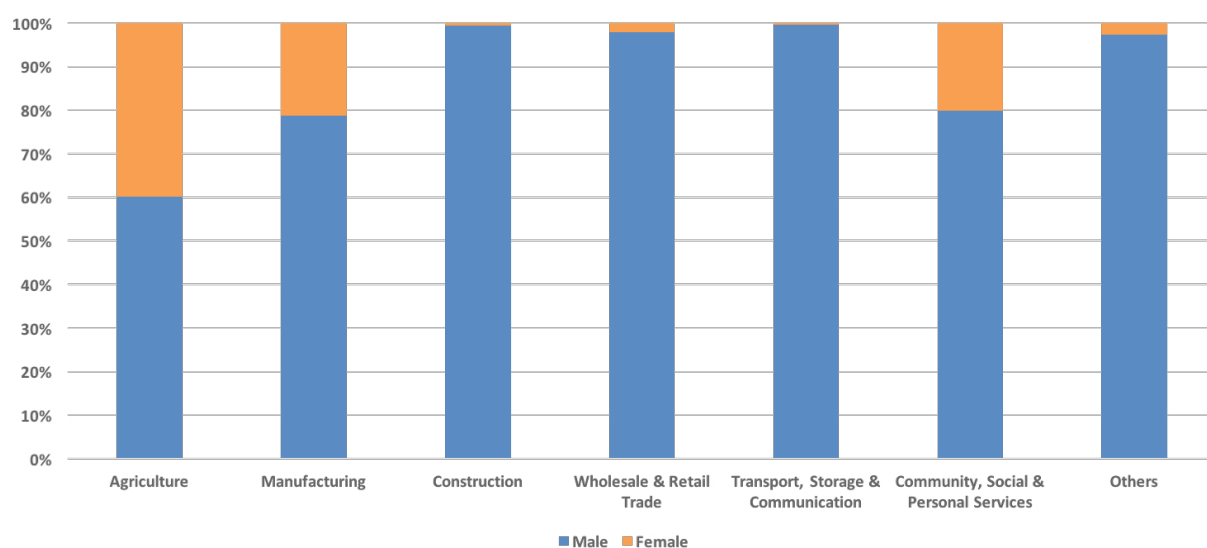


Table 30: Distribution of employment by sex within sectors 2014-15		
	Male	Female
Agriculture	60.1 %	39.9 %
Manufacturing	78.7 %	21.3 %
Construction	99.4 %	0.6 %
Wholesale & Retail Trade	97.8 %	2.2 %
Transport, Storage & Communication	99.5 %	0.5 %
Community, Social & Personal Services	79.9 %	20.1 %
Others	97.4 %	2.6 %

Table 31: Distribution of employment by sex within occupation 2014-15		
	Male	Female
Legislators, Managers, Senior Officials	97.1%	2.9%
Professionals	68.4%	31.6%
Technical and Associate Professionals	93.0%	7.0%
Clerks	97.5%	2.5%
Service Workers and Sales Workers	96.8%	3.2%
Skilled Agricultural Workers	61.4%	38.6%
Craft and Related Trades Workers	78.4%	21.6%
Plant & Machine Operators & Assemblers	98.7%	1.3%
Elementary (Unskilled) Occupations	77.3%	22.7%

Distribution of employment by sex within sectors 2014-15



Distribution of employment by sex within occupation 2014-15

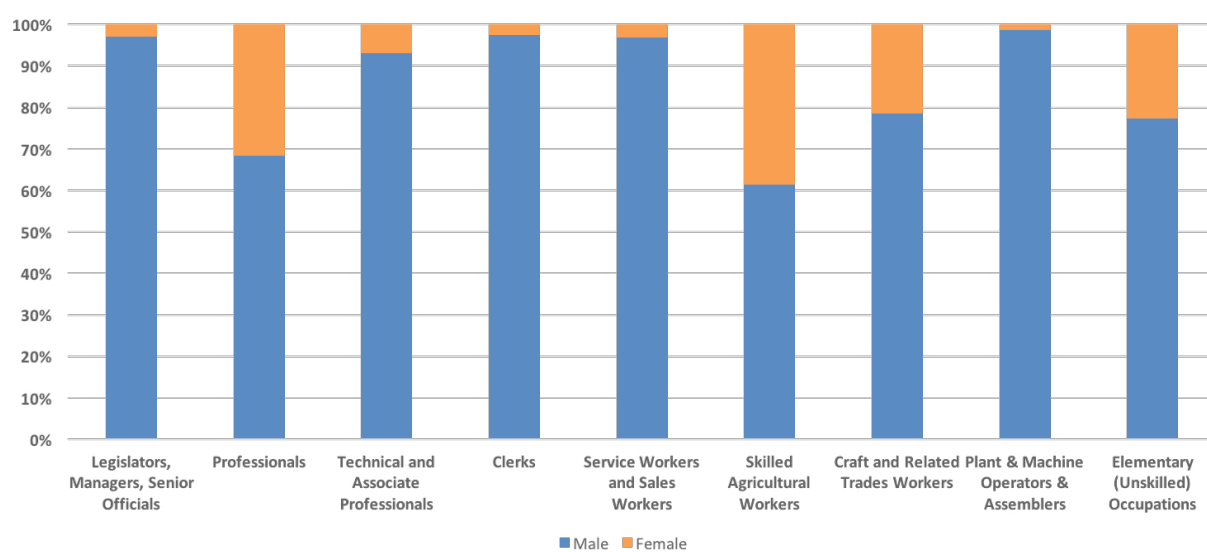


Table 32: Gender wage gap (2014-15)			
	Male	Female	Wage Gap
Agriculture	9,041	6,345	0.30
Industry	13,870	5,640	0.59
Services	19,135	14,722	0.23
All Sectors	15,884	9,760	0.39

Table 33: Ratio of female to male wages by occupation (2012-13)			
	Average Wage (Female)	Average Wage (Male)	Wage Gap
Managers	34618.56	38095.33	9%
Professionals	15051.22	24326.3	38%
Technicians & Associate Professionals	13429.06	19801.59	32%
Clerical Support Workers	13720.14	19029.54	28%
Service & Sales Works	9516.41	11052.18	14%
Skilled Agriculture Workers	3337.35	9703.082	66%
Craft and Related Trade Workers	4563.77	11031.37	59%
Plant and Machine Operators and Assemblers	6862.13	11729.75	41%
Elementary Occupations	4309.68	8825.958	51%

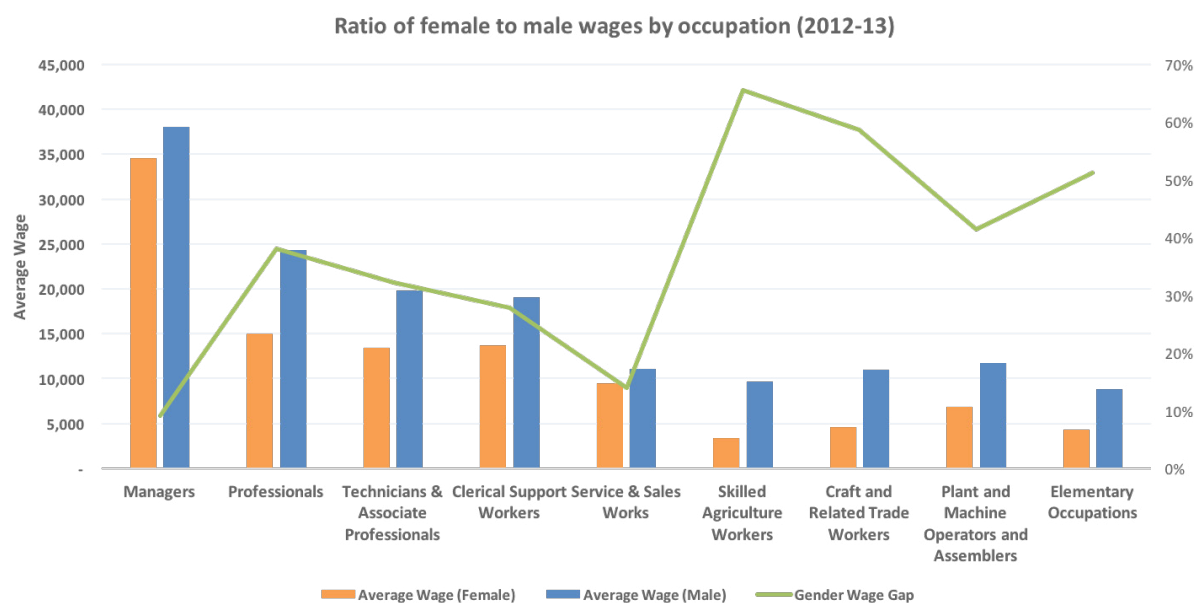
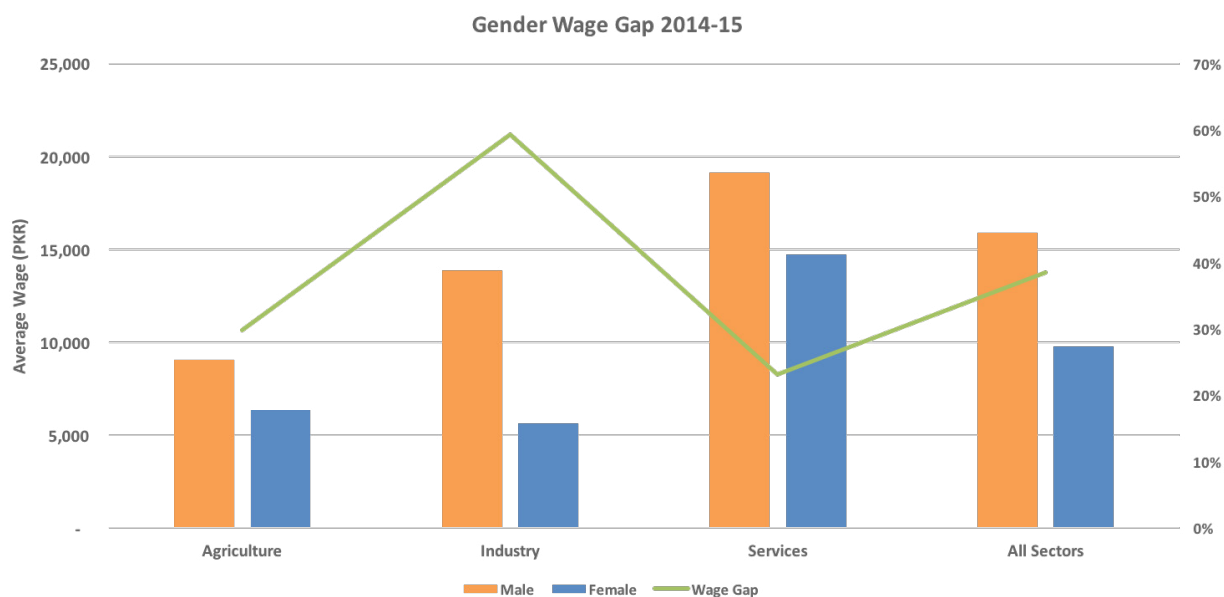
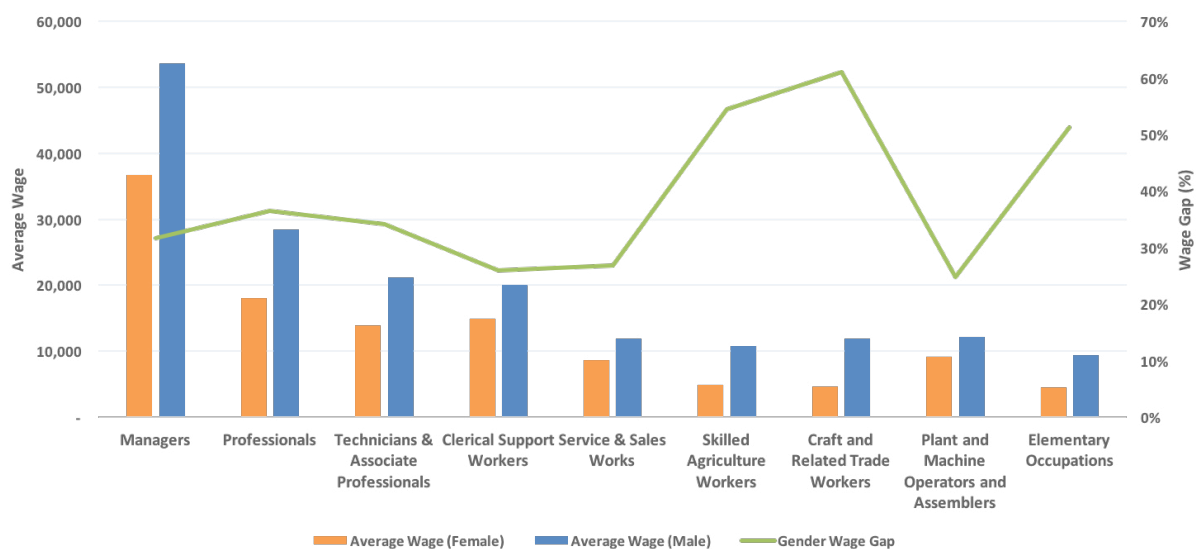


Table 34: Ratio of female to male wages by occupation (2013-14)			
	2013-14		
	Average Wage (Female)	Average Wage (Male)	Wage Gap
Managers	36,698.11	53,636.61	32%
Professionals	18,036.41	28,395.92	36%
Technicians & Associate Professionals	13,933.67	21,168.33	34%
Clerical Support Workers	14,876.97	20,085.37	26%
Service & Sales Works	8,698.81	11,891.97	27%
Skilled Agriculture Workers	4,880.20	10,726.67	55%
Craft and Related Trade Workers	4,646.89	11,938.68	61%
Plant and Machine Operators and Assemblers	9,129.01	12,138.89	25%
Elementary Occupations	4,569.66	9,365.52	51%

Table 35: Ratio of female to male wages by occupation (2014-15)			
	2014-15		
	Average Wage (Female)	Average Wage (Male)	Wage Gap
Managers	45,410	51,819	12%
Professionals	18,664	30,934	40%
Technicians & Associate Professionals	13,784	24,131	43%
Clerical Support Workers	19,523	21,825	11%
Service & Sales Works	12,055	12,885	6%
Skilled Agriculture Workers	3,800	11,579	67%
Craft and Related Trade Workers	4,886	14,449	66%
Plant and Machine Operators and Assemblers	7,180	13,162	45%
Elementary Occupations	6,280	10,390	40%

Ratio of female to male wages by occupation (2013-14)



Ratio of female to male wages by occupation (2014-15)

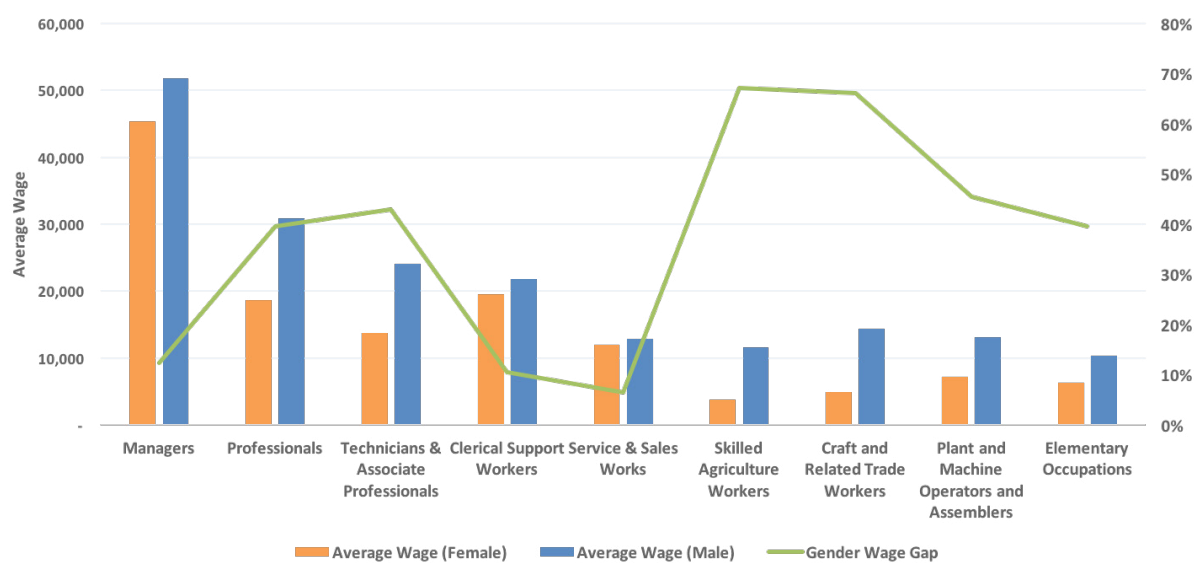
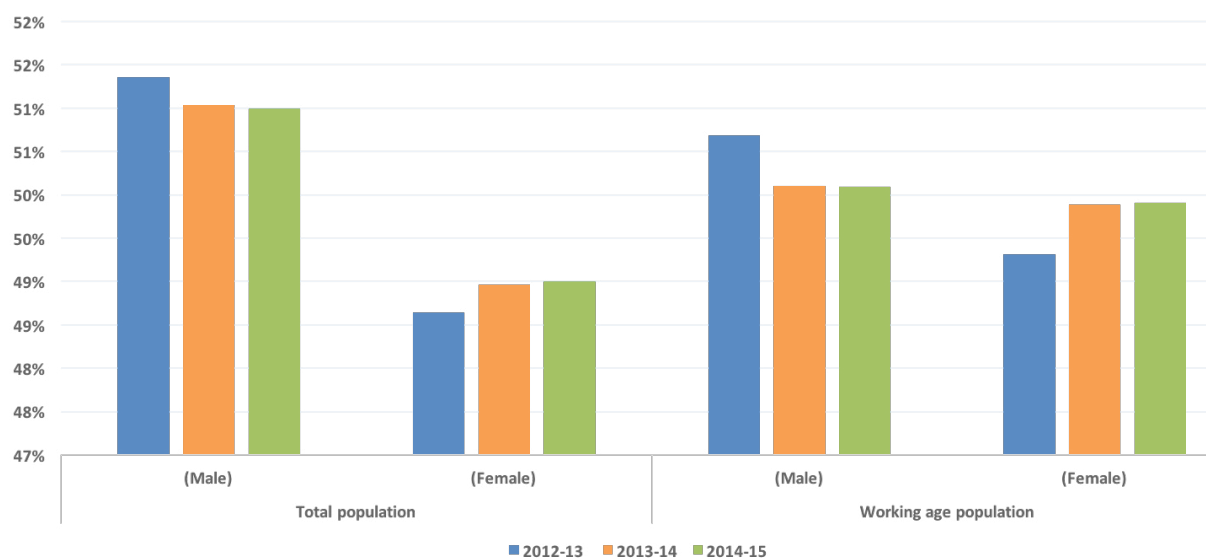


Table 35: Working age population				
	Total population		Working age population	
	(Male)	(Female)	(Male)	(Female)
2012-13	51.35%	48.65%	50.68%	49.32%
2013-14	51.04%	48.96%	50.11%	49.89%
2014-15	51.00%	49.00%	50.09%	49.91%

Table 36: Gender shares (Employment)						
	Agricultural employment		Non-agricultural employment		Unemployment	
	(Male)	(Female)	(Male)	(Female)	(Male)	(Female)
2012-13	61.27%	38.73%	90.53%	9.47%	65.84%	34.16%
2013-14	60.86%	39.14%	89.36%	10.64%	62.81%	37.19%
2014-15	60.42%	39.58%	89.17%	10.83%	62.80%	37.20%

Working Age Population



Gender Shares (Employment)

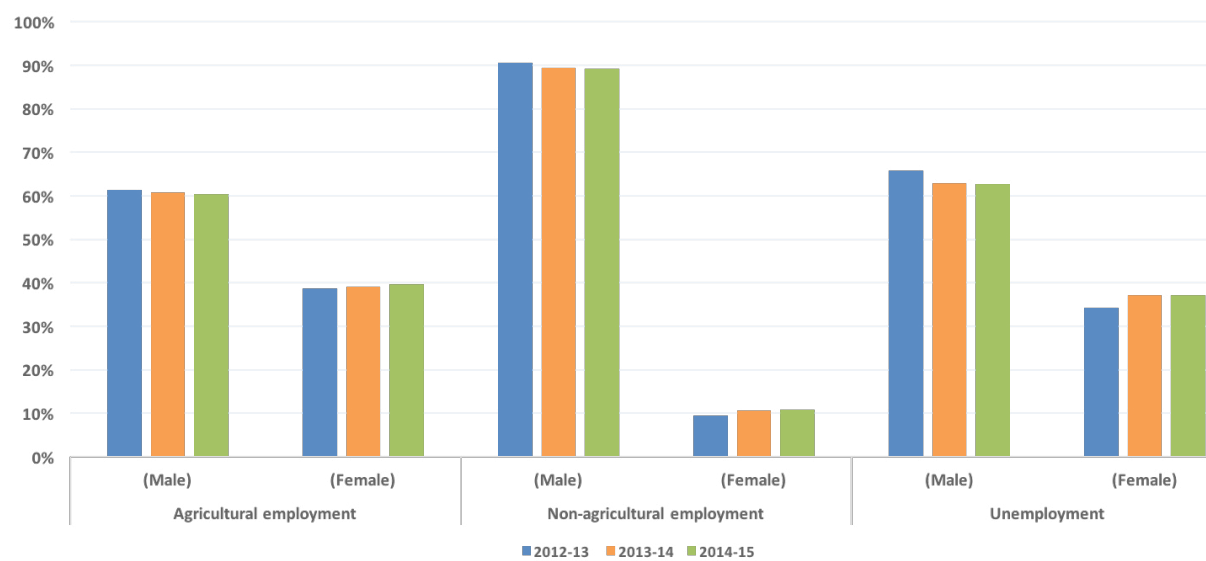


Table 37: Salaried employment by payment types								
	Regular paid employee		Casual paid employee		Paid workers by piece rate		Paid non-family apprentice	
	Millions	%	Millions	%	Millions	%	Millions	%
2012-13	1.15	62.57%	0.28	14.94%	0.40	21.91%	0.01	0.58%
2013-14	1.24	59.90%	0.28	13.70%	0.54	25.99%	0.01	0.41%
2014-15	1.20	60.99%	0.28	14.42%	0.48	24.36%	0.00	0.24%

Table 38: Vulnerable employment (Sector wise)								
	2014-15							
	OAW				CFW			
	Male		Female		Male		Female	
	Millions	%	Millions	%	Millions	%	Millions	%
Agriculture	8.34	46.68%	1.57	58.57%	3.85	69.57%	6.20	93.34%
Industry	1.58	8.83%	0.89	33.03%	0.45	8.23%	0.34	5.04%
Services	7.95	44.48%	0.23	8.40%	1.23	22.21%	0.11	1.61%

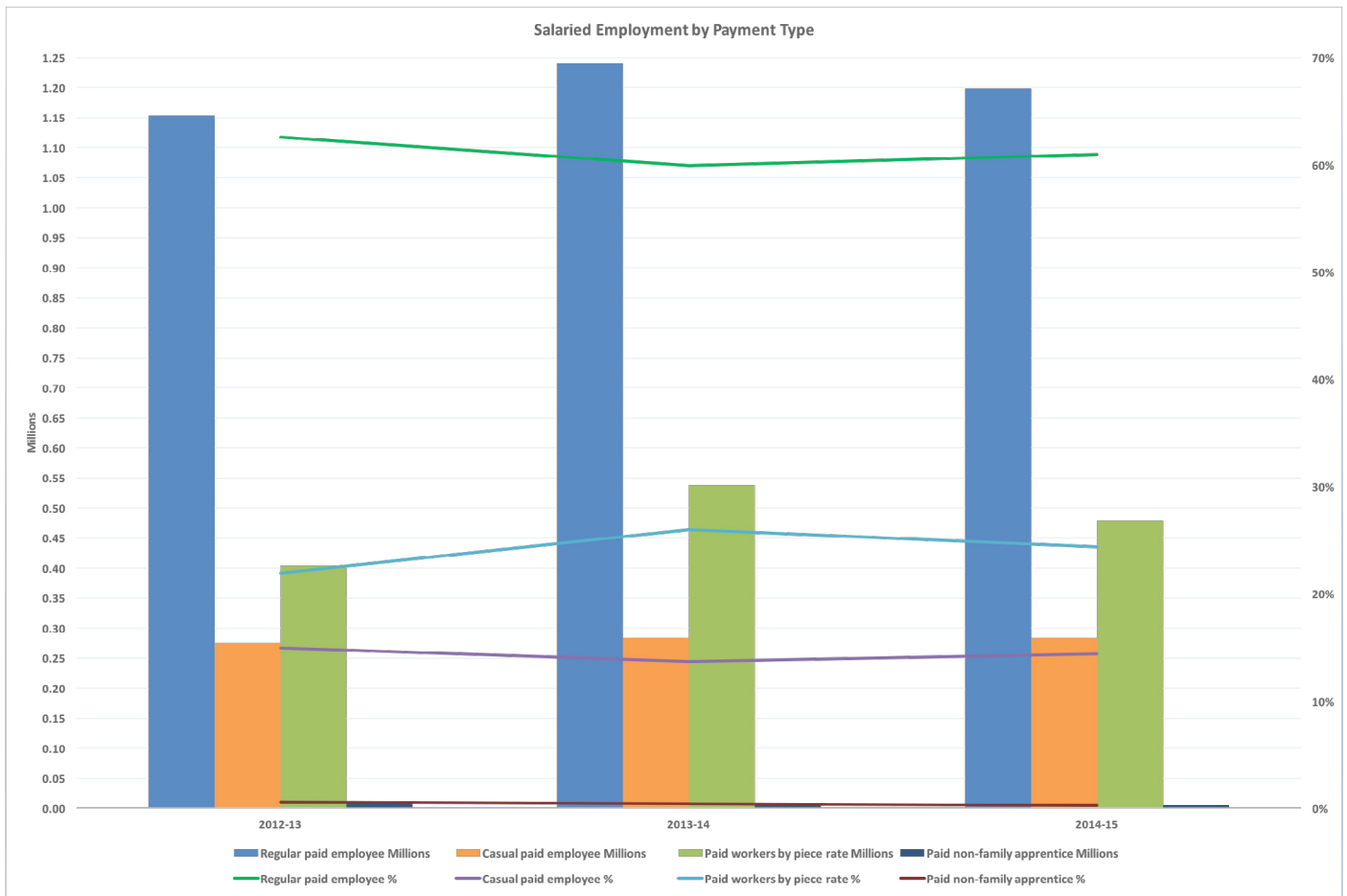


Table 39: Percentage of employees receiving less than the minimum wage by sector and province (2013-14 & 14-15)

	2014-15	2013-14
Pakistan	50.35	52.37
Punjab	55.13	58.66
Sindh	48.37	47.78
Khyber Pakhtunkhwa	38.91	39.62
Balochistan	24.87	24.47
Male	46.68	47.28
Female	71.23	79.61
Urban	41.79	41.73
Rural	57.21	61.10
Sector		
Agriculture, Forestry and Fishing	78.75	87.47
Mining and Quarrying	28.81	53.13
Manufacturing	52	53.11
Electricity and Gas	7.99	12.63
Water	12.74	20.71
Construction	58.5	59.03
Wholesale and Trade	65.01	65.28
Transport and Storage	41.1	36.82
Accommodation and Food	58.03	55.34
Information and Communication	22.98	21.04
Financial and Insurance	14.81	15.19
Real Estate	33.08	30.02
Professional, Scientific and Technical Services	22.72	24.10
Administrative Support Services	48.95	44.27
Public Administration and Defence	5.6	7.41
Education	26.24	25.09
Health and Social Work	26.42	28.30
Arts and Entertainment	43.46	51.59
Other Services	72.47	70.35
Household and Employers	83.73	74.93
Extra Territorial Organizations	9.36	12.00

The minimum wage for unskilled work during 2013-14 was Rs. 10,000 while it was raised to Rs. 12,000 in 2014-15.



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