



MINISTRY OF
OVERSEAS PAKISTANIS
& HRD

► GSP+ and compliance with fundamental labour standards



▶ **GSP+ and compliance
with fundamental labour
standards**

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► Abbreviations

APCA	All Pakistan Clerks Association
BIRA	Balochistan Industrial Relations Act
CBA	collective bargaining agent
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CFA	Committee on Freedom of Association
DWCP	Decent Work Country Programme
EBA	Everything but Arms
EOBI	Employees' Old-Age Benefits Institution
EPZ	Export Processing Zone
EPZA	Export Processing Zones Authority
EU	European Union
FTCC	Federal Tripartite Consultative Committee
GATT	General Agreement on Tariffs and Trade
GDP	gross domestic product
GSP	Generalized Scheme of Preferences
GSP+	Generalized Scheme of Preferences Plus
ICT	Islamabad Capital Territory
IRA	Industrial Relations Act 2012
KPIRA	Khyber Pakhtunkhwa Industrial Relations Act 2010
LFS	Labour Force Survey
MOPHRD	Ministry of Overseas Pakistanis and Human Resource Development
NEET	not in employment, education or training
OSH	occupational safety and health
PBM	Pakistan Bait-ul-Mal
PIRA	Punjab Industrial Relations Act 2010
PTCC	Provincial Tripartite Consultative Committees
SEZ	Special Economic Zone
SIRA	Sindh Industrial Relations Act 2013
UNCTAD	United Nations Conference on Trade and Development
WTO	World Trade Organizations
WWF	Workers Welfare Fund

► Foreword

Since January 2014, Pakistan has benefitted from the General Scheme of Preferences Plus (GSP+) status. This status allowed preferential access to the European Union (EU) markets. However, this tariff preference comes with conditions, which include the ratification and implementation of 27 U.N. Conventions on human rights, labour standards, environment/climate change, and good governance. Progress has been achieved across various fronts. Majority of labour laws have been enacted across all provinces, demonstrating a commendable adherence to International Labour Standards (ILS). This positive trajectory is underscored by substantial strides in the textile and garment sector, driven by the pressing need to curtail environmental impact. However, despite these advancements, persistent challenges are still there. To ensure substantial enhancements in working conditions, it is imperative to address these challenges and further bolster compliance measures.

Pakistan's adherence to fundamental labour standards and to provide a diagnostic tool and in-depth insight for decision-makers, implementers, and other stakeholders has been compiled in this report. The analysis in this report endeavours to pinpoint those priority issues that national and provincial programs should target to sustain Pakistan's GSP+ status. With this purpose in mind, the report functions as a point of reference for monitoring the accomplished progress and development, while shedding light on areas that still require further improvement. The report incorporates the latest data on Pakistan's compliance with fundamental labour standards, both at the national level and within the textile sector (the sole sector covered), along with an evaluation of newly enacted legislations, including their alignment with the essential labour Conventions of the International Labour Organization (ILO).

It is hoped that this report will not only contribute in maintaining Pakistan's GSP+ status but will also assist in achieving success for the Pakistani industry in the forthcoming decades. This success is envisioned alongside improved working conditions that uphold the livelihoods and well-being of workers across the nation.

The Ministry of Overseas Pakistani and Human Resource Development extends sincere appreciation to the ILO Country Office for Pakistan for its technical support through the International Labour and Environmental Standards Application in Pakistan's SMEs (ILES) project, funded by the European Union. Gratitude is also extended to Mr. Iftikhar Ahmad, the founder of the Centre for Labour Research in Pakistan, for his technical support in the development of this report.



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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 European Union (EU) market. The General Scheme of Preferences Plus (GSP+) scheme has been redesigned to encourage beneficiary countries to show genuine commitment in implementing fundamental human and labour rights, principles of sustainable development and good governance.

“While no proof exists, anecdotal evidence suggests that GSP+ has been an important incentive for all actors to further promote compliance with ILO standards.” This was a key sentence in EU’s 2016 assessment of implementation of fundamental labour standards in Pakistan after grant of GSP+ status (European Commission 2016, 203). Pakistan was granted GSP+ status by the EU in December 2013, applicable from January 2014 onward.

So, what is GSP+? It is a unilateral trade preference scheme that allows eight beneficiary countries (including Pakistan) to export to the EU more than 6,000 tariff lines, including textiles and clothing, without paying any duties (GSP Hub, n.d.). This duty-free access has helped Pakistani products compete with products originating from competitor countries like Bangladesh, Cambodia, Myanmar and Viet Nam.

Data from the Ministry of Commerce indicates that 28 per cent of Pakistan’s exports are directed to EU countries. Pakistan’s exports to the EU were worth €3.56 billion in 2013, prior to achieving GSP+ status. Since gaining GSP+ status, Pakistan’s total exports to the EU have increased by 86 per cent to €6.64 billion in 2021 (TIC 2022). Thus, GSP+ has played a crucial role in sustaining stable export earnings.

The fundamental labour rights that must be protected to retain GSP+ status include the right to freedom of association and collective bargaining; elimination of all forms of forced or compulsory labour; effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. Monitoring compliance with the international labour Conventions that define these fundamental labour rights is not easy. For instance, Labour Force Surveys – Pakistan’s main instrument for assessing the labour market – do not provide data on forced labour and freedom of association.

But while there is no direct collection of data on instances of forced and compulsory labour in Pakistan, previous studies have indicated that forced labour exists, mainly in brick kilns, agriculture and to a certain extent in domestic work. An exciting piece of data from the Hari Welfare Association suggests that more than 10,000 bonded labourers were released through court orders during 2013–21 in Sindh Province. One-third of these freed bonded labourers were children. While the number of released workers indicates the scope of the problem and its pervasiveness in agricultural Sindh, it also shows that courts are working and giving necessary relief to these workers. A major point of concern, however, is that despite so many bonded labourers being freed, no convictions were made under the Sindh Bonded Labour System Abolition Act 2015. While legislation has either been newly enacted (as in Sindh, Khyber Pakhtunkhwa and Balochistan) or strengthened (as in Punjab), implementation of this legislation has been rather patchy since the District Vigilance Committees provided for under the legislation are not operational in most districts.


Similarly, updated data on the trade union situation (number of trade unions, their membership, collective bargaining agent status, strikes and lockouts) is not readily available. A 2018 ILO study determined the total number of trade unions at 7,096 and their total membership at 1.4 million (Khalil 2018). However, many trade union federations have expressed concerns on the findings of this study.

Despite the aforementioned shortcomings, the Labour Force Surveys do, however, help in estimating instances of child labour as well as the gender pay gap. Child labour, estimated using ILO global methodology, has decreased from 4.02 million in 2014 to 3.03 million in 2021. The gender wage gap, an indicator of how much less women earn compared to men, has reduced from 42 per cent in 2014 to 18 per cent in 2021. Both the statistics show improvement.

Incidence of occupational accidents has decreased from 4.3 per cent of workers per annum to 2.7 per cent in 2021. On average, every 37th worker in Pakistan faces an occupational accident or injury each year. The share of agriculture in total employment reduced from 43.7 per cent in 2013 to 37.40 per cent in 2021. The formal sector now employs 27.5 per cent of the non-agricultural labour force, up from 26.4 per cent in 2013. In terms of absolute figures, 11.58 million workers now enjoy the protections afforded by labour legislation; a sizeable increase from the 8.4 million who enjoyed such protection in 2014.

However, female labour force participation has decreased from an already low 22.2 per cent in 2014 to 21.4 per cent in 2021. In addition, the estimated number of persons trapped in the modern forms of slavery has increased from around 2 million (2014) to 3.19 million (2018).

While there is a lot of improvement in terms of legislation, the same has not been seen in actual changes in working conditions. There are a couple of reasons for that. First, there is always a lag between the enactment of legislation and actual changes in the situation on the ground. The lag period has often been protracted due to a lack of implementation rules for the newly enacted legislation. For many pieces of legislation enacted from 2013 onwards, rules are still under preparation in the provinces of Khyber Pakhtunkhwa and Sindh. Second, the labour inspection system plays an important role in implementing and enforcing legislation.

 **“ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the inspectorate, including by filling the vacant positions in each province”**

The 2020 Annual Labour Inspection Report by the Government of Pakistan indicates the total number of labour inspectors in the country as 569. That means there is one labour inspector for every 20,300 formal sector workers. If we consider the overall 67.24 million workers engaged in either formal or informal employment, then there is one labour inspector for every 118,172 workers in the country.

As identified in the first EU report on GSP+, the arrangement has acted as “useful instrument” to improve labour rights in the country (European Commission 2016, 203). While Pakistan’s first five years as a GSP+ beneficiary focused more on the

legislative side, the next five years, considering that the current GSP regulation is applicable till 2023, should focus on completing the reform process, improving compliance with international labour standards, and implementation of laws, rules and policies. On July 4, 2023, the European Commission announced that it is proposing to extend the validity of the current GSP Regulation (2012) for an additional four years since the new GSP regulation is not yet adopted. “Given the prevailing uncertainties about the time it will take to complete the legislative process on the new GSP Regulation, it is proposed to extend the validity of the current GSP Regulation until 31 December 2027”. If this proposal is accepted by the European Parliament, Pakistan can have another four years and improve its implementation and enforcement of labour legislation.¹

With the support from the ILO Country Office, the Provincial governments of Punjab and Sindh are working on the rationalization, consolidation and simplification of more than two dozen labour laws into their respective Labour Codes. Under this reform process, the legislation shall be made compliant with Constitutional guarantees and international obligations. The

¹ <https://data.consilium.europa.eu/doc/document/ST-11492-2023-INIT/en/pdf>

language of the labour law is also being made clear, user-friendly, consistent and simple enough for use by employers, workers, and labour inspectors. While the work has been initiated, a complete draft of legislation shall be available by the end of 2023 for possible adoption by the respective provincial legislatures.

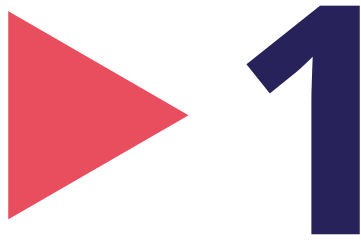
The labour inspection system needs an overhaul, while encouraging citizen- and worker-generated data on workplace compliance with the labour legislation. The provincial governments, with the support from the ILO Country Office, are working on localizing the ILO's Strategic Compliance Planning methodology (SCP) in order to help labour inspectorates to efficiently plan and execute labour inspection activities with measurable improvements in labour law compliance. This generally happens by assisting labour inspectorates in developing or enhancing practical inspection tools (such as standard operating procedures, checklists and inspection guides), guidance on improving the efficiency and impact of administrative procedures, clarifying to the labour inspectors as to how the legal provisions should be applied in practice, and how to close implementation gaps to enhance compliance outcomes.² The ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) has recommended to the Government of Pakistan that it "ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the inspectorate, including by filling the vacant positions in each province".³

To analyse progress, more robust data is needed. For that purpose, the Pakistan Bureau of Statistics must be engaged as a key partner and data on fundamental labour standards and other working conditions must be collected through Labour Force Surveys on an annual basis.

2 <https://www.ilo.org/global/topics/labour-administration-inspection/resources-library/training/strategic-compliance/lang--en/index.html>

3 CEACR, [Observation – Labour Inspection Convention, 1947 \(No. 81\) – Pakistan](#), adopted 2020, published 109th session, International Labour Conference, 2021.





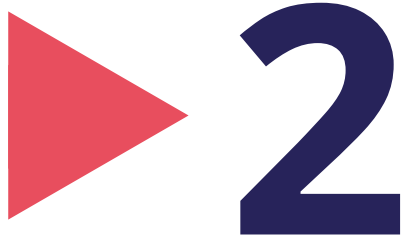
Introduction

Pakistan was granted Generalized Scheme of Preferences Plus (GSP+) status by the European Union (EU) in 2013 (effective from 1 January 2014), dramatically reducing import duties for Pakistani goods. This tariff preference is conditional upon the ratification and implementation of 27 international Conventions, including the ILO's eight fundamental labour Conventions. The European Union issued its first report on the status of the implementation of these Conventions for all beneficiary countries in 2016. Two more reports (in 2018 and 2020) have been issued by the European Commission so far (GSP hub, n.d.). The first report referred to the progress made in enactment of new legislation, but also noted the lagging implementation of these same pieces of legislation. The report further noted in its conclusion: "Despite the many challenges it must be concluded that in the last 2 years considerable progress and increasing efforts have been demonstrated. ... *While no proof exists, anecdotal evidence suggests that GSP+ has been an important incentive for all actors to further promote compliance with ILO standards*" (European Commission 2016, 204 – emphasis added).

The International Labour Standards Unit at the Ministry of Overseas Pakistanis and Human Resource Development (MOPHRD) had developed a report titled *GSP-Plus and Compliance with the Core Labour Standards: Pakistan's Case* in early 2016. This current report is an update of that earlier report. The purpose of updating the earlier GSP+ compliance report is to provide a diagnostic instrument to policy/decision makers, implementers and other stakeholders to understand the compliance trends, significant improvements, strong and weak points, and gaps, and based on the analysis to identify the priority issues on which the national/provincial programme will be built upon to sustain GSP+ status. The report will also serve as a reference with which to monitor the progress or development that has been achieved. The current GSP+ report by Pakistan builds upon the anecdotal evidence noted by the European Commission above, as well as the 2016 work by the MOPHRD to strengthen the available data demonstrating the linkage between trade, labour standards and improved compliance. The report explores the history of trade and labour linkages and provides an analysis of the EU's GSP+ scheme. It contains the latest data on compliance with fundamental labour standards, both at the national level and sectoral level (textile sector only), as well as an assessment of newly enacted pieces of legislation, including whether they fulfil the requirements set by the ILO's fundamental labour Conventions.



▶ 2



Academic perspectives on trade and labour standards

2.1. History of regulating labour standards through trade

The attempt to improve labour standards through trade negotiations and agreements has a history that dates back to the 19th and early 20th centuries, when developed countries such as the United States of America, the United Kingdom of Great Britain and Northern Ireland, Canada and Australia adopted laws prohibiting the import of goods produced using prison labour.

The Preamble to the ILO Constitution (1919) also acknowledged the “race to bottom” concerns of developed countries, stating that the “failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries”. The increasing consciousness of labour conditions and labour standards also culminated in ILO’s adoption of the Hours of Work (Industry) Convention (No. 01) in 1919 and later in the adoption of the Forced Labour Convention (No. 29) in 1930.

The inclusion of labour-related provisions in multilateral trade agreements came to fore in the Havana Charter of 1947 (which aimed to establish a multilateral trade organization). The Charter recognized the importance of workers’ rights and labour standards in international trade, and referred to the fact that unfair labour conditions, particularly in production for export, create difficulties in international trade, and thus the Charter required each Member to take necessary actions to eliminate such conditions within its territory. The Charter also contained an option of removing trade concessions on account of labour standards.⁴ The

4 Havana Charter (1947), articles 94–95

Charter recognized the importance of the ILO's work and affirmed the need for cooperation with ILO on such issues.⁵ This was the first time that labour rights protection manifested itself as a trade issue. The labour rights-related social provisions of the Havana Charter were, however, removed when the idea of the International Trade Organization (ITO) was rejected by the US Senate. It was instead replaced by the more limited General Agreement on Tariffs and Trade (GATT), which remained in force from 1948 until the establishment of World Trade Organization (WTO) in 1995. Interestingly, the only explicit labour-related provision that is part of current WTO law is that principles of free trade do not apply to products made by prison labour.⁶ Other, not-so-explicit provisions include reference to the "raising of living standards and ensuring of full employment" in the preamble to the GATT, and GATT Article 29, which requires the contracting parties to observe to the fullest extent the general principles of the Havana Charter.⁷

The first labour clause on internationally recognized workers' rights was introduced by the US Government in 1984 in its Generalized System of Preferences (GSP) scheme. Under this conditionality, a country that "has not taken or is not taking steps to afford internationally recognized worker rights to workers in the country" is not eligible for duty free treatment.⁸ While the EU GSP+ scheme links labour requirement to the eight ILO fundamental Conventions (and 19 other UN Conventions), the US scheme defines a comprehensive list of "internationally recognized workers' rights", which do not include elimination of discrimination (United States, Office of the US Trade Representative 2017).

2.2. Generalized systems of preferences

A Generalized System of Preferences (GSP) is a system that grants products originating in developing countries lower tariff rates than those normally enjoyed under most-favoured nation status. GSP is a special measure granted to developing countries in order to increase their export earnings and to promote their development. The system was conceived by the United Nations Conference on Trade and Development (UNCTAD), the principal organ of the United Nations General Assembly dealing with trade, investment, and development issues. UNCTAD was initially established to provide a forum to developing countries for discussing their development issues.

Prior to 1971, the fundamental multilateral trade principles of reciprocity and non-discrimination were at odds with GSP, which allows for preferential treatment on a non-reciprocal basis. Resolution 21(II), adopted in 1968 at the second UNCTAD conference in Delhi, stated the objectives of GSP in following words:

5 Havana Charter (1947), article 7.

6 GATT (1947), Article 20(e).

7 GATT (1947), Article 29.

8 The term "internationally recognized worker rights" includes—
 (A) the right of association;
 (B) the right to organize and bargain collectively;
 (C) a prohibition on the use of any form of forced or compulsory labour;
 (D) a minimum age for the employment of children, and a prohibition on the worst forms of child labour, as defined in paragraph (6); and
 (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health (Chapter 19 U.S.C. Sec.2467(4))



[T]he objectives of the generalized, non-reciprocal, non-discriminatory system of preferences in favour of the developing countries, including special measures in favour of the least advanced among the developing countries, should be:

- (a) to increase their export earnings;
- (b) to promote their industrialization;
- (c) to accelerate their rates of economic growth.

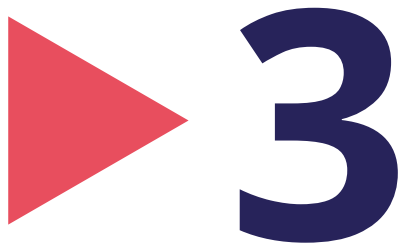
Though the UNCTAD Resolution was adopted in 1968, its contradiction with fundamental GATT principles was settled in 1971 when the GATT contracting parties approved a temporary waiver for GSP and later made it permanent in 1979 through an Enabling Clause (Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries). This clause is the legal basis for GSP as well as for regional trade agreements and the Global System of Trade Preferences under which developing countries exchange trade concessions among themselves (and increasingly incorporate labour provisions in such agreements).

The GSP has the following characteristics. First, preferential tariffs may be applied not only to countries with special historical and political relationships, but also to developing countries more generally (thus the system is described as “generalized”). Second, the beneficiaries are limited to developing countries. Finally, it is a benefit unilaterally granted by developed countries to developing countries (with no reciprocal treatment). Currently, there are 15 national/regional GSP schemes;⁹ the most significant are those of the EU (1971) and United States (1976), which both include labour provisions.

⁹ The following countries grant GSP preferences: Armenia, Australia, Belarus, Canada, the European Union, Iceland, Japan, Kazakhstan, New Zealand, Norway, the Russian Federation, Switzerland, Turkey, United Kingdom and the United States.



▶ 3



The European Union's Generalized Scheme of Preferences

The European Union's current GSP scheme is based on [EU Regulation No. 978/2012](#). The Generalized Scheme of Preferences (GSP helps developing countries by making it easier for them to export their products to the EU through reduced tariffs. The basic assumption is that preferential access to the EU market should “assist developing countries in their efforts to reduce poverty and promote good governance and sustainable development by helping them to 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”.¹⁰ The scheme focuses on helping developing countries that have greater development, trade and financial needs, and taking into account the varying needs of developing countries, the GSP provides a “sliding scale of preferences”. The GSP scheme consists of one general arrangement and two special arrangements.

The **GSP general arrangement** is applicable to those developing countries that have been classified by the World Bank as lower or lower-middle income countries and do not have a preferential access to the EU market through another arrangement. Developing countries that are party to the general arrangement receive duty reductions for roughly 66 per cent of all EU tariff lines. The standard GSP arrangement has 15 beneficiaries, including India.

Under the special arrangement for least developed countries, referred to as the **Everything but Arms (EBA) arrangement**, only those countries that have been classified by the UN as least developed countries are eligible. Under the EBA scheme, countries receive full duty-free, quota-free access for all products except arms and ammunition. This scheme currently has 48 beneficiaries, including Bangladesh.

¹⁰ EU Regulation No. 978/2012, preamble clause 7.

The **Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+)** is open to developing countries that ratify and effectively implement 27 international Conventions on human rights, labour rights, environmental protection and good governance. GSP+ participants pay zero duties for essentially the same 66 per cent of EU tariff lines covered under GSP general arrangement. The GSP+ arrangement is limited to the countries considered to be vulnerable due to a lack of diversification and insufficient integration within the international trading system. The initial lifetime of the GSP+ scheme is ten years, that is, it is applicable until December 2023. Currently, this scheme has eight beneficiaries, including Pakistan.

3.1. EU GSP+ framework and qualifications

3.1.1. Grant of GSP+: Vulnerability and Convention ratification criteria

A country must meet the following criteria to become eligible for GSP+:¹¹

1. The country must be considered “vulnerable”. A vulnerable country means a country:
 - a) which is not classified by the World Bank as a high-income or upper-middle income country during three consecutive years immediately preceding the update of the list of beneficiary countries;
 - b) whose imports into the EU are heavily concentrated in a few products (the seven largest sections of its GSP-covered imports into the EU represent more than 75 per cent in value of its total GSP-covered imports); and
 - c) with a low level of imports into the EU (its GSP-covered imports into the EU represent less than 6.5 per cent in value of the EU’s total GSP-covered imports from all GSP beneficiaries).
2. The country must have ratified the 27 core international Conventions in the fields of human and labour rights, the environment and good governance, and the monitoring bodies under these Conventions must not identify a serious failure to its effective implementation of any of these 27 Conventions.
3. The country must not have formulated any reservation that is prohibited by the relevant Conventions or that is considered to be incompatible with the object and purpose of that Convention.
4. The country must comply with the following “binding undertakings”:
 - a) to maintain the ratification of these 27 Conventions and to ensure their effective implementation;
 - b) to accept without reservation reporting requirements and monitoring and review imposed by those Conventions; and
 - c) to accept to participate in and cooperate with the EU monitoring procedure.

¹¹ EU Regulation No. 978/2012, article 9.

The monitoring process is designed to support countries in creating structures which deliver tangible progress in implementing the international conventions. Should the Commission have reasonable doubt that a beneficiary country falls short on its reporting obligations, appears to be uncooperative or shows no efforts to maintain ratification and effective implementation of the covered conventions, the Commission can launch an investigation. This investigation can lead to a temporary withdrawal of preferences. (GSP+ Insights, GSP Regulation, Art. 15)

The products eligible under GSP+ scheme are identified by the GSP Regulation (EU Regulation No. 978/2012). These include textile products (unlike the US and Canada GSPs, which exclude textile products), leather products, footwear, processed food, and so on.¹²

A country is granted GSP+ status once it has applied for it in writing (providing comprehensive information on ratification and binding undertakings as referred to above) and an examination of the request by the European Commission shows that the country fulfils the above referenced conditions.

Pakistan became eligible for preferential treatment in 2013 and has been benefitting from it since 1 January 2014. Prior to gaining GSP+ status, Pakistan had been a GSP general arrangement beneficiary, and was at that time entitled to export textile products at a 9.6 per cent tariff. With the GSP+ grant, Pakistan's textile products now enter the EU duty-free (like Bangladesh and Cambodia's products); while textiles from Pakistan's competitors like India and China face custom duties of 9.6 per cent and 12 per cent, respectively.

3.1.2. Withdrawal of status

GSP+ status can be withdrawn temporarily, in respect to all or just certain products originating in a GSP+ beneficiary country. Such a withdrawal of status can occur if in practice a beneficiary country does not respect its "binding undertakings" as referred to in criterion 4 above, or if a country has formulated a reservation that is prohibited by any of the relevant Conventions or which is incompatible with the object and purpose of one of the Conventions.

All trade preferences – GSP, GSP+ and EBA – can be withdrawn temporarily in respect of all or of certain products originating in a beneficiary country in the event of serious and systematic violation of principles laid down in seven human rights Conventions and eight fundamental labour standards, or if the country is exporting goods made by prison labour. While the United States has withdrawn/suspended trade preferences for 15 countries in relation to labour rights, the withdrawal procedure has been used less often by the EU. All trade preferences were withdrawn in the cases of Myanmar and Belarus for labour law violations; while Sri Lanka had its GSP+ status downgraded to the GSP general arrangement for human rights violations. In August 2020, the European Union partially withdrew approximately 20 per cent of Cambodia's preferential access to the EU market under the EBA trade scheme due to serious and systematic violations related to political, human and labour rights.¹³

¹² A whole list of eligible products is given under Annex-V of EU Regulation No. 978/2012.

¹³ The EU's concerns over Cambodia relate to the following three main areas: (i) political rights and the shrinking of the space for democratic opposition and civil society; (ii) labour issues and curtailment of freedom of association and collective bargaining rights; and (iii) concerns over Economic Land Concessions, particularly in the sugar sector (European Commission 2020a).

3.1.3. Pakistan's labour rights status

In 2016, the EU produced its first comprehensive assessment of the GSP+ beneficiary countries. Since attaining GSP+ status in 2014, biennial assessments of Pakistan have been released in 2016, 2018 and, most recently, in 2020. The 2020 report covers the years 2018 and 2019.

In its 2020 report (European Commission 2020b), the EU notes the progress made by the provinces in adopting legislation and in developing procedures and guidelines to implement the ILO fundamental Conventions. These have resulted in some improvements in child labour; however, labour rights on collective bargaining, wage discrimination, and forced and bonded labour in agriculture and mining continue to be matters of concern. The report finds that some provinces have increased their efforts to improve enforcement, but the implementation of laws and regulations is still problematic. The EU also notes that more efforts are required to enhance the labour inspection system and improve overall working conditions through the establishment of a larger number of labour inspectors in each province.

The 2020 report points out as a positive the development of a National Labour Protection Framework by the MOPHRD, which also addresses child labour. However, the Framework has not been officially adopted by any of the provinces as yet. The report also notes with interest the child labour surveys taking place in all four provinces.

The EU also noted with concern some of the key issues that need to be prioritized in the areas of trade unions, labour inspection, occupational health and safety, bonded labour and child labour. The key areas that need to be prioritized according to the EU are:



1. Carry out child labour surveys and include bonded labour in labour force surveys. Ensure proper investigations and prosecution of child and forced labour, trafficking and exploitation.
2. The labour inspection system is too weak to ensure its crucial function of proper enforcement and overseeing the implementation of labour laws and safety standards. The number of labour inspectors is too low and they lack technical and other capacity to perform their tasks.
3. Align labour legislation with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Ensure application of labour laws in Export Processing Zones (EPZs) and Special Economic Zones (SEZs) (European Commission 2020b, 22).


The 2020 report notes with interest the child labour surveys initiated by all the provinces and the Islamabad Capital Territory (ICT). Furthermore, the EU has noted the enforcement of various laws by the provincial governments to ensure proper investigation and prosecution of child and forced labour incidences. However, the EU has also pointed out the lack of a comprehensive child labour law, which should cover child domestic workers and prohibit children under 18 years from engaging in hazardous work, including in brick kilns. Enforcement of provincial laws, according to the report, has improved but remains a concern. In 2018–19, inspections in Punjab and Khyber Pakhtunkhwa led to hundreds of arrests and prosecutions. Yet, in Khyber Pakhtunkhwa, the enforcement of the law that prohibits debt bondage in the formal sector depends entirely on a complaints system, and in 2018, only one complaint was received.

Regarding compliance with the ILO Labour Inspection Convention, 1947 (No. 81), which has been ratified by Pakistan, the EU commends the regular inspections and appropriate legal actions carried out by the provincial governments on law violations. The report also notes that the number of provincial inspectors is increasing, though it still remains low relative to the number of enterprises. Also concerning is the Punjab Government's commitment to launching third-party inspections in future, though they have reversed their prior decision to abolish labour inspections in the province. Punjab's Labour Department has stated that the ILO Conventions are being followed fully and has dismissed the impression that labour inspection will be abolished in Punjab.

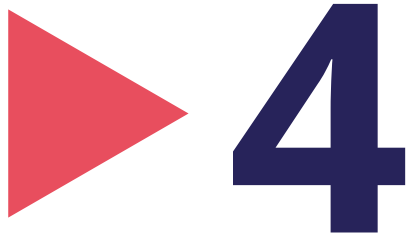
The EU has also noted the work being done by the federal and provincial governments to improve legislation on occupational safety and health (OSH), however, even with the new model OSH legislation by the Federal Government, the adoption and implementation of such legislation is still lacking in Pakistan.

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With regard to Convention No. 87 on freedom of association, the report sees the need to align the country's labour legislation with this fundamental Convention and to extend its applicability to EPZs and SEZs. Furthermore, the labour legislation should also be aligned with Convention No. 98 on collective bargaining for all categories of workers to receive their rights under this Convention. The EU has noted with concern that the law in the EPZs prohibits trade unions and strikes. The report observes that a consultative process has been initiated for amendments to the Employment of Service Control Rule 2009 to implement the remaining provisions and bring them in line with the required international obligations under ILO Conventions.

 **The EU also notes that more efforts are required to enhance the labour inspection system and improve overall working conditions through the establishment of a larger number of labour inspectors in each province.**





Core labour standards and Pakistan

The Governing Body of the ILO has identified eight Conventions as “fundamental”. These Conventions cover fundamental principles and rights at work, including:

- ▶ freedom of association and the effective recognition of the right to collective bargaining;
- ▶ the elimination of all forms of forced or compulsory labour;
- ▶ the effective abolition of child labour; and
- ▶ the elimination of discrimination in respect of employment and occupation.

These principles are covered in the ILO’s Declaration on Fundamental Principles and Rights at Work (1998) and reaffirmed in the ILO Declaration on Social Justice for a Fair Globalization (2008). The four principles (as enshrined in eight fundamental Conventions) are rules that govern labour market transactions and are comparable to rules regarding protection of property rights and freedom of transaction in product markets. The International Labour Conference, held in June 2022 in Geneva, decided to add the principle of a safe and healthy working environment to the ILO’s Fundamental Principles and Rights at Work (ILO, n.d.-a). This action increases the number of fundamental Conventions to ten.¹⁴

The ten fundamental Conventions are the following:

1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
3. Forced Labour Convention, 1930 (No. 29)
4. Abolition of Forced Labour Convention, 1957 (No. 105)

¹⁴ The current report considers the country’s compliance with the eight fundamental labour standards that are already ratified by Pakistan. It does not include detailed information on legal compliance with the fundamental labour standards on OSH, that is, Conventions Nos 155 and 187. Moreover, the conventions on OSH are not part of the GSP Regulation (EU) No 978/2012 that is still applicable to Pakistan.

5. Minimum Age Convention, 1973 (No. 138)
6. Worst Forms of Child Labour Convention, 1999 (No. 182)
7. Equal Remuneration Convention, 1951 (No. 100)
8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
9. Occupational Safety and Health Convention, 1981 (No. 155)
10. Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

The 2012 GSP Regulation (EU Regulation No. 978/2012) requires ratification and compliance with 27 international standards, including the first eight fundamental labour standards in the list above. Pakistan has already ratified eight of the above ten Conventions, except the two new conventions on occupational safety and health. However, to effectively assess the labour market, there is a need to compile a list of indicators that can be used both by the State and the EU. These indicators not only provide an economic and social context to the country, but also provide statistics on compliance with the fundamental labour standards and highlight decent work deficits in the country. The work builds on already available lists of indicators, as proposed by Hafiz Pasha (2014) and the International Labour Standards (ILS) Unit of the MOPHRD (2016).

Table 1. Statistical indicators and fundamental labour standards

Decent work: Economic and 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 and sectoral shares in GDP
Trends in labour productivity
Equality and 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 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)
Freedom of association and collective bargaining
Unionization
Collective agreements
Industrial disputes

Occupational safety and health
Incidence of occupational diseases/injuries
Decent work deficits
Incidence of child workers
Child labour
Prevalence of bonded labour (modern slavery)
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 (regional, area, gender and sectoral classifications)
Vulnerable employment
Wage payment status and sectoral distribution of employment
Youth unemployment rate
Youth NEET rate
NEET = not in employment, education or training. Source: Pasha 2014 and Pakistan, MOPHRD, ILS Unit 2016.



▶ 5



State of the labour market in Pakistan

The current chapter highlights the conditions in the labour market of Pakistan. There are two objectives to this chapter: the first is to contextualize all labour market information rather than assessing it without reference, and the second is to identify all those areas where Pakistan needs to do more to ensure adherence to the fundamental labour standards as well as to highlight improvements, especially where these are visible in data.

5.1. Decent work: Economic and social context

The Pakistan Labour Force Survey 2020-21 estimates the **total population** at 222.4 million (64 per cent based in rural areas). Nearly 40 per cent (88.9 million) are under the age of 15 years; another 57 per cent (126 million) are in the working age group (15–64 years) and a small percentage of 3.37 per cent (7.5 million) are over the age of 65 years.


In order to understand the state of country's labour market, we have used data from the last six Labour Force Surveys (LFS 2012–13, 2013–14, 2014–15, 2017–18, 2018–19, and 2020–21)¹⁵. Tables 2 and 3 showcase selected key indicators of the labour market. The **current labour force** (comprising all persons of 10 years of age and above) is estimated at 71.75 million, with 4.51 million unemployed workers. The unemployment rate has hovered around 6 per cent during the last eight years, with it being recorded at 6.29 per cent in the LFS 2021. Among those

¹⁵ In the coming paragraphs, only the last year of the survey will be used to refer to the survey. For example, LFS 2020–21 will be referred to as LFS 2021. Moreover, LFS 2021 has data up until June 2021.

who are employed, men constitute approximately 77 per cent (51.91 million), while women are only 23 per cent (15.34 million). Interestingly, while the economy has created 11.24 million jobs during 2013–21, the number of employed women has increased by just 2.82 million.

The **employed labour force** (67.24 million) is further distributed in agriculture (37.4 per cent) and non-agriculture (62.6 per cent) sectors or activities. The share of the agriculture sector has dropped from 43.71 per cent of workers in 2013 to 37.45 per cent in 2018. The non-agriculture sector is further categorized into formal and informal sectors, which engage 27.5 per cent and 72.5 per cent, respectively, of the country's 42 million non-agriculture workers. The share of the formal sector has gradually increased from 26.40 per cent in 2013 to 27.5 per cent in 2021 (with a peak of 28 per cent in 2018).

The **labour force participation rate**, an indicator of the relative size of the supply of labour currently available for the production of goods and services in an economy, stood at 44.90 per cent in 2020–21 with male participation rate being more than three times higher (68 per cent) than that of females (21.35 per cent). The female labour force participation has been around 21.5 per cent during the period of 2013–21.

 The EPR provides information on the ability of an economy to create jobs for its people and is used to assess the extent to which growth has contributed to increased employment opportunities.

The **unemployment rate** indicates the proportion of the labour force that is not working but is available for work and seeking employment opportunities. As per the LFS 2021, the unemployment rate is 6.29 per cent (4.51 million) for the overall economy, 5.48 per cent for male workers and 8.93 per cent for female workers. There is also a disparity in the unemployment rate between urban and rural areas, with the rate being 7.3 per cent for urban areas but 5.83 per cent for rural areas (a case of underemployment). The unemployment rate for women in urban areas is 16.5 per cent, though it has improved from 20 per cent in 2015.

The **employment-to-population ratio** (EPR) is 19.43 per cent for female workers and 64.41 per cent for male workers. The EPR provides information on the ability of an economy to create jobs for its people and is used to assess the extent to which growth has contributed to increased employment opportunities. EPR is more insightful indicator than the unemployment rate in Pakistan (and all developing countries), where no one can afford to remain unemployed for long.¹⁶

The **share of agriculture in total employment** has reduced from 43.71 in 2013 to 37.45 per cent in 2021. Two-thirds of female workers are still engaged in agriculture; although situation has improved when compared to 2013. Only 28 per cent of overall male employment is in agriculture, compared to 67 per cent of female overall employment.

If we look at the **employment status** of all workers, the share of wage and salaried workers in total employment has improved from 38.86 per cent in 2013 to 42 per cent in 2021. This translates into 28.24 million persons working for remuneration, who are referred to as “employees”. Of all female employment (15.34 million), only 25 per cent is wage employment.

¹⁶ The EPR represents the share of unutilized labour in an economy. The unemployment rate and the EPR both offer insights into the underutilization of labour, but the unemployment rate captures only a small share of the unutilized population. The total share of unutilized labour potential is captured by subtracting the EPR from 100. A country with high unutilized labour potential must take measures to decrease unemployment and increase employment opportunities. The current EPR (for 10+ population) is 42 per cent – the labour underutilization rate is therefore 58 per cent.

Table 2. Size and distribution of the labour force (2012–21)

Segment	2012–13		2013–14		2014–15		2017–18		2018–19		2020–21	
	No. (millions)	%	No. (millions)	%	No. (millions)	%	No. (millions)	%	No. (millions)	%	No. (millions)	%
Labour force (total)	59.74	100	60.10	100	61.04	100	65.51	100	68.75	100	71.75	100
Unemployed	3.73	6.24	3.58	5.96	3.62	5.94	3.80	5.79	4.71	6.86	4.51	6.29
Employed	56.01	93.76	56.51	94.04	57.42	94.06	61.71	94.21	64.03	93.14	67.24	93.71
Agriculture	24.48	43.71	24.57	43.48	24.27	42.27	23.76	38.5	25.07	39.16	25.18	37.45
Non-Agriculture	31.53	56.29	31.94	56.52	33.15	57.73	37.96	61.5	38.96	60.84	42.06	62.55
Formal	8.32	26.40	8.43	26.40	9.09	27.43	10.63	28	10.77	27.63	11.57	27.52
Informal	23.20	73.60	23.51	73.60	24.06	72.57	27.33	72	28.19	72.37	30.48	72.48

Source: LFS 2013; 2014; 2015; 2018; 2019; 2021.

Table 3. Selected key indicators of the labour market by gender (2012–21)

Indicator	2012–13	2013–14	2014–15	2017–18	2018–19	2020–21
Total population (millions)	181.72	186.19	189.19	206.64	214.49	222.40
Labour force participation rate (%)	45.70	45.45	45.22	44.28	44.79	44.90
Male	68.89	68.07	67.78	67.99	67.69	67.86
Female	21.50	22.17	22.02	20.14	21.48	21.35
Unemployment rate (%)	6.24	5.96	5.93	5.79	6.86	6.29
Male	5.41	5.08	5.00	5.07	5.87	5.48
Female	9.03	8.74	9.00	8.28	10.01	8.93
Share of agriculture in total employment (%)	43.71	43.48	42.27	38.49	39.16	37.45
Male	34.47	34.19	33.06	30.43	30.03	28.45
Female	75.80	73.99	72.65	67.19	69.78	67.91
Share of self-employed workers (%)	33.58	35.35	36.12	34.80	35.81	35.48
Male	38.92	40.46	40.87	39.09	40.17	40.36
Female	15.00	18.56	20.46	19.52	21.17	18.99
Share of employment in the informal sector (%)	73.60	73.60	72.57	71.99	72.37	72.48
Male	73.80	73.70	72.45	72.02	72.61	73.41
Female	71.70	73.00	73.52	71.82	70.48	65.51

Source: LFS 2013; 2014; 2015; 2018; 2019; 2021.

For males, this ratio is 47 per cent. The share of self-employed or own-account workers in total employment is 35.48 per cent. Contributing family workers account for 21.1 per cent of overall employment. Employers constitute a mere 1.4 per cent of employment in the country.

Table 4 showcases the **sector-wise distribution of employment** as well as the various sectors share in Pakistan's gross domestic product (GDP). Despite being the sector engaging the highest percentage of workforce (37.45 per cent), agriculture's share in GDP is only 18.86 per cent. Industry engages 25.4 per cent of the employed workforce and its share in GDP is 20.91 per cent; while the services sector engages 37.2 per cent of employed workers and its contribution to GDP is the highest at 60.23 per cent. Other than the agriculture sector (with around 10 million female workers), female participation is mainly concentrated in manufacturing and certain services sectors (mainly health and education).

Table 4. Sector-wise distribution of employment and sectoral shares in GDP, 2020–21

Sector	Sectoral employment (millions)	Sectoral employment (millions)	Sectoral employment (millions)	Employment distribution by gender (%)	
				Male	Female
Agriculture/forestry and fishing	25.18	37.45	22.68	58.63	41.37
Mining and quarrying	0.23	0.33	1.71	99.26	0.74
Manufacturing	10.03	14.91	12.43	78.24	21.76
Electricity and gas	0.16	0.23	2.41	98.42	1.58
Construction	6.39	9.50	2.56	98.97	1.03
Wholesale and trade	9.66	14.37	18.83	98.17	1.83
Transport, storage and communication	4.19	6.23	13.08	99.39	0.61
Financial and insurance	0.36	0.53	1.86	88.71	11.29
Others	11.05	16.43	24.47	78.02	21.98

Source: LFS 2021; Pakistan Economic Survey 2021–22

Labour productivity – measured as the output produced per unit of labour – is an important indicator for analysing 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. Labour productivity measures the efficiency with which inputs are used in country to produce goods and services. It is also a good measure of economic growth, competitiveness, and living standards within a country. Low productivity leads to the phenomenon of working poverty, wherein people are working long hours without earning enough to meet their basic needs.

As described in various development theories, there is generally a shift from less productive sectors (such as agriculture) to sectors with higher value added per worker (such as manufacturing) as a country's economy develops. Given that a large share of employment in Pakistan is still in agriculture (37.45 per cent), improving productivity in that sector can bring direct benefits for workers in the rural areas. Labour productivity can be improved through enhancement in skills (through education and training), increased and/or better use of machinery, and reduced wastage of inputs.

In Pakistan, sectoral labour productivity is the highest in services sector (835,673 rupees), followed by industry (415,312 rupees) and agriculture (334,450 rupees) (table 5).¹⁷

¹⁷ The labour productivity numbers for the years (2013–18) are different from the last three years (2019–21) due to the change in the base year from 2005–06 to 2015–16. The National Accounts Committee approved the change of the base year to calculate the value of the goods and services produced in the economy from 2005–06 to 2015–16, known as the “rebasings of the economy”. For more details, please see: <https://tribune.com.pk/story/2339672/rebasings-of-economy-pays-dividend-to-govt>.

Table 5. Labour productivity by sector (2012–21)

Sector/ indicator	2012–13	2013–14	2014–15	2017–18	2018–19	2020–21
Agriculture						
Value added (million rupees)	2 103 600	2 156 117	2 202 043	2 336 771	7 831 296	8 420 705
Employment (millions)	24.48	24.57	24.27	23.76	25.07	25.18
Labour productivity (rupees)	85 931.37	87 754.05	90 731.07	98 348.95	312 333	334 451
Industry						
Value added (million rupees)	1 999 207	2 089 776	2 198 027	2 591 336	6 800 675	6 910 608
Employment (millions)	12.42	12.53	12.98	14.64	14.90	16.64
Labour productivity (rupees)	160 966.75	166 781.80	169 339.52	177 003.83	456 518	415 312
Service						
Value added (million rupees)	5 716 248	5 971 163	6 231 579	7 464 526	20 284 070	21 241 331
Employment (millions)	19.11	19.41	20.17	23.32	24.06	25.42
Labour productivity (rupees)	299 123.39	307 633.33	308 952.85	320 091.17	842 937	835 673
GDP at factor cost						
Value added (million rupees)	9 819 055	10 217 056	10 631 649	12 392 633	34 916 041	36 572 644
Employment (millions)	56.01	56.52	57.42	61.71	64.03	67.24
Labour productivity (rupees)	175 308.96	180 768.86	185 155.85	200 820.50	545 274	543 949
GDP at market prices						
Value added (million rupees)	10 161 854	10 636 891	11 140 138	13 100 711	37 184 104	39 091 778
Employment (millions)	56.01	56.52	57.42	61.71	64.03	67.24
Labour productivity (rupees)	181 429.28	188 196.94	194 011.46	212 294.78	580 694	581 416

Source: LFS 2013; 2014; 2015; 2018; 2019; 2021.

5.2. Equality and non-discrimination

As explained above, the female labour force participation rate and employment-to-population ratio are quite low, even when compared with other countries in the region. Both the indicators are affected by various religious, cultural and social norms impeding women's engagement in paid work. As noted above, women workers account for just 23 per cent of total employment in the country. Of the total employed women in Pakistan (13.54 million) only about one-quarter (3.83 million) are engaged as "wage and salaried employees", while 56 per cent (8.60 million) are engaged as contributing family members (unpaid family helpers). While 32 per cent (4.92 million) women are engaged in the non-agriculture sector, 66 per cent of these non-agriculture workers (3.23 million) are found in the informal sector. Despite most non-agricultural women workers being employed in the informal sector, women's share in total informal employment is only 10.60 per cent (3.23 million out of 30.49 million), as a result of their low overall labour force participation. The share of women in total wage employment is 13.57 per cent.¹⁸

Compared to men, women are engaged in substantial numbers in agriculture (10.415 million), manufacturing (2.182 million), and community, social and personal services, which include health and education (2.419 million). On the other hand, female participation in the construction, transport and trade sectors is minimal (table 6).

Table 6. Distribution of employment by sector and sex (2020–21)

Sector	Male		Female		Total
	No. (thousands)	%	No. (thousands)	%	No. (thousands)
All	51 898	77.19	15 338	22.81	67 235
Agriculture	14 763	58.63	10 415	41.37	25 178
Manufacturing	7 845	78.24	2 182	21.76	10 027
Construction	6 322	98.97	66	1.03	6 388
Wholesale and retail trade	9 485	98.17	177	1.83	9 662
Transport, storage and communication	4 165	99.39	25	0.61	4 190
Community, social and personal services	8 354	77.54	2 419	22.46	10 774
Others	964	94.73	54	5.27	1 017

Source: LFS 2013; 2014; 2015; 2018; 2019; 2021.

¹⁸ According to LFS 2021, total wage employees are 28.24 million of which 3.83 million are women.

In terms of occupation, women workers are mainly engaged as skilled agricultural workers (9.28 million), followed by elementary (low-skilled) occupations (2.11 million), and craft and related trade workers (1.89 million) (table 7). Women professionals (1.29 million) constitute 39 per cent of total employment in that occupational group. Women's representation in the senior officials, managers and legislators occupational group is limited to just 6 per cent of total employment in that group. This latter statistic sheds light on women's participation in decision-making and in overseeing the economy.

Table 7. Distribution of employment by occupation group and sex (2020–21)

Occupation group	Male		Female		Total
	No. (thousands)	%	No. (thousands)	%	No. (thousands)
All	51 898	77	15 338	23	67 235
Legislators, managers, senior officials	1 567	94	95	6	1 661
Professionals	2 054	61	1 298	39	3 351
Technical and associate professionals	2 284	90	261	10	2 545
Clerks	926	96	40	4	966
Service workers and sales workers	10 156	97	315	3	10 471
Skilled agricultural workers	13 066	58	9 277	42	22 343
Craft and related trades workers	7 325	80	1 886	20	9 211
Plant and machine operators and assemblers	4 928	99	61	1	4 989
Elementary (unskilled) occupations	9 592	82	2 106	18	11 697

Source: LFS 2021.

5.3. Wages and wage gaps

The **gender wage gap** is a useful measure to indicate on average how far behind women are in terms of wages. However, the measure itself does not help much in understanding the underlying reasons for the gap. The general factors that can explain a wage gap include age, education, qualifications, experience and occupation. The gender wage gap is generally calculated using hourly earnings data. However, as per the method used by the Pakistan Bureau of Statistics, the gender wage gap is calculated here taking into account monthly wage rates.

Considering the fact that the gender wage gap is calculated for employees only and that women's participation in wage employment is a mere 13.57 per cent, the actual wage gap can be much higher, since a large number of women workers are engaged as contributing family workers without any wages (56 per cent of total female employment).

Not only have the average wages of both men and women increased consistently, the overall gender wage gap has also reduced from 39 per cent in 2013 to 18 per cent in 2021 (table 8). The wage gap has declined for all economic sectors, especially in the industrial sector where it has dropped from 53 per cent to 32 per cent.

By occupation, the gender wage gap is the highest among craft and related trade workers (52 per cent) and skilled agricultural workers (44.62 per cent), and it is the lowest among managers (11.33 per cent) (table 9). Even in the case of professionals, the gender wage gap is at 30 per cent. However, compared with 2017–18 data, the gender wage gap has reduced by at least 15 per cent points across all categories. The situation warrants further analysis of gender wage gaps in various sectors and occupations.

Table 8. Gender wage gap by sector, 2012–13 versus 2020–21

Sector	Average wage 2012–13			Average wage 2020–21		
	Male (Rs.)	Female (Rs.)	Wagegap (%)	Male (Rs.)	Female (Rs.)	Wage gap (%)
Agriculture	7 873	3 863	51	14 241	8 981	37
Industry	11 279	5 310	53	20 591	14 008	32
Services	15 352	12 463	19	29 355	25 767	12
Total	12 805	7 869	39	24 274	19 915	18

Rs. = rupees.
Source: LFS 2013; 2021.

Table 9. Gender wage gap by occupation (2020–21)

Occupation group	Female		Male		Wage gap (%)
	Share in employment (%)	Average wage (Rs.)	Share in employment (%)	Average wage (Rs.)	
Managers	0.62	61 112	3.02	68 921	11.33
Professionals	8.46	33 234	3.96	47 566	30.13
Technicians and associate professionals	1.70	28 352	4.40	34 331	17.42
Clerical support workers	0.26	32 721	1.78	34 320	4.66
Service and sales works	2.05	17 532	19.57	20 784	15.64
Skilled agriculture workers	60.48	13 780	25.18	24 884	44.62
Craft and related trade workers	12.30	10 100	14.11	21 061	52.05
Plant and machine operators and assemblers	0.40	19 483	9.50	21 506	9.41
Elementary occupations	13.73	9 879	18.48	16 644	40.65
Total	100.00	19 915	100.00	24 274	17.96

Rs. = rupees.
Source: LFS 2021.

Among wage and salaried workers (employees) in the formal sector, the gender wage gap is the lowest among regularly paid employees (3 per cent) and the highest among workers paid by piece rate (46 per cent) (table 10). If examined according to contract status, the pay gap is the lowest for permanent employees (2 per cent) and the highest for workers without any contract (43 per cent). The pay gap is quite high (32 per cent) for workers with contracts of less than one year's duration. Wage differentials reduce as contract durations increase (table 11).

Table 10. Gender wage gap among formal sector employees by employment status (2020–21)

Employment status	Average wage (rupees)			Wage gap (%)
	Male	Female	Both	
Regular paid employee	36 362	35 421	36 224	3
Casual paid employee	15 055	8 940	13 939	41
Paid worker by piece rate	19 415	10 472	16 340	46

Source: LFS 2021.

Table 11. Gender wage gap among formal sector employees by contract status (2018–19)

Employment status	Average wage (rupees)			Wage gap (%)
	Male	Female	Both	
Permanent employee	40 319	39 394	40 204	2
Less than 1-year contract	24 714	16 743	23 577	32
1-year to 3-year contract	26 513	25 186	26 294	5
Without contract	17 285	9 812	15 939	43

Source: LFS 2019.

The **share of women in wage employment in the non-agriculture sector** is mere 12.22 per cent.¹⁹ The female share in total employment is also low, at 22.81 per cent. While both of these indicators showcase women's access to paid employment, these also reflect their integration into the monetary economy. Engagement into paid employment has a huge impact on women's autonomy and decision-making.

5.4. Trade unions

Reliable statistics on trade unions were not available after the early 2000s. A 2018 ILO study fills this gap and provides some statistics on the state of trade unions in Pakistan. In 1990, the number of registered trade unions was 7,080 and their membership was 952,488 workers.

Table 12. Number of trade unions and total membership at the federal and provincial levels (December 2016)

Province	Total no. of trade unions	CBA unions	Non-CBA unions	Total membership
Federal level (registered with NIRC)	401	233	168	350 196
Punjab	2 342	674	1 668	502 546
KPK	366	71	295	51 225
Sindh	3 924	379	3 545	494 417
Balochistan	63	33	30	15 776
Total	7 096	1 390	5 706	1 414 160

CBA = collective bargaining agent; NIRC = National Industrial Relations Commission
Source: Khalil 2018.

¹⁹ According to the LFS 2018, the number of total wage employees in the non-agriculture sector is 26,018,924, with a number of women employees being 3,179,691.

It must however be added that the provincial and regional governments have informed the following number of trade unions: Azad Jammu and Kashmir (146 unions), Balochistan (453 unions), Gilgit Baltistan (7 unions), Khyber Pakhtunkhwa (467 unions) and Sindh (3,945 unions). Similarly, the National Industrial Relations Commission has 606 trade unions and federations registered with it.²⁰

The number of trade unions operating as collective bargaining agents is just 1,390 (out of 7,096), which means that only a fragment of unionized workers are engaged in collective bargaining and have employment terms and conditions regulated through collective agreements. Since trade unions generally exist only in the formal sector,²¹ it makes sense to calculate trade union density for the formal sector. The trade union density among employees (formal and informal sectors) is 5 per cent; while among just formal sector workers, the density increases to 12.18 per cent. It is important to emphasise here that the trade union density is the ratio of wage and salary workers (i.e., employees) that are trade union members to the total number of wage and salary workers in the economy. It is a standard measure to compare the associational power of trade unions across countries. The normally quoted trade union density figure of 2% for Pakistan is misleading since it tries to calculate trade union density for the overall labour force.

Table 13. Percentage of the workforce that is unionized (2020–21)

Employment status	Employees (millions)	Unionized workforce (millions)	% of workforce that is unionized
Formal and informal sector	28.24	1.41	5
Formal sector	11.57	1.41	12.18

Source: LFS 2021.

5.5. Occupational safety and health

The incidence of occupational disease/injury is 2.69 per cent (1.8 million) for the overall economy (impacting every 37th worker), and is higher for the male workers (3.20 per cent) than for female workers (1 per cent). Although agriculture has the largest share of all occupational diseases and injuries suffered in a given year, the most hazardous sectors in terms of occupational incidence rate are construction, mining, and transport and storage. In terms of occupation, the incidence of occupational accidents/injuries is the highest for plant and machine operators, craft and related trade workers, and elementary/unskilled occupations.

The highest overall numbers of occupational injuries are in the agriculture sector (29 per cent of all injuries suffered by all workers nationwide) followed by construction and manufacturing (19 per cent each). Occupation-wise, most workplace injuries and accidents occur among skilled agricultural workers (26 per cent of all injuries suffered by all workers), followed by elementary occupations (24 per cent) and craft and related trade workers (23 per cent). Incidence of occupational injuries and diseases is the highest for employees (48 per cent of all injuries suffered by all workers) followed by own-account workers/self-employed (40 per cent) and contributing family workers (11 per cent). Incidence of occupational diseases is nearly six times greater in the informal sector (3.44 per cent of informal workers) than in the formal sector (0.63 per cent of formal workers).

20 Follow-up to the GSP Plus 4th Biennial Review, 15 September 2022, Ministry of Overseas Pakistanis and Human Resource Development, Government of Pakistan.

21 There are some exceptions. Sindh and Balochistan have allowed the registration of trade unions in the agriculture and fisheries sector; while Punjab has a registered domestic workers union. However, the total membership in these unions is not more than 10,000 workers.

Table 14. Annual incidence of occupational injuries/diseases

Sector/ indicator	2012-13	2013-14	2014-15	2017-18	2018-19	2020-21
Overall (% of all workers)						
Pakistan	4.02	4.29	4.00	3.74	3.30	2.69
By sex (% of all workers of that sex)						
Male	4.52	4.93	4.70	3.42	3.93	3.20
Female	2.30	2.16	1.69	1.5	1.19	0.97
By formal and informal sector (% of all workers in that sector)						
Formal	2.03	1.95	1.90	1.99	1.49	0.63
Informal	4.21	4.33	4.25	4.16	4.04	3.44
By sector (% of all incidences)						
Agriculture	49.15	51.16	47.95	41.55	38.56	29.25
Manufacturing	13.32	14.21	15.90	16.91	16.20	19.11
Construction	15.24	14.14	16.27	17.27	21.48	19.70
Wholesale and retail trade	9.20	7.57	7.07	9.64	9.20	12.31
Transport, storage and communication	7.24	7.45	7.57	7.83	9.05	10.22
Community, social and personal services	5.11	4.83	4.50	3.16	4.83	8.04
Others	0.75	0.64	0.74	3.64	0.68	1.37
By occupation (% of all incidences)						
Managers	1.08	0.42	0.43	0.50	0.57	1.19
Professionals	0.84	0.76	0.93	0.97	0.84	1.09
Technicians and associate professionals	0.87	1.11	0.91	1.46	1.06	1.65
Clerical support workers	0.20	0.23	0.05	0.59	0.21	0.63
Service and sales works	7.22	6.76	5.86	7.46	7.17	11.01

Sector/ indicator	2012-13	2013-14	2014-15	2017-18	2018-19	2020-21
Skilled agriculture workers	43.51	44.97	42.80	33.49	30.92	26.01
Craft and related trade workers	18.78	19.05	19.76	20.20	23.41	23.62
Plant and machine operators and assemblers	6.58	7.51	9.24	10.12	8.74	10.81
Elementary occupations	20.92	19.21	20.02	25.22	27.08	24.00
By employment status (% of all incidences)						
Employer	0.66	0.50	0.52	0.69	0.68	1.43
Own-account workers	38.80	41.97	40.59	37.71	37.98	39.55
Contributing family worker	22.42	19.61	18.25	15.19	14.21	10.93
Employees	38.12	37.92	40.64	46.40	47.13	48.10

Source: LFS 2013; 2014; 2015; 2018; 2019; 2021.

5.6. Decent work deficits

5.6.1. Informal sector

The informal sector – an enterprise-based concept to measure informality – includes unregistered and/or small unincorporated and unregistered private enterprises engaged in the production of goods or services for sale or barter. An enterprise is unregistered when it is not registered under specific national legislation (such as, factories, shops or establishments laws, tax laws, or social security laws). An enterprise is considered small when its size in terms of employment is below a specific threshold (determined as ten employees in Pakistan). Employment in the informal sector refers to the total number of jobs in all informal sector enterprises. Interestingly, the ten-worker limit is only under the Factories Act; while shops and establishments laws (as well as social security legislation) are applicable to all workers without any threshold.

Table 15 indicates the scope of the informal sector in Pakistan, wherein 72.5 per cent of the non-agricultural employment is in the informal sector. This translates into 30.48 million workers. Keeping in view the fact that labour laws are not applicable to the agriculture sector, the overall unregulated sector in Pakistan accounts for 83 per cent (55.66 million workers) of the total employed labour force (67.24 million). This percentage could rise further if one takes into account informal employment – a job-based concept that also includes informal work within the formal sector.

Table 15. Workers in the informal and unregulated sectors (2012–21)

	2012–13	2013–14	2014–15	2017–18	2018–19	2020–21
Total population (millions)	181.72	186.19	189.19	206.64	214.49	222.40
Population above 10 years of age (millions)	130.74	132.24	134.90	148	153.49	159.80
% of population above 10 years of age	72	71	71	71.58	71.56	71.85
Labour force (millions)	59.74	60.097	61.04	65.5	68.75	71.75
Labour force participation rate (%)	45.70	45.45	45.22	44.26	44.79	44.90
No. of employed (millions)	56.01	56.52	57.42	61.71	64.03	67.24
Unemployment rate (%)	6.24	5.96	5.94	5.79	6.86	6.29
No. employed in agriculture (millions)	24.48	24.57	24.27	23.76	25.07	25.18
% of total employed working in agriculture	43.71	43.48	42.27	38.49	39.16	37.45
No. employed in non-agricultural sectors (millions)	31.53	31.94	33.15	37.96	38.96	42.06
No. of non-agricultural workers in the informal sector (millions)	23.21	23.51	24.06	27.33	28.19	30.48
% of non-agricultural workers employed in the informal sector	73.60	73.60	72.57	72	72.37	72.48
No. of unregulated workers¹ (millions)	47.69	48.08	48.33	51.09	53.27	55.66

¹ "Unregulated workers" include agricultural workers and non-agricultural workers who are working in the informal sector.

Source: LFS 2013; 2014; 2015; 2018; 2019; 2021.

5.6.2. Vulnerable employment

Around 56 per cent of overall employment is considered to be “vulnerable employment” (comprising own-account and contributing family workers). Vulnerable workers are less likely to have formal work arrangements, which can lead to a lack of decent working conditions, a lack of adequate social security and a lack of representation by trade unions and similar organizations. Vulnerable employment generally encompasses inadequate earnings, low productivity and difficult conditions of work.

Vulnerable employment has been hovering around 60 per cent for more than a decade. A gender gap is also witnessed in vulnerable employment’s sub-components. Among those in vulnerable employment, males are more likely to be in 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 rural areas, which indicates a high proportion of underemployed agriculture sector workers. At the sectoral level, the own-account workers are found equally in the agriculture and services sectors, while contributing family workers are mostly found in the agriculture sector.

The combined share of own-account workers and contributing family workers is a valuable and reasonable proxy to measure vulnerability; however, it is an imperfect proxy since not all own-account workers and contributing family workers might be in a situation of precariousness. Moreover, 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 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. These kinds of vulnerable workers (casual paid employees and workers paid by piece rate) are found most commonly in the construction sector (95 per cent of workers), followed by the agriculture sector (82 per cent of workers) and the manufacturing sector (43 per cent of workers) (table 16).

Table 16. Employees 15-years of age and above by employment status and sector, 2020–21 (%)

Sector	Regular paid employees	Casual paid employees	Paid worker by piece rate	Paid non-family apprentice	Total
Agriculture	17.51	55.46	27.02	–	100.00
Manufacturing	55.64	17.88	25.52	0.96	100.00
Construction	4.74	88.51	6.68	0.07	100.00
Wholesale and retail trade	77.68	15.52	5.52	1.29	100.00
Transport and communication	75.14	18.69	6.13	0.05	100.00
Community, social and personal services	93.22	5.08	1.49	0.20	100.00
Others	93.91	4.56	1.53	–	100.00

– = nil.

Source: LFS 2021.

5.6.3. Excessive hours of work

Another way to look at vulnerable employment is to analyse workers engaged in excessive hours of work (table 17). Engaging in excessive hours of work (49 hours or more per week) is an indicator of exposure to overwork, that is, work that exceeds the threshold beyond which negative effects on workers become visible — not only on workers' health, but also on their safety (due to increasing injury hazard rates) and on work-life balance. Nearly 42 per cent of the employed labour force engages in excessive hours of work, with the ratio being higher in urban areas (51 per cent) and among male workers (51 per cent). It must, however, be noted here that the ratio is the highest for employers (71 per cent), followed by own-account workers (55 per cent) and then employees (42 per cent).

Table 17. Share of workers engaged in excessive hours of work, 2012–21 (%)

	2012–13	2013–14	2014–15	2017–18	2018–19	2020–21
Total workers	37.93	41.05	40.79	40.08	39.94	41.82
Place of residence						
Rural	33.32	36.81	35.75	35.82	35.02	37.59
Urban	48.60	50.56	52.21	48.34	49.96	50.78
Sex						
Male	46.22	50.29	50.01	48.50	49.54	51.42
Female	9.08	10.76	10.31	10.09	7.75	9.33
Employment status						
Employer	63.58	64.38	66.47	66.51	65.14	70.62
Own-account workers	52.17	54.06	53.18	51.28	51.93	54.50
Unpaid family workers	18.33	22.95	22.35	20.69	20.20	18.30
Employees	38.11	39.99	39.65	39.83	39.60	41.94

Source: LFS 2013; 2014; 2015; 2018; 2019; 2021.

5.6.4. Minimum wage

Minimum wages are set by governments to ensure that workers' basic needs are met through their employment. In this way, minimum wages also act as a social protection tool. The Labour Force Survey (LFS) 2021 indicates that 48 per cent of employees (13 million of the country's 28 million wage and salaried employees) receive less than the minimum wage (17,500 rupees per month). The percentage of employees receiving less than the applicable minimum wage was 45 per cent for male workers and 66 per cent for female workers. Those receiving lower than the minimum wage accounted for 37 per cent of employees in urban areas and 56 per cent of employees in rural areas.

5.6.5. Child workers

Of Pakistan's total population of 222.40 million, 11.83 per cent (26.31 million) are children aged between 10–14 years. The number of economically active children are 1.24 million, and thus the labour force participation rate for children aged 10–14 is 4.90 per cent (table 18). The majority of such children are working as contributing family workers; while a quarter are working as employees. These child workers are concentrated in elementary occupations and crafts. Sector-wise, child workers are most commonly found in agriculture, followed by manufacturing and wholesale and retail trade.

Table 18. Incidence of child workers

	2012-13	2013-14	2014-15	2017-18	2018-19	2020-21
Population of Pakistan (thousands)	181 720	186 190	189 190	206 640	214 490	222 400
No. of children aged 10-14 years (thousands)	23 240.54	23 699.46	24 809.94	25 665.49	26 592.70	26 312.97
% of population aged 10-14 years (%)	12.79	12.73	13.11	12.42	12.40	11.83
No. of child workers (thousands)	2 649.53	2 522.51	2 142.65	1 915.59	1 720.76	1 239.93
Labor force participation rate among children aged 10-14 (%)	11.40	10.64	8.64	8.23	7.30	4.90
No. of child workers engaged in hazardous work (10-14 years) (thousands)	642.95	667.19	603.78	1 768.64	1 573.01	1 037.17
% of children in hazardous work (as a percentage of child workers)	24.27	26.45	28.18	92.33	91.41	83.65
% of children in hazardous work ¹ (as a percentage of children aged 10-14 years)	2.77	2.82	2.43	6.89	5.92	3.94

¹ Data on hazardous work by children is not available, and therefore this measure uses a proxy measurement of working hours in excess of 42 hours per week.

Source: LFS 2013; 2014; 2015; 2018; 2019; 2021.

The Labour Force Survey (LFS) enquires only about the labour force participation of children aged 10 years and above. Therefore, no data is available on the 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, a proxy definition of working hours in excess of 42 hours per week for child workers (ages 10–14) has been used here. Data indicates that in 2020–21, of the 1.24 million employed children (ages 10–14 years) in Pakistan, 1.04 million were involved in hazardous work (working for longer than 42 hours). The incidence of hazardous child work among children aged 10–14 years is 3.94 per cent. The table indicates that the labour force participation rate of children has declined from 11.40 per cent (2013) to 4.90 per cent (2021). However, the percentage of children in hazardous occupations peaked in the middle of this period at 6.89 per cent in 2018, before dropping to 3.94 per cent in 2021 – which is still higher than the 2.77 per cent recorded in 2012. This means that while children ages 10–14 are substantially less likely to be working than they were a decade ago, those who are working are much more likely to be employed in hazardous work – and by definition, the employment of children in hazardous work is considered one of the worst forms of child labour, which is illegal and represents a gross violation of children’s rights and well-being.

5.6.6. Child labour

Not all work done by children should be classified as child labour that is to be targeted for elimination. The participation of children or adolescents above the minimum age for admission to employment in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as something positive. The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:

- ▶ **is mentally, physically, socially or morally dangerous and harmful to children;** and/or
- ▶ **interferes with their schooling** by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work (ILO, n.d.-b).

For this study, we have calculated child labour statistics using the ILO Global Estimation Methodology.²² Following this methodology, LFS data indicates that millions of children in Pakistan are engaged in child labour. As noted above, the employment of children in hazardous work constitutes one of the worst forms of child labour.

According to the LFS 2021, 4.415 million children aged 10–17 years – or 11 per cent of all children in this age group – are in employment. Of these working children, 3.04 million – or 68.9 per cent – were determined to be in hazardous employment and therefore engaged in child labour. Of this 3.04 million, 1.23 million (40 per cent) are in the 10–14 years range, while the remaining 1.81 million are 15–17-year-olds. It should be noted here that the metric used for determining hazardous employment includes hours of work per week (>42 per week), sectors (mining and quarrying and construction) and a long list of occupations considered hazardous for children.

22 The Global Estimation Methodology uses the age bracket of 5–17 years to calculate child labour. Instead of merely focusing on working hours, it also considers the work of children in hazardous sectors and occupations. Considering that the Labour Force Survey in Pakistan collects employment data for those aged 10 years and above, we used the age bracket of 10–17 years to calculate child labour. For more information about the Global Estimation Methodology, see: ILO, [Methodology: Global Estimates of Child Labour 2012–2016](#), 2017.

Data further indicates that Punjab and Sindh are the hotbeds of child labour. Together, they account for 77 per cent of total child labour in the country. Boys account for more than three-fourth of all children engaged in child labour. Similarly, the data indicates that 81 per cent of child labour is found in rural areas.

5.6.7. Forced labour

Forced labour is defined 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” (ILO Convention No. 29, Article 2(1)). This definition has two basic elements: (i) the work or service is exacted under the menace of a penalty; and (ii) it is undertaken involuntarily. The “penalty” referred here may not be in the form of penal sanctions, but might take also the form of loss of rights or privileges. It can also come in the form of physical violence, psychological coercion as well as the retention of identity documents.

According to the US State Department’s Trafficking in Persons Report 2022, bonded labour is concentrated in Sindh and Punjab provinces (but also occurs in Balochistan and Khyber Pakhtunkhwa provinces) in agriculture and brick-making and, to a lesser extent, in fisheries, mining and carpet-making. Children are reported to be bought, sold, rented, or kidnapped

▶▶ Children are reported to be bought, sold, rented, or kidnapped and placed in organized begging rings, domestic servitude, small shops, brick kilns and sex trafficking.

and placed in organized begging rings, domestic servitude, small shops, brick kilns and sex trafficking. According to the report, the provincial police reported identifying 21,253 trafficking victims in 2021, compared with 32,022 trafficking victims in 2020 and 19,954 in 2019. These included 190 for sex trafficking and 536 for forced labour. For the remaining 20,527 victims, the form of exploitation was not specified.

Data from the Hari Welfare Association (2022) suggests that more than 10,000 bonded labourers were released through court orders during 2013–21 in Sindh. One-third of these freed bonded labourers were

children. While the number of released workers indicates the scope of the problem and its pervasiveness in agricultural Sindh, it also shows that courts are working to give necessary relief to these labourers. A point of concern, however, is that no convictions have been made under the Sindh Bonded Labour System Abolition Act 2015.

The US Department of Labour in its report 2020 List of Goods Produced by Child Labor or Forced Labor mentions the following goods being produced by child labour and forced labour in Pakistan:

- ▶ bricks, carpets and coal by both child and forced labour;
- ▶ cotton, wheat and sugarcane mainly by forced labour; and
- ▶ glass bangles, surgical instruments and leather by child labour.

An ILO working paper from early 2001 noted that an estimated more than 1 million bonded labourers were working in brick kilns and more than 1.8 million bonded sharecroppers were working in the agriculture sector (Ercelawn and Nauman 2001).

The Global Slavery Index (2023)²³, which measures modern slavery, estimated in 2023 the number of victims in Pakistan at 2.3 million – a significant drop from 3.19 million in 2018. The modern slavery statistics were estimated for Pakistan as 2.058 million in 2014 and 2.134 million in 2016. In terms of absolute numbers of victims, Pakistan is ranked fourth in the world (out of 160 countries), after India (11 million), China (5.8 million) and North Korea (2.7 million). Modern slavery refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, abuse of power or deception. It is an umbrella term that includes forced labour and forced marriages. The estimate of forced labour comprises forced labour in the private economy, state-imposed forced labour, and sexual exploitation of adults and all forms of commercial sexual exploitation involving children.²⁴

There can be reservations on how these figures were estimated; however, this also highlights the need for more effective and credible national/provincial statistical systems for data collection and analysis related to forced/bonded labour, children's work and child labour. The current labour force survey does measure some dimensions of bondedness, but no standalone bonded labour survey has been conducted in the country, even though this has been recommended by the ILO Committee of Experts on Application of Conventions and Recommendations (CEACR). The MOPHRD (in 2016) had recommended some reforms in the LFS questionnaire, proposing questions to measure bondedness in employment relations, but no progress has been seen in this regard.

5.6.8. Youth unemployment rate

The youth unemployment rate reflects youth (ages 15–29 years) who are not working but who are available to work and are seeking employment. Due to lack of prior work experience, youth unemployment rates are generally higher than the general unemployment rate. While the overall youth unemployment rate is 10.3 per cent, the male youth unemployment rate is 8.7 per cent while the female youth unemployment rate is 15.1 per cent.

5.6.9. Youth NEET rate

Youth not in employment, education or training (NEET) is a measure of youth (ages 15–24 years) who are outside the educational system, not in training and not in employment. It is a much broader measure of potential youth labour market entrants than youth unemployment. NEETs include youth who have given up on finding employment as well as those who are economically inactive due to disability or engagement in household chores, among other reasons.

The current NEET rate is 34.6 per cent – 13.6 per cent for males and 56.4 per cent for females. The high NEET rate indicates a large number of discouraged youth workers, as well as high numbers who do not have access to education or training. This lack of participation could also be due to severe disabilities or lack of transportation. The higher female NEET rate shows that female youths are engaged in household chores and other domestic duties. These activities can prevent female youth from going to school, thus placing them at risk of not gaining the skills they need to succeed in the labour market. Another independent estimate, based on the Labour Force Survey data from 2021, indicated that of the total youth population of 58.6 million (aged 15–29 years), 21.8 million were neither in education, training or any kind of employment. This translates into a NEET rate of 37%.²⁵

²³ <https://www.walkfree.org/global-slavery-index/downloads/>

²⁴ The Global Slavery Index's modern slavery statistics for Pakistan do not necessarily reflect the number of persons engaged in forced labour, as the high total for the country is partially the result of large numbers of child marriages, which the Global Slavery Index also considers a form of modern slavery.

²⁵ <https://gallup.com.pk/post/34213>

5.7. COVID-19 and the labour market in Pakistan

Like many other countries, Pakistan went into lockdown in March 2020 as the COVID-19 pandemic spread worldwide. This had a significant negative impact on the country's labour market.

A survey done by Pakistan Bureau of Statistics (2021) revealed the socio-economic impact of COVID-19. Before the start of COVID-19, the labour force was recorded at 55.74 million, or 35 per cent of all persons aged 10 years and above. When the COVID lockdown came into effect in March 2020 the closure of nearly all economic activities led to a 35.04 million being put out of work, representing a 62.8 per cent decline in the labour force. Sindh was the most affected province, with its working population reduced to 23 per cent during the period of COVID-19 (April-July) where previously it was at 38 per cent. Punjab was the second most affected province with a decline of 14 per cent in its working population, followed by Balochistan with a decline of 11 per cent. However, after July 2020, the labour market began to recover, with the active labour force back up to 52.56 million – or 94.2 per cent of what it had been just prior to the pandemic.

During the pandemic, 49 per cent of Pakistan's working population experienced job loss and/or decrease in income, including 58 per cent of workers living in urban areas and 43 per cent of workers in rural areas. Of the 27.31 million who suffered job loss and/or decrease in income, 20.6 million lost their jobs/could not work due to the lockdown, while 6.7 million experienced a reduction in income.



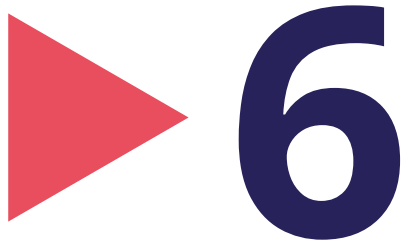
The V-shaped recovery of the labour market can be attributed to the Rozgar programme of the State Bank of Pakistan and the Ehsaas Emergency Cash Programme of the Government. To combat the impact of COVID-19 and to help businesses pay wages and salaries to their workers and employees, and therefore support continued employment during the pandemic, the State Bank introduced a temporary refinance scheme in April. The Rozgar programme aimed to prevent layoffs by financing the wages and salaries of employees (permanent, contractual and daily wagers, as well as outsourced workers) for six months (April–September 2020) for all kind of businesses except government entities, public sector enterprises, autonomous bodies and deposit-taking financial institutions. This has been the most popular refinance scheme of the State Bank, and it helped to prevent the layoff of 1,848,945 employees in 3,331 businesses till the end of September 2020. Out of these employees, 313,599 were working for 1,512 small- and medium-sized enterprises (SMEs) or small corporations.

The Government expanded its Ehsaas Emergency Cash Programme from July to December 2020 to cover people impacted by COVID-19. Ehsaas is a welfare assistance programme that was introduced in 2019²⁶, and this expansion saw the introduction of a new category of Ehsaas beneficiaries – Category IV, which consisted of those who had lost their job/livelihood as a result of COVID-19. To receive assistance from the Ehsaas Emergency Cash Programme as a Category IV recipient, affected individuals had to apply through a web-based portal hosted on the Prime Minister's website. Successful applicants would receive Ehsaas Emergency Cash assistance, which was funded jointly by the Prime Minister's COVID relief fund and Ehsaas. The Prime Minister authorized Ehsaas Emergency Cash for all those who were declared eligible under Category IV, rather than mandating population shares/quotas, in order to accommodate the maximum number of deserving individuals. The Government served a total of 1,181,716 beneficiaries with a total cash disbursement of 14,180.59 million rupees. Sindh had the highest cash disbursement amount (6,423.876 million rupees), the most beneficiaries (520,068) and the highest amount of cash withdrawal (6,245.148 million rupees) under the Ehsaas Emergency Cash Programme; while Punjab had the second highest numbers for cash disbursement (5,424.708 million rupees), beneficiaries (400,900) and cash withdrawal (4,810.800 million rupees).

26 Ehsaas was started by the previous Government (July 2018 – March 2022) by renaming and expanding of the Benazir Income Support Program (BISP), initiated in 2010. With the change in Government in April 2022, the emergency cash program was again renamed as BISP Emergency Cash. For more information, see: https://www.pass.gov.pk/ecs/uct_cat4.html.



▶ 6



Pakistan's compliance with fundamental labour standards

6.1. Freedom of association

The right to freedom of association is considered a social, economic and political right of all persons. The principle of freedom of association is not only enshrined in the Universal Declaration of Human Rights,²⁷ the International Covenant on Civil and Political Rights,²⁸ and the International Covenant on Economic, Social and Cultural Rights,²⁹ but also in the ILO Constitution (1919),³⁰ the ILO's Philadelphia Declaration (1944),³¹ the ILO Declaration on Fundamental Principles and Rights at Work (1998),³² and the ILO Declaration on Social Justice for a Fair Globalization (2008)³³. 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.

The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Pakistan in 1951, requires that workers have the right to establish and join organizations of their own choice without previous authorization. They must be free to draw up their constitutions and rules, elect their representatives in full freedom, organize their administration and activities, and formulate their programmes. The Convention further contains provisions through which the State should take all necessary and appropriate measures to

27 Universal Declaration on Human Rights, Article 20.

28 International Covenant on Civil and Political Rights, Article 22.

29 International Covenant on Economic, Social and Cultural Rights, Article 8.

30 ILO Constitution, Preamble.

31 ILO Philadelphia Declaration, Article 1(b).

32 ILO Declaration on Fundamental Principles and Rights at Work (1998), Article 2(a).

33 ILO Declaration on Social Justice for a Fair Globalization (2008), Article A(iv).

Table 19. Statutory provisions on freedom of association

Law/legal instrument	Legislative provisions and institutional arrangements
Constitution of the Islamic Republic of Pakistan, 1973	<p>Article 17 on 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.</p> <p>Article 38 on 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</p>
Applicable to private sector workers	
<ol style="list-style-type: none"> 1. Industrial Relations Act 2012 (federal law) 2. Khyber Pakhtunkhwa Industrial Relations Act 2010 3. Punjab Industrial Relations Act 2010 4. Balochistan Industrial Relations Act 2022 5. Sindh Industrial Relations Act 2013 6. Azad Jammu and Kashmir Industrial Relations Act 2017 	<p>Section 1(3) details 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 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 the Registrar of Trade Unions (provincial level) and the National Industrial Relations Commission (federal level).</p> <p><i>*Section 17 under the provincial Industrial Relations Acts refers to unfair labour practices on the part of employers.</i></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 the 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 the Registrar of Co-operative Societies.</p>

Law/legal instrument	Legislative provisions and institutional arrangements
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 the Directorate-General of Trade Organisations.</p>
Sindh Industrial Relations Act 2013 Balochistan Industrial Relations Act 2010	<p>Section 1(3). It shall apply to all persons employed in any establishment or industry, including fishing and agriculture.</p> <p>Institutional framework exists in the form of the Registrar of Trade Unions.</p>
Cases of interest	
Sindh Industrial Relations Act 2013 (SIRA) Balochistan Industrial Relations Act 2010 (BIRA)	<p>The SIRA and BIRA (now replaced with 2022 law) were the first laws in the history of the country that allowed agriculture and fishery workers to form and join unions. Sindh was the first province to recognize women and men in the agriculture and fisheries sector as workers under law and 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 of Trade Unions, Karachi, under the provisions of this Act. The trade union currently has 800 members. Other than the SAFWU, Sindh has registered three other unions of agriculture workers.</p>
Balochistan Industrial Relations Act 2022 (BIRA)	<p>Section 1(6) and Schedule: BIRA is the first industrial relations legislation in Pakistan that has tried to limit exclusions from the industrial relations legislation to "Police, Levies or any of the Defense Services of Pakistan". However, it also excludes "any services or installations exclusively connected with or incidental to armed forces of Pakistan and essential services". These terms are vague and can be interpreted expansively. Moreover, the list of essential services includes sanitation, railways and dry ports as well.</p>
Punjab Industrial Relations Act 2010 (PIRA)	<p>The first "domestic workers union" registered in early 2015 with the office of the Registrar Trade of Unions, Lahore, under the provisions of the PIRA. The trade union, at the time of registration, had 235 members, 225 of whom were female domestic workers. By October 2015, the number of members had increased to 1,200, with a high percentage being female domestic workers.</p>
The Balochistan Essential Education Services Act 2019	<p>Declaration of Essential Service and prohibition of Strike, lockout and other illegal acts.</p> <p>Section 3. (1) The Government may, by notification in the official Gazette, declare any Education Service to be an Essential Service under this Act, for such period as it may deem fit in the best interest of Education and Public.</p>

Law/legal instrument	Legislative provisions and institutional arrangements
	(2) No member of the Education service shall be allowed to go or attend to go, call or attend to call, participate or attempt to participate, instigate or attempt to instigate for a strike or lockout or any illegal act.
Azad Jammu and Kashmir Essential Services (Maintenance) Act 2016	<p>Section 3. Employment to which this Act applies – (1) The Employment, department or any force which force is performing the basic humanitarian and public services, shall be deemed to be the Essential Service under this Act.</p> <p>(2) Without prejudice to the generality of sub-section (1) following shall be the basic Essential Services:</p> <ul style="list-style-type: none"> (i) Divisional and District Administration of Management and Revenue Departments. (ii) Police force and agencies under the Home Department. (iii) Power Generation and Electricity distribution department. (iv) Health and Preventive healthcare including Primary and Secondary Health Services. (v) Public Health Engineering. (vi) State Disaster Management Authority and Rescue Services. (vii) Local Council Service under Local Government and Rural Development Department.
The Special Economic Zones Act 2016	Section 30. Labour laws. – All labour and employment laws of Pakistan shall be applicable to SEZ in the same manner as they are to all territories within Pakistan.
The Sindh Women Agricultural Workers Act 2019	Section 10. Association of women agricultural workers – A woman agricultural worker shall have right to form a union or association or to associate herself with an association or group for the purposes of collective bargaining, social welfare including child health, community development, economic profit, and for accessing publicly supplied goods and services.
The Sindh Home-Based Workers Act 2018	<p>Section 5. Social benefits and grants – Every registered home-based worker shall be entitled to all those social, medical and maternity benefits, compensations and marriages and death grants available to a person falling with in the ambit of worker and workman envisaged in all Labour Laws including Sindh Industrial Relation Act 2013 and Sindh Terms of Employment (Standing Orders) Act 2016 and Sindh Workers Welfare Board:-</p> <ul style="list-style-type: none"> (1) Survey the place of work of home-based workers to identify and remove any hazardous conditions; (2) To discourage child labour in home-based working. (3) Establish a health counter in each district and arrange mobile health counters providing health facilities to home-based workers at their doorstep by repeatedly visiting their workplaces.

ensure that workers and employers freely exercise the right to organize. Moreover, the State should refrain from any interference that would restrict these rights.

The **Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**, ratified by Pakistan in 1952, 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 against a worker by reason of union membership or because of participation in union activities outside of working hours or during 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.

Table 19 gives an overview of provisions ensuring freedom of association and the right to bargain collectively. It is evident from this overview that not only have industrial relations legislation been amended over time, but the scope of such legislation has also been expanded to sectors like agriculture, home-based work, and special economic zones.

A step towards achieving gender parity has been taken by fixing the number of women trade union officers/executives to be in the same proportion in which they are employed in the establishment. Such a provision has been added through section 6(2)(I) of the Punjab Industrial Relations Act 2010 and through section 3(i) of the Sindh Industrial Relations Act 2013.

The area of freedom of association has seen a few legislative improvements:

1. The Azad Jammu and Kashmir Industrial Relations Act was passed in 2017. It extended the right to form trade unions and collectively bargain to Azad Jammu and Kashmir, as was already provided in the rest of Pakistan.
2. In 2019, coverage of union rights was expanded to women agricultural workers in Sindh through the Sindh Women Agricultural Workers Act 2019.
3. Under the Special Economic Zones Act 2016, all labour laws have been expanded to workers engaged in SEZs. This translates to the right to freedom of association and collective bargaining being extended to SEZ labourers. Moreover, the Export Processing Zones Authority has removed the prohibition on strikes and has allowed the applicability of labour legislation in the EPZs. There is a caveat, however, that industrial relations legislation is still not applicable to the zones and the exemption granted from application of such legislation is still intact.³⁴

To ensure freedom of association and freedom to collectively bargain, hurdles in the registration of trade unions have been removed. Amendments have been made in the Punjab Industrial Relations Act 2010 (PIRA) to ensure effective and meaningful representation of women workers in the executive body of trade unions that cover workplaces where a certain number of women workers are ordinarily employed. Moreover, there are no restrictions on women workers employed in the agricultural sector forming or joining trade unions of their choice under the PIRA. At present, there are 1,376 registered trade unions in Punjab enjoying membership of around 274,930 industrial workers. Workers in the informal sector may also register trade unions under the PIRA, and domestic workers have already registered trade unions.

³⁴ Notification (No. 7(11)/2008-FAC) of the Ministry of Industries, dated 5 August 2021.

Under section 1(3) of the Sindh Industrial Relations Act 2013 (SIRA), workers employed in the fishing and agriculture sector have also been granted the right of trade unionism. Accordingly, these workers have the right to form trade unions, determine collective bargaining agents for the establishments they are working in, raise industrial disputes and raise individual grievances for redressal. However, owing to the typical socioeconomic conditions and widespread illiteracy, the number of trade unions that have applied for registration is minimal, and to date, only two unions of agriculture workers and three landlord associations have been registered by Registrar of Trade Unions. The Sindh Department of Labour is striving very hard to create awareness among agriculture workers to register their trade unions, and to this end a series of workshops was conducted in collaboration with ILO at Mirpurkhas, Sanghar and Shahdadpur, providing workers with awareness of their rights under the SIRA. A total of 250 male agriculture workers and 200 female agriculture workers attended the workshops.

Under the Khyber Pakhtunkhwa Industrial Relation Act 2010 (KPIRA), both male and female workers are entitled the right to freedom of association, peaceful assembly and collective bargaining. Rules under KPIRA have been framed.

Unionization in Balochistan has been adversely affected due to the trans-provincial provision in the national Industrial Relations Act 2012 (IRA). Employers in Balochistan Province are misusing the provisions from the IRA 2012 on trans-provincial trade unions by opening a sham

It is important that the ICT should have an Industrial Relations Act of its own so that not only can appellate forums for the ICT Payment of Wages Authority be created, but at the same time, the ICT Labour Department should also be empowered to register ICT-based unions.

sub-office of the company in some other province and thereby exempting themselves from the provisions of Balochistan industrial relations legislation. The trade union of a trans-provincial enterprise is registered with the National Industrial Relations Commission, instead of the trade union registrar of the province. This has led to a fall in the number of provincial unions. The workers organizations in the 9th Provincial Tripartite Consultation Committee meeting requested the Labour Department to extend a plea to Federal Government for an appropriate amendment to the IRA for survival of unionism at the provincial level. But in a major development, the Balochistan Industrial Relations Act 2022 was passed in June 2022, and the new law allows for freedom of association and the right to collective bargaining at essentially all workplaces except "Police, Levies or any of

the Defense Services of Pakistan or any services or installations exclusively connected with or incidental to armed forces of Pakistan and essential services". Currently 343 trade unions are registered in Balochistan, and there are 45 collective bargaining agents.

The National Industrial Relations Commission, in its decisions from August 2022, has fully endorsed the proposal of having a reasonable number of employees based in other provinces while registering a trans-provincial union. The decision provides clarification on the meaning of the term 'branches' as mentioned in the definition of trans-provincial establishment in Section-2 of IRA 2012. The bench emphasized the need to avoid a liberal interpretation of the term 'branch'.³⁵ This decision can have a wider impact and can be used against trade union busting techniques employed in the name of trans-provincial establishments.

35 NIRC Order in CMA No. 24(22)/2022, 24(23)/2022, & 24(24)/2022 dated 22.08.2022

Similarly, the registration of Islamabad Capital Territory (ICT)-based unions falls within the domain of National Industrial Relations Commission under the IRA. It is important that the ICT should have an Industrial Relations Act of its own so that not only can appellate forums for the ICT Payment of Wages Authority be created, but at the same time, the ICT Labour Department should also be empowered to register ICT-based unions. Similarly, a standalone industrial relations legislation for the ICT is needed to create a Labour Court for individual and collective disputes of workers in the ICT.

6.1.1. CEACR Observation on freedom of association and the progress achieved

In the pages below, the report explores the ILO Committee of Experts on Application of Conventions and Recommendations (CEACR) 2018 Observation concerning Pakistan's compliance with Convention No. 87.³⁶ The text below supplies CEACR comments on current regulations, the response of the Government of Pakistan, updates on the progress achieved, and additional recommendations based on the CEACR Observation.

A. Has the number of excluded categories of workers (who do not come under the jurisdiction of the IRAs) changed after the grant of GSP+?

Since 2012, CEACR has in its published Observations addressed the non-compliance of federal and provincial Industrial Relations Acts with the provisions of Convention No. 87. In its 2018 Observation, the CEACR notes that the federal and provincial governments must take the necessary measures to afford legislative guarantees of freedom of association to currently excluded categories of employees. The Committee also requested legislative and other information about associations of public officials and state-owned enterprises and as to how these workers benefit from the rights enshrined in Convention No. 87.

Section 1(3) of the IRA excludes the following categories of workers from its scope of application:

- ▶ workers employed in services or installations exclusively connected with the armed forces of Pakistan, including the Ordnance Factory maintained by the Federal Government;
- ▶ workers employed in the administration of the State other than those employed as workmen;
- ▶ members of the security staff of the Pakistan International Airlines Corporation (PIAC), or drawing wages in a pay group not lower than Group V in the PIAC establishment;
- ▶ workers employed by the Pakistan Security Printing Corporation or Security Papers Limited;
- ▶ workers employed by an establishment or institution for the treatment or care of sick, infirm, destitute and mentally unfit persons, excluding those run on a commercial basis; and
- ▶ workers of charitable organizations.

Section 1 of the Khyber-Pakhtoonkhwa Industrial Relations Act 2010 (KPIRA), and the Punjab Industrial Relations Act 2010 (PIRA), further excludes:

³⁶ CEACR, [Observation – Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\) – Pakistan](#), adopted 2018, published 108th session, International Labour Conference, 2019.

- i. workers employed in services or installations exclusively connected with or incidental to the armed forces of Pakistan, including the Ordnance Factory maintained by the Federal Government;
- ii. members of the watch and ward, security or fire service staff of an oil refinery or an airport (and seaports in Balochistan and Khyber Pakhtunkhwa);
- iii. members of the security or fire service staff of an establishment engaged in the production, transmission or distribution of natural gas or liquefied petroleum gas;
- iv. persons employed in the administration of the State except those employed as workmen by the railway and Pakistan Post; and
- v. (in Punjab and Khyber Pakhtunkhwa) persons employed in an establishment or institution providing education or emergency services excluding those run on a commercial basis.

The Sindh Industrial Relations Act 2013 (SIRA) also excludes all five of the abovementioned categories of workers, except for the members of the watch and ward, security staff or fire service staff of a seaport (section 1). Other than the above, the definition of a “worker” or a “workman” in the IRA 2012 and all the provincial industrial relations laws excludes those employed “mainly in managerial or administrative capacity” and hence deprives them of the right to unionise and bargain collectively.

Government’s response

The following is a summary of the Government of Pakistan's response to the CEACR³⁷, and is presented from the vantage point of the Government.

The various IRAs are usually criticized for having long lists of exclusions, however these exclusions are based on the peculiar nature of the organizations and their functioning. Compared with previous Industrial Relations Ordinance 2002 and Industrial Relations Act 2008, the list of exclusions (where workers from specific organizations are not allowed to form and join unions) was reduced considerably in the IRA 2012. Other than security institutions and installations exclusively connected with the Armed Forces of Pakistan, the IRA 2012 excludes institutions 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 Government’s view has been that the rationale behind excluding these institutions from trade union activities is that industrial action (strikes, go-slows, and so on) 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 do have the right to form associations and to 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 such as the Young Doctors Association, the Pakistan Paramedical Staff Association, and the All-Pakistan Lady Health Workers Employees Association³⁸, which are working for protection of their members’ rights. In print media, the Pakistan Federal Union of Journalists and the All Pakistan Akhbar Farosh Federation are also well-known examples.

37 The “Government response” sections throughout this report are a combination of information from Government reports on ratified Conventions and discussions held by the author with the officials at Ministry of Overseas Pakistanis and Human Resource Development.

38 Pakistan has more than 100,000 “lady health workers”. In line with the Supreme Court directions, the Government regularized the services of these lady health workers and they have been salaried employees since 2013.

The public educational sector also has many associations as well as trade unions despite the apparent prohibition. These include the notable case of the 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 more famous teachers' associations include Mutahida Mahaz Asatza (national), Tanzeem-e-Asatza (national) and Primary Teachers Associations (provincial).

Similarly, public sector workers are not prohibited from forming associations, as the law allows for occupational associations (albeit confined to a distinct class of government servants) under the Government Servants (Conduct) Rules, 1964 (section 28). Similar conduct rules for civil servants are found at the provincial level under their respective Civil Servants Acts. These are the Balochistan Government Servants (Conduct) Rules, 1979 (section 30); the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 (section 32); the Punjab Government Servants (Conduct) Rules, 1966; and the Sindh Civil Servants (Conduct) Rules, 2008 (section 31).

The All-Pakistan Clerks Association (APCA) is a notable example of association of persons engaged in the public sector at the lower grades (BPS 1–16).³⁹ Similarly, the self-employed (including domestic and home-based workers) can form associations as guaranteed under article 17 of the Constitution. Under the Sindh Home-Based Workers Act 2018, the provisions of the Sindh Industrial Relations Act 2013 – including the right to form trade unions – were extended to all home-based workers. Furthermore, Sindh and Balochistan have allowed the formation of trade unions in the agriculture and fisheries sectors through amendments to their IRAs. Two trade unions and one federation of home-based workers have also been registered in Sindh.

Has there been any progress?

Sindh's IRA already allows agriculture and fisheries workers to form and join unions. Balochistan's IRA was amended in 2015 allowing workers in the agriculture and fisheries sectors to form and join unions. Punjab has amended its IRA removing the 50-employee condition for registration of trade union in an enterprise. From January 2016 onward, no changes have occurred in legislation whereby exclusions were removed. The CEACR Observation from 2018 are still valid. The Balochistan Industrial Relations Act 2022, enacted in June 2022, reduces exclusions to the "police and armed forces or any services or installations exclusively connected with or incidental to armed forces of Pakistan and essential services". While this is an improvement, the words "incidental to" can be interpreted widely and exclusions can be expanded much beyond what was the intent of legislators. The schedule under the BIRA 2022 uses an extended definition of essential services which is not in line with the views of the ILO CEACR.

Recommended legislative reforms

As recommended by the CEACR, the federal and provincial governments must take the measures necessary to ensure that legislation guarantees that currently excluded categories of employees – except for the armed forces and the police – have the right to establish and join organizations of their own choosing to further and defend their social, economic and occupational interests. Section 1(3) of the federal IRA and the four provincial IRAs need amendment.

³⁹ In March 2021, the APCA was able to win a 25 per cent increase in basic wages, termed as a Disparity Reduction Allowance. The new allowance is applicable to civil employees of the Federal Government (BS 1-19) who have ever been allowed additional allowances.

B. Have the definitions of “worker” and “employer” been amended to allow workers the right to form and join unions?

Under the currently applicable legislation at the federal and provincial levels, an employer may require a worker to cease their membership in a trade union or cease being an officer in a trade union upon their promotion or appointment to a managerial position (section 31(2) of the IRA and section 17(2) of the BIRA, KPIRA, PIRA and SIRA). The CEACR view is that senior managerial staff can be denied the right to join the same organizations as other workers; however, senior managerial staff must have the right to form their own organizations to defend their interests.

The CEACR has also commented on the definitions of “worker” and “employer”, as contained in section 2 of the IRA, BIRA, KPIRA, PIRA and SIRA. The Committee is of the view that the categories of staff disqualified from participation in workers’ trade unions may be too broadly defined by the current narrow definition of “worker” and expansive definition of “employer”. The definition of “worker” also expressly excludes any person who is employed mainly in a managerial or administrative capacity.

Government’s response

The following is a summary of the Government of Pakistan’s response to the CEACR, and is presented from the vantage point of the Government.

The federal and provincial IRAs specify that supervisors and apprentices are also treated as workmen and have the right to form and join organizations. The IRAs also consider any person responsible for the management, supervision and control of an establishment as an employer. Thus, managerial employees have all the rights of association that are granted to employers under the laws. The IRA clearly stipulate that “employers may establish and, subject to the rules of the organization, may join associations of their own choice without previous authorization” (section 3(b)). Similarly, they are allowed to establish and join federations and confederations, and any such organization, federation or confederation may affiliate itself 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.

Has there been there any progress?

There have been no legislative reforms of the IRAs since 2016 except in Balochistan. The Balochistan Industrial Relations Act 2022 amends the definition of worker and allows workers in managerial or administrative capacity to form and join workers’ trade unions (Section 2(ii)). Recommended legislative reforms

As recommended by the CEACR, the federal and provincial IRAs must be revised to allow senior managerial workers to establish and join organizations that can appropriately defend their occupational interests. The Government is further asked to “review the application of the legislation with the social partners, with a view to ensuring, including through legislative means, that workers’ organizations are not deprived of a substantial proportion of their actual or potential membership due to the current legal definitions of ‘workmen’ and ‘employers’” (as per section 2 of the federal and provincial IRAs).

C. Have the federal and provincial governments amended legislation allowing a part-time worker to be a member of more than one trade union?

The CEACR has recommended that amendments be made to section 3(a) of the IRA, SIRA and BIRA; to section 3(i) of the KPIRA; and to section 3(ii) of the PIRA. These sections currently state that no worker shall be entitled to be a member of more than one trade union. The CEACR recommends altering these provisions so as to ensure that workers in the public and private sectors who are engaged in more than one job are allowed to join the corresponding unions as full members, or at least, if they so wish, to join at the same time trade unions at the enterprise, branch and national levels.

Government's response

The following is a summary of the Government of Pakistan's response to the CEACR, and is presented from the vantage point of the Government.

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 the determination of the 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 a restriction on double employment of a worker under Factories Act 1934, and therefore a worker is not usually allowed to engage in employment at two different workplaces and thus cannot become a member of more than one trade union. The Factories Rules authorize an Inspector to permit the employment of an adult worker in more than one factory on the same day if the Inspector 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 numbers 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 that 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.

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. The provincial governments have further explained that the restriction on becoming a member of more than one trade union is applicable to a specific workplace only. If a worker is engaged in work at multiple workplaces, they can become a member of more than one trade union depending on the number of jobs they are engaged in. Form-C of the Provincial

Industrial Relations Rules, in all provinces requires a declaration from the trade union member stating the following: "I do hereby declare that I am not a member of any other trade union in the establishment/group of establishments/industry (as the case may be) to which the trade union relates."

Hence, it is evident that the prohibition on union membership in more than one trade union is applicable only at the enterprise level. If a worker is working in more than one enterprise, no such restriction is applicable to such a worker. Both the federal and provincial industrial labour legislation require that every third and subsequent union must have at least 20 per cent of the workers employed in the establishment as its members as a pre-condition for its registration. The Government has been contending that these provisions are included to avoid mushroom growth of ineffective trade unions, maintain the effectiveness of CBAs and promote healthy trade union activities. However, it has turned counterproductive, as it is allowing union-busting by employers through the 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 small as seven workers), the third union has to have 20 per cent of workers in an enterprise as its members. In large enterprises, the 20 per cent-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 requirements 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 right to freedom of association. Law can require a minimum membership number; 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 the enterprise (thus the use of percentages instead of numbers is preferable).

Has there been any progress?

The Balochistan Industrial Relations Act was enacted in June 2022, and it adds a provision on membership of one trade union at any one time and at a specific workplace. It allows part-time workers to become members of more than one trade union if their work involves working at different enterprises.

Recommended legislative reform

As recommended by the CEACR, federal and provincial legislation must be amended so as to guarantee that workers who are engaged in more than one job are allowed to join the corresponding union of their choice, that is, more than one union. Moreover, workers must be able, on their wish, to join trade unions at the national and branch level. Section 3(a) of the IRA and SIRA, section 3(i) of the KPIRA and section 3(ii) of the PIRA should be amended in order to ensure compliance with the CEACR recommendation.

D. Has the law changed to allow a minority union (non-CBA) to represent its members, check-off facilities and represent its members in any proceedings?

The CEACR has observed certain rights (especially the right to represent workers in any proceedings and to check-off facilities) are granted only to collective bargaining agents (CBAs) that are the most representative unions at a workplace. The Committee's view is that the distinction between most representative and minority unions should be limited to the recognition of certain preferential rights; the distinction should not deprive the minority unions (which are not the

most representative) of the essential means of defending the occupational interests of their members (for instance, making representations on their behalf, including representing them in case of individual grievances), of organizing their administration and activities, and formulating their programmes (including giving notice of and declaring a strike).

Has there been any progress?

As explained above, there has been no legislative reform of the IRAs since 2016 at the federal or provincial level. The Government did inform the CEACR that the provincial governments shall consider the observations in Provincial Tripartite Consultative Committees (PTCCs) and the CEACR would be informed of any progress made. Though BIRA 2022 was enacted in June 2022, it retains the above referred provisions.

Recommended legislative reform

As recommended by the CEACR, federal and provincial legislation must be amended so as to ensure that minority unions are able to protect the interests of their workers and have access to check-off facilities.

The following sections of the federal and provincial industrial relations legislation need to be amended:

- ▶ IRA – sections 20(b) and (c), 22, 33, 35 and 65(1);
- ▶ BIRA – sections 24(13)(b) and (c), 34, 43, 45 and 63(1);
- ▶ KPIRA – sections 24(13)(b) and (c), 28, 37, 38 and 64(1);
- ▶ PIRA – sections 24(20)(b) and (c), 27, 33, 34 and 60(1); and
- ▶ SIRA – sections 24(20)(b) and (c), 27, 34, 35 and 61(1).

E. Have the federal and provincial governments amended the legislation that currently establishes excessively broad ineligibility criteria for becoming elected to or holding a trade union office?

The CEACR has repeatedly made Observations regarding broad ineligibility criteria for trade union office holders under industrial relations legislation in Pakistan, especially when such criteria include acts that have no real connection with the qualities of integrity required for the exercise of trade union office. Such criteria are incompatible with Convention No. 87. As noted by the CEACR, the IRA and the provincial legislation has many provisions disqualifying persons from being elected to or holding a trade union office on the following grounds:

- ▶ conviction or prison sentence for two years or more for offence involving moral turpitude under the Pakistan Penal Code 1860, unless a period of five years has elapsed after the completion of the sentence (section 18 of the IRA);
- ▶ conviction for contraventions to the Act (section 7 of the KPIRA);
- ▶ conviction for heinous offence under the Pakistan Penal Code (section 7 of the BIRA, KPIRA, PIRA and SIRA);
- ▶ violation of National Industrial Relations Commission (NIRC) or Labour Court order to stop a strike (section 44(10) of the IRA, section 64(7) of the BIRA, section 60(7) of the KPIRA, section 56(7) of the PIRA, and section 57(7) of the SIRA); and
- ▶ conviction for embezzlement or misappropriation of funds (sections 7 and 77 of the BIRA, sections 7 and 69 of the PIRA, and sections 7 and 70 of the SIRA).

Recommended legislative reform

As recommended by the CEACR, federal and provincial legislation must be amended so as to ensure that grounds for disqualification for holding a trade union office are more restrictive and have real connection with qualities of integrity required for the exercise of trade union office.

F. Have the federal and provincial governments amended the legislation allowing workers' organizations to organize their administration and formulate their programmes?

The CEACR has noted that section 5(d) of the IRA, section 15th of the BIRA and SIRA, and section 15(d) of the KPIRA and PIRA empower the registrar to inspect the accounts and records of a registered trade union, or to investigate or hold such inquiry into the affairs of a trade union as they deem fit. After considering the Government's response as has been communicated to the CEACR, the Committee is of the view that the relevant legislative provisions "as he deems fit" is excessively broad.

Recommended legislative reform

As recommended by the CEACR, federal and provincial legislation must be amended so as to explicitly limit the powers of financial supervision of the registrar to the obligation of submitting annual financial reports and to verification in cases of serious grounds for believing that the actions of an organization are contrary to its rules or the law or in cases of a complaint or call for an investigation of allegations of embezzlement from a significant number of workers.

G. Has the Federal Government adopted legislation on allowing fundamental rights at work to workers engaged in export processing zones?

The CEACR has been urging the Government to grant the right to organize to EPZ workers and to take the necessary steps for approval of the Export Processing Zones (Employment and Service Conditions) Rules 2009. The text of the Ministerial Notification (No. 7(11)/2008-FAC from 5 August 2021) indicates that the EPZs remain exempted from the application of the IRA, which regulates the formation of trade unions, the determination of collective bargaining agents and the relations between workers and employers.

The Export Processing Zones Authority Rules 2009 exempt the EPZs from provisions of important labour laws including the IRA. There are eight EPZs in Pakistan employing thousands of workers. These workers have no right to form and join unions, no right to bargain collectively and lack the right to strike. It is important to indicate here, however, that the Special Economic Zones Act 2016 requires applicability of all local labour and employment laws to SEZs as these are applicable to other territories of Pakistan (§30 of the Act and Rules 35 and 51). Pakistan may follow the Sri Lankan model here and require the applicability of the same labour laws inside and outside EPZs. The MOPHRD reviewed the draft Export Processing Zones (Employment and Service Conditions) Rules 2009 in November 2019, recommending some reforms. No corrective action has yet been taken by the Export Processing Zones Authority (EPZA).

Recommended legislative reform

As recommended by the CEACR, the Government may consider extending the application of the IRAs to EPZs, or to take any other necessary measures to ensure that EPZ workers can fully benefit from all the rights provided by Convention No. 87.

6.1.2. Go-slows

The concept of a “go-slow” is one of the preliminary forms of strike action and is justified under provisions of Conventions Nos 87 and 98. However, go-slows are considered as an unfair labour practice under the current federal and provincial industrial relations legislation. The Standing Orders Ordinance 1968 (and its provincial variants) consider go-slows 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 a “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-slows) 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 Conventions Nos 87 and 98. Go-slows (especially the part which leads to slowing down of normal output) need to be regulated properly instead of declaring it an unfair labour practice. Go-slows can be allowed for certain days and on the completion of such days, the trade union must either resort to a full strike or go back to their 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-slows (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 employers and economic activity. However, even in that case, it should not lead to summary dismissal.

The IRAs in Pakistan have been 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”.⁴⁰ To facilitate this amicable settlement of disputes, many forums have been established under the IRAs. These include the institutions of shop stewards, collective bargaining agents, joint management boards, worker participation in management (management committees) and works councils. There



⁴⁰ Preamble of all federal and provincial IRAs.

are also the judicial forums of the labour court and labour appellate tribunal. Management committees 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 IRAs. Similar provisions need to be incorporated in the IRA, KPIRA and BIRA. While nearly a decade has passed since the enactment of new industrial relations legislation at the provincial level, it would be relevant to collect data on the establishment of works council at the enterprise level. BIRA 2022 still retains the institutions of joint management boards, management committees and works councils.

Box 1:

Projects on Freedom of Association

The ILO project “Livelihood Restoration and Protection and Sustainable Empowerment of Vulnerable Peasant Communities in Sindh Province” aimed to ensure that *haris* – tenant farmers – were better equipped to access their rights as provided through the Sindh Industrial Relations Act 2013, including the ability to form unions. To this end, the project helped more than 2,400 *haris* acquire written lease agreements for their land for the first time, better solidifying their rights and paving the way for expanding those rights in the future. Owing to a lack of awareness on the Sindh Industrial Relations Act 2013 among *hari* farmers and their communities, awareness-raising was a major aspect of the project. In 2016, 70 *haris* and landless

farmer representatives in the district of Dadu underwent training on their rights under the Sindh Industrial Relations Act 2013. The seminar guided the participants on their right to form trade unions and to bargain collectively. The employers federation of Pakistan initiated the formation of the “Agricultural Employer Association” as per the Sindh Industrial Relations Act 2013.

A further notable achievement was the passage of the Sindh Women Agricultural Workers Act 2019, which provides women agricultural workers the right to form trade unions and to collectively bargain. The ILO project was deemed a success, as it brought human security to 11,800 families.

The Ministry of Human Rights, in collaboration with the United Nations Development Programme, has developed and launched the first National Action Plan on Business and Human Rights (2021–26)⁴¹, aimed at ensuring observance of Pakistan’s duty to protect against human rights abuses by third parties, including businesses, and at creating an environment conducive to fostering corporate respect for human rights (*Dawn* 2021). No actions have been proposed in the final National Action Plan on the promotion of trade union rights in the country except conducting a mapping exercise on national progress made on the trade union rights along with other fundamental rights at work.

The federal and provincial governments must take necessary measures To ensure compliance with the fundamental labour standards on freedom of association and the effective recognition of the right to collective bargaining. The reform measures suggested in section 6.1.3 below have already been agreed upon by the provinces under the National and Provincial Labour Protection Frameworks.

41 The full text of the National Action Plan is available at: https://globalnaps.org/wp-content/uploads/2018/04/pakistan-1st-national-action-plan-on-business-and-human-rights_september-2021.pdf.

6.1.3. Summary of recommended reforms

Proposed Reforms and Actions (based on CEACR Recommendations)

Other Legislative and Administrative Reforms

Legislative reforms


1. Curtail exclusions from industrial relations legislation to the level set by ILO Conventions Nos 87 and 98. (Balochistan has set a great example under its 2022 law by limiting exclusions, though it is still non-compliant with the ILO standards.)
2. Amend the definition of workers to include persons involved in intellectual/non-manual, clerical and other work.
3. Amend the IRA and the provincial IRAs with regard to the following:
 - a. formation of trade unions;
 - b. minimum membership criteria of 20 per cent for every third and subsequent union;
 - c. (permanent) disqualification from a trade union office because of conviction under the Pakistan Penal Code 1860.
4. Allow workers in the agriculture and fishing sectors to form and join unions in Punjab and Khyber Pakhtunkhwa.
5. Regulate go-slows instead of considering them to be an unfair labour practice (unless the go-slow means deterioration of the quality of the output produced).
6. Allow sectoral or general trade unions, especially in the informal sector.
7. Draft industrial relations rules under the provincial IRAs.

Administrative reforms/actions

1. Make the Registrar (Trade Unions) Office independent from the National Industrial Relations Commission (NIRC). The NIRC currently acts both as the Registrar of trade unions and as the appellate forum for the actions taken by the Registrar. These two functions need separation and independence. (This relates only to the Industrial Relations Act 2012.)
2. Promote collective bargaining by making the union registration and referendum holding processes easier. (Promotion of trade unionism must come first, as the trade union density must rise from current abysmally low rates)
3. Require the submission of annual returns by trade unions (detailing the trade union membership). Non-compliance should lead to cancellation of registration. Provincial as well as federal Registrars of Trade Unions should devise these annual return forms together in order to collect reliable data.
4. The MOPHRD should work with the Pakistan Bureau of Statistics to include trade union and collective bargaining-related questions in its upcoming labour force survey.
5. Arrange industrial relations training for the Registrar of Trade Unions, conciliators and labour inspectors.
6. Arrange orientation sessions for workers' and employers' organizations on industrial relations legislation and rights and responsibilities of both parties under the law.
7. Support the formulation of trade unions in the informal sector. (No notable steps taken to date other than the registration of a domestic workers union in Punjab, the Home-Based Women Workers Federation in Sindh, and agriculture sector trade unions in Sindh.)
8. Develop a manual/toolkit on registration of trade unions.
9. Ensure the establishment of a Works Council and/or Joint Management Board.

6.2. Equality of treatment and opportunity

Equality is fundamental to a productive and just society. The ILO Equal Remuneration Convention, 1951 (No. 100), ratified by Pakistan in 2001, stipulates that equal remuneration must be paid to men and women for 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.


...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 ILO Discrimination (Employment and Occupation) Convention, 1958 (No.111), ratified by Pakistan in 1961, 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 the terms and conditions of employment. The Convention defines discrimination as any distinction, exclusion or preference made on the basis of the above listed 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 Philadelphia Declaration, the 1998 ILO Declaration on Fundamental Principles and Rights at Work, the 2008 ILO Declaration on Social Justice for a Fair Globalization, the 2009 ILO Global Jobs Pact, and the 2019 Centenary Declaration. Equality of treatment and non-discrimination are also themes of the:

- ▶ International Convention on the Elimination of All Forms of Racial Discrimination (1965), which was ratified by Pakistan in 1966;
- ▶ International Covenant on Civil and Political Rights (1966), ratified in 2010;
- ▶ International Covenant on Economic, Social and Cultural Rights (1966), ratified in 2008;
- ▶ Convention on the Elimination of All Forms of Discrimination against Women (1979), ratified in 1996; and
- ▶ Convention on the Rights of Persons with Disabilities (2006), ratified in 2011.

Table 20. Statutory provisions on equality of treatment and opportunity

Law/legal instrument	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> <ul style="list-style-type: none"> (a) the regulation of any trade or profession by a licensing system; or (b) the regulation of trade, commerce or industry in the interest of free competition therein; or (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>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>

Law/legal instrument	Legislative provisions and institutional arrangements
Equality of treatment in the private sector	
West Pakistan Minimum Wages 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.
<p>1. Industrial Relations Act 2012 (IRA) 2. Khyber Pakhtunkhwa Industrial Relations Act 2010 3. Punjab Industrial Relations Act 2010 4. Balochistan Industrial Relations Act 2022 5. Sindh Industrial Relations Act 2013 6. Azad Jammu and Kashmir Industrial Relations Act 2017</p> <p>(Section 31 of the IRA and section 17 of provincial industrial relations acts have identical provisions.)</p>	<p>Section 31. 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 officer 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 officer of a trade union; or</p> <p>(ii) participates in the promotion, formation or activities of a trade union;</p>
Protection Against Harassment of Women at the Workplace Act 2010 (as amended in 2022)	<p>An Act to make provisions for the protection against harassment of women at the workplace</p> <p>WHEREAS the Constitution of the Islamic Republic of Pakistan recognizes the fundamental right of citizens to dignity of person;</p> <p>AND WHEREAS it is expedient to make this provision for the protection of women from harassment at the workplace;</p> <p>Section 2(h) "harassment" means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;</p>
Transgender Persons (Protection of Rights) Act 2018	<p>Section 4. Prohibition against discrimination – No person shall discriminate against a transgender persons on any of the following grounds, namely: ...</p> <p>(b) the unfair treatment in, or in relation to, employment, trade or occupation;</p> <p>(c) the denial of, or termination from, employment or occupation; ...</p>

Law/legal instrument	Legislative provisions and institutional arrangements
	<p>(i) the denial of access to, removal from, or unfair treatment in, government or private establishment, organizations, institutions, departments, centers in whose care, custody or employment a transgender person may be.</p> <p>Section 9. Right to employment. – (1) The Government must ensure the right to enter into any lawful profession or occupation and to conduct any lawful trade or business for the transgender persons as guaranteed under Article 18 of the Constitution of the Islamic Republic of Pakistan.</p> <p>(2) No establishment, institution, department, organization, shall discriminate against any transgender person in any matter relating to employment including, but not limited to, recruitment, promotion, appointment, transfer and other related issues.</p> <p>(3) It shall be unlawful for an employer to discriminate against an employee on the ground of his sex, gender identity or gender expression,–</p> <ul style="list-style-type: none"> (a) in determining who should be offered employment; or (b) in the terms or conditions on which employment is offered; or (c) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training or to any other benefits associated with employment; or (d) by dismissing the employee; or (e) by subjecting the employee to any other detriment
<p>Disabled Persons (Employment and Rehabilitation) Ordinance 1981</p> <p>(Applicable in Balochistan)</p>	<p>Section 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 2 per cent by a notification from Establishment Division, dated 15 October 1998.</p>

Law/legal instrument	Legislative provisions and institutional arrangements
Islamabad Capital Territory Rights of Persons with Disabilities Act 2020	<p>Section 10. Equity in the employment.- (1) No person, institution, organization or entity, whether public or private, shall discriminate against a person on the ground of disability in the matters of employment, promotion, career development and enjoying fruits of his employment.</p> <p>(2) The employer shall ensure the provision of reasonable accommodation including necessary assistive aid and equipment which a person with disabilities would reasonably require to perform his duties.</p> <p>(3) The government shall reserve an employment quota as prescribed by the Federal Government to be periodically reviewed, at various levels for persons with disabilities in government departments, institutions, entities and corporate entities owned and managed by the government and the concerned department shall implement the allocated quota.</p> <p>(4) The government shall take necessary steps to encourage private enterprises to employ persons with disabilities through incentives for which the government shall prepare long term inclusion plans and allocate necessary resources.</p> <p>(5) The terms and conditions of employment shall not be less favorable for persons with disabilities as compared with those offered to other persons appointed against same or similar positions.</p>
ICT Apprenticeship Act 2018	<p>Section 17. Power to make rules. (1) The authority shall, with approval of the Federal Government and in consultation with apprenticeship committee, make rules for carrying out the purposes of this Act. ...</p> <p>(l) training of female and disabled persons;</p>
Sindh Payment of Wages Act 2015 (Passed in 2017)	<p>Section 20. Penalty for offences under the Act. ...</p> <p>(3) Whosoever discriminate in payment of wages between male and female shall be punished with fine which may extend to fifty thousand rupees but shall not be less than twenty thousand rupees, and in case of subsequent offence, after having been convicted previously, shall be punishable with fine which may extend to seventy-five thousand rupees but shall not be less than fifty thousand rupees.</p> <p>Section 25. Protection against discrimination. No discrimination shall be made on the basis of sex, religion, descent, tribe, political affiliation, sect, colour, caste, creed, ethnic background in considering and disposing of issues relating to the enforcement of this Act.</p>

Law/legal instrument	Legislative provisions and institutional arrangements
Sindh Employees Old Age Benefits Act 2014 Sindh Employees' Old-Age Benefits (Amendment) Act 2016	Section 54. There shall be no discrimination on the basis of sex, religion, race, creed, color, caste, ethnic background or domicile in respect of the rate of contribution or the benefits payable under this Act as well as in employment, professional development and the wages for work of equal value.
Sindh Minimum Wages Act 2015 (passed in 2016)	Section 18. Protection against discrimination. No discrimination shall be made on the basis of sex, religion, political affiliation, sect, colour, caste, creed, ethnic background in considering and disposing of issues relating to the enforcement of this Act.
Sindh Terms of Employment (Standing Orders) Act 2015 (passed in 2016)	Section 11. Protection against discrimination. No discrimination shall be made on the basis of gender, religion, political affiliation, sect, colour, caste, creed, ethnic background in considering and disposing of issues relating to the enforcement of this Act.
Sindh Companies Profits (Workers' Participation) Act 2015	Section 8. Protection against discrimination. There shall be no discrimination on the basis of sex, religion, sect, colour, caste, creed and ethnic background in the employment, professional development and benefits for the purpose of this Act.
Sindh Workers Compensation Act 2016	Section 42. Protection against discrimination. There shall be no discrimination on the basis of sex, religion, sect, colour, 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: Provided that where compensation is to be paid to any person or dependents who are Non-Muslims, the Commissioner shall decide the question in accordance with the religious practices of that religion.
Sindh Maternity Benefits Act 2018	Section 3. Mandatory maternal leave: An employer must grant a mandatory maternity leave to a working women during pregnancy in the following order: (1) Four weeks before the expected date of delivery. (2) Twelve-weeks after the delivery. Section 11. Penalties: If any employer fails to pay any amount of maternity benefit to a woman entitled under this Act, or discharges or dismisses such a woman during or on account of her absence from work in accordance with the provisions of this Act.

Law/legal instrument	Legislative provisions and institutional arrangements
Sindh Home-Based Workers Act 2018	<p>Section 5. Social benefits and grants. Every registered home-based worker shall be entitled to all those social, medical and maternity benefits, compensations and marriages and death grants available to a person falling with in the ambit of worker and workman envisaged in all Labour Laws including Sindh Industrial Relation Act 2013 and Sindh Terms of Employment (Standing Orders) Act 2016 and Sindh Workers Welfare Board:-</p> <p>(1) Survey the place of work of home-based workers for identifying and removing the hazardous conditions;</p> <p>(2) To discourage child labour in home-based working.</p> <p>(3) Establish health counter at each district and arrange mobile health counters providing health facilities to home based workers at the door steps repeatedly visiting the work place.</p>
Sindh Reproductive Healthcare Rights Act 2019	<p>Section 4. Promotion of reproductive healthcare rights. (3) The right to equality and to be free from all forms of discrimination shall be promoted by ensuring that- ...</p> <p>(b) all women have the right to protection from discrimination in social, domestic or employment spheres by reasons of pregnancies or motherhood "as prescribed";</p>
Sindh COVID-19 Emergency Relief Act 2020	<p>Section 2(b) no employee or worker shall be laid off, terminated or removed and the employee shall be paid salary by the employer during the closure of an establishment as indicated in Schedule-I;</p> <p>Provided that this Act shall not prevent an employer from paying the full salary of the employee if he chooses to:</p> <p>Provided further that the period of closure of an establishment may be considered by the employer as paid leave;</p>
Sindh Empowerment of "Persons with Disabilities" Act 2018	<p>Section 11. Skills Development and Equity in Employment. - (1) The Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of 'Persons with Disabilities' especially for their vocational training and self-employment. ...</p> <p>(3) No Government establishment shall discriminate against any person with disabilities in any matter relating to employment:</p> <p>Provided that the Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this sub section.</p>

Law/legal instrument	Legislative provisions and institutional arrangements
	<p>(4) No establishment, whether public or private, shall discriminate against a person on the ground of disabilities in the matters of employment, promotion, career development and enjoying fruits of his/her employment.</p> <p>(5) Every establishment shall ensure the provision of reasonable accommodation including necessary aid and equipment and appropriate barrier free environment which a Person with Disabilities would reasonably require to perform his/her duties.</p> <p>(6) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this section in the manner as may be prescribed by the Government. ...</p> <p>(12) The Government shall reserve a quota of five percent (5 per cent) at various levels for the 'Persons with Disabilities' in the Government departments, institutions, entities, and corporate entities owned and managed by the Government. The Government shall through notification provide for such relaxation of upper age limit for employment of person with disabilities as it thinks fit.</p>
Punjab Minimum Wages Act 2019	Section 21. Protection against discrimination.- No discrimination shall be made on the basis of religion, sex, political affiliation, sect, colour, caste, creed, ethnic background in considering and disposing of issue relating to the enforcement of this Act.
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>Disabled Persons (Employment and Rehabilitation) Ordinance 1981 (amended in 2015)</p> <p>(Applicable to Punjab)</p>	<p>Section 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.</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>

Law/legal instrument	Legislative provisions and institutional arrangements
Punjab Protection of Women against Violence Act 2016	<p>An Act to establish an effective system of protection, relief and rehabilitation of women against violence.</p> <p>Since the Constitution of the Islamic Republic of Pakistan, while guaranteeing gender equality, enables the State to make any special provision for the protection of women, it is necessary to protect women against violence including domestic violence, to establish a protection system for effective service delivery to women victims and to create an enabling environment to encourage and facilitate women freely to play their desired role in the society, and to provide for ancillary matters; ...</p> <p>Section 7. Protection order.- (1) If the Court is satisfied that any violence has been committed or is likely to be committed, the Court may pass a protection order in favour of the aggrieved person and direct the defendant: ...</p> <p>(h) refrain from entering the place of employment of the aggrieved person or any other place frequently visited by the aggrieved person;</p> <p>Section 8. Residence order.- (1) The Court, in case of domestic violence, may in addition to any order under section 7, pass a residence order directing that: ...</p> <p>(e) the defendant or any relative of the defendant is restrained from entering the shelter home or place of employment or any other place frequently visited by the aggrieved person;</p>
Punjab Domestic Workers Act 2019	<p>Section 4. Rights and entitlements of domestic workers.- ...</p> <p>(2) No domestic worker shall be discriminated in recruitment, continuance of employment, deciding wages, benefits and other rights on grounds of religion, race, caste, creed, sex, ethnic background, and place of birth/residence, domicile, migration or any other reason.</p>
<p>Disabled Persons (Employment and Rehabilitation) Ordinance 1981 (Amended in 2012)</p> <p>(Applicable to Khyber Pakhtunkhwa)</p>	<p>Section 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>

Law/legal instrument	Legislative provisions and institutional arrangements
	(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.
Khyber Pakhtunkhwa Minimum Wages Act 2013	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.
Khyber Pakhtunkhwa Factories Act 2013	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.
Khyber Pakhtunkhwa Industrial and Commercial Establishment Act 2013	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.
Khyber Pakhtunkhwa Worker's Compensation Act 2013	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.
Khyber Pakhtunkhwa Prohibition of Employment of Children Act 2015	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.
Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act 2015	Section 27. No discrimination shall be made on the basis of gender, religion, sect, colour, caste, creed, ethnic background
Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act 2017	<p>Section 2.(a) "child" means a child of either sex whose age at the beginning of the school year is not less than five years and not more than 16 years and within the age limit prescribed for admission in class 11 to class 10th</p> <p>3. Free compulsory primary and secondary education.</p> <p>(1) Government shall provide free compulsory primary and secondary education to all the children from the age of five to sixteen years in the Province of Khyber Pakhtunkhwa</p>
Khyber Pakhtunkhwa Reproductive Healthcare Rights Act 2020	<p>Section 3. Powers and functions of the Department. – Department shall- ...</p> <p>(e) promote that all women have the right to protect from discrimination in social, domestic or employment spheres by reasons of pregnancies or motherhood</p>

Law/legal instrument	Legislative provisions and institutional arrangements
Sindh HIV and AIDS Control Treatment and Protection Act 2013	<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.</p> <p>(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 –</p> <p>(a) employment, promotion, training, or benefit, either in public or private sectors;</p> <p>(b) membership in any organization;</p> <p>(c) admission to any educational institution;</p> <p>(d) admission to any public or private place of accommodation;</p> <p>(e) marriage;</p> <p>(f) immigration to, emigration from, or citizenship of, Pakistan</p>
Balochistan Protection Against Harassment of Women at Work Place Act 2016	<p>WHEREAS the Constitution of Islamic Republic of Pakistan recognizes the fundamental rights of every citizen of Pakistan to dignity of person, it is expedient to provide for the Protection Against Harassment of Women at the workplace and the matters connected therewith or ancillary thereto; ...</p> <p>Section 2.(j) "harassment" means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, any kind of threats, blackmailing, mental and physical torture, attempt for defamation or defamation through modern techniques, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;</p>
Balochistan Commission on the Status of Women Act 2017	<p>WHEREAS, it is expedient to establish the Balochistan Commission on the status of Women for the promotion of social, economic, political and legal rights of women</p> <p>Functions and Powers of the Commission.</p> <p>Section 11. The Commission:- ...</p> <p>(b) shall review all Balochistan laws, rules and regulations affecting the status and rights of women and suggest repeal amendment or new legislation essential to eliminate discrimination, safeguard and promote the interest of women and achieve gender equality before law in accordance with the Constitution and obligations under international covenants and commitments; ...</p>

Law/legal instrument	Legislative provisions and institutional arrangements
	(k) may act for advocacy, lobbying, coalition building, networking and as a catalyst for promotion of cause of women to facilitate their participation in all spheres of life including legal, economical, social and political empowerment;
Gilgit Baltistan Protection against Harassment of Women at the Workplace Act 2013	<p>An Act to make provisions for the protection against harassment of women at the Workplace.</p> <p>Section 2.(h) harassment" means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;</p>
Balochistan Industrial and Commercial Employment (Standing Orders) Act 2021	<p>10. The employer shall not, while making recruitment or in any condition of service subsequent to recruitment, exercise any discrimination:</p> <p>Provided that the provisions of this section shall not affect any priority or reservation or quota fixed by any law in the matter of recruitment to the posts in any place of work. Special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, or disablement, are generally recognized to require special protection or assistance, shall not be deemed to be discrimination:</p> <p>Provided further that preference of local residents of the province for employment shall not be deemed as "discrimination":</p> <p>Provided also that the employer shall recruit the local residents of the province in unskilled work.</p> <p><i>"discrimination" means any distinction, exclusion or preference made on the basis of sex, religion, gender, caste, ethnic background, race, colour, creed, sect, age, language, marital status, pregnancy and maternity, disability, trade union membership, political opinion, residence or place of birth, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.</i></p>
Balochistan Minimum Wages Act 2021	<p>Section 17. No discrimination shall be made on the basis of gender, religion, political affiliation, sect, colour, caste, creed, ethnic background, or age in considering and disposing of issues relating to the enforcement of this Act:</p> <p>Provided that each industry and each business or commercial concern under this Act with the</p>

Law/legal instrument	Legislative provisions and institutional arrangements
	<p>the approval of the Government shall introduce a comprehensive objective job appraisal scheme to determine wage differentials and criteria of equal wage for work of equal value for workers who perform different jobs. Such scheme shall be subject to scrutiny by the Board in consultation with economic and other experts:</p> <p>Provided further that the scheme so introduced shall in particular take care of gender equality in matter regarding equal remuneration for male and female workers for work of equal value.</p>
Balochistan Payment of Wages Act 2021	<p>Section 5-A. The employer shall not exercise any discrimination in remuneration and related matters:</p> <p>Provided that any difference in wages based on objective job evaluation shall not be deemed as discrimination.</p>
The Islamabad Capital Territory Domestic Workers Act, 2022	<p>Section 4 (b) No domestic worker shall be discriminated in recruitment, continuance of employment, deciding wages, benefits and other rights on grounds of religion, race, caste, creed, sex, ethnic background, place of birth, residence, domicile, migration or any other specific employments that require a certain minimum level of strength or educational qualification or carry a risk of physical danger to a particular class of person;</p>

As shown in table 20 above, the applicable constitutional framework for equality of opportunity and non-discrimination emanates from articles 18, 25, 27, 37 and 38 of the Constitution of Pakistan. The provisions of Convention No. 100 are partially complied with under the Minimum Wages Ordinance (1961) as well as the provincial variants enacted in Khyber Pakhtunkhwa, Punjab, and Sindh, as well as the 1962 Minimum Wages Rules. The 1961 Ordinance (applicable at the ICT level) as well as the newly enacted minimum wage legislation at the provincial level (except in Balochistan) do not directly guarantee equal remuneration; they only provide a platform for minimum rates of wages for workers. The Balochistan Minimum Wages Act 2022 has provisions on protection against discrimination and requires equal remuneration for work of equal value (section 17). The minimum wage legislation in Khyber Pakhtunkhwa (2013), Punjab (2019) and Sindh (2015) prohibit discrimination in wages based on sex, without requiring equal remuneration for work of equal value. While setting the minimum wage rates, the 1962 Minimum Wage Rules, still applicable in Punjab and ICT, require equality in wage rates and 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 the Rules as to how equal value (of jobs entirely different in nature) would be determined.

Balochistan has enacted new legislation which has the most recent definition of discrimination and prohibits discrimination on all relevant grounds. Similarly, the Balochistan Maternity Benefits Act 2022 sets maternity leave at 14 weeks for women workers, requires a nursing break of one hour for women workers until the child reaches the age of 12 months, and prohibits dismissal during pregnancy.

As for discrimination in employment-related matters, Pakistan has not yet enacted specific legislation compliant with the provisions of Convention No. 111. However, under current labour legislation, the terms “worker” or “employee” do not differentiate between workers on the grounds of sex, religion, caste, race, residence, place of birth and political affiliation. Various laws and legislative provisions also prohibit discrimination on such grounds in addition to gender, disability and trade union membership. Balochistan also has successfully made the language of various laws gender neutral, such as amending the gendered term of “workman” to the neutral term of “worker”.

The Federal Government has reserved a 10 per cent quota for women in all posts and a 5 per cent quota for minorities. The Provincial Government of Punjab has fixed a 15 per cent employment quota for women in public sector organizations; while said quota is 7 per cent in Sindh, 10 per cent in Khyber Pakhtunkhwa and 5 per cent in Balochistan. In all four provinces, the quota for minorities in all government jobs is 5 per cent, though the quota for disabled persons varies substantially. It is set at 1 per cent in Khyber Pakhtunkhwa, 2 per cent in Baluchistan, 3 per cent in Punjab and 5 per cent in Sindh. While in the Islamabad Capital Territory (ICT) a quota has been mandated through the ICT Rights of Persons with Disability Act 2020, what that quota is has not yet been specified and is prescribed to be allocated by the Federal Government under the Rules, which are yet to be framed by the Government. Khyber Pakhtunkhwa has complied with the provisions of ILO Conventions Nos 100 and 111 through the addition of extra/supplementary clauses on equality in all labour laws enacted or amended after devolution in 2010.

Though the Government has fixed quotas for persons with disabilities, these quotas are never fully implemented. Moreover, the approach taken by employers towards persons with disabilities must change from one of charity and assistance to one of investment. The Disabled Persons (Employment and Rehabilitation) Ordinance 1981 has no provisions on reasonable accommodation that an employer must provide to a worker with disability. The law must be changed to require provision of a conducive environment to enhance the productivity of persons with disabilities and discourage discrimination against persons with disabilities. The law can also ensure accessibility by stipulating changes in infrastructure (with improved access to places of business), improved transportation to and from work, and by introducing disability-friendly office spaces, workplaces and equipment. The Sindh Empowerment of “Persons with Disabilities” Act 2018 and the ICT Rights of Persons with Disabilities Act 2020 do deliver on most if not all of the above suggestions. The new laws stipulate that employers must provide reasonable accommodation to disabled employees and protect them from discrimination in the workplace. The ICT Rights of Persons with Disabilities Act 2020 provides incentives to private employers in order to promote the employment of disabled individuals; while the Sindh Empowerment of “Persons with Disabilities” Act 2018 provides for skill trainings and schemes to promote the employment of disabled individuals.

It is important to mention here that under the Punjab Fair Representation of Women Act 2014, the Punjab Government requires 33 per cent mandatory inclusion of women on all boards of statutory organizations, public sector companies, special purpose taskforces and committees. Through this Act the following pieces of legislation have been amended to give fair and proportionate representation to the women in different bodies empowered to regulate the implementation of Acts or the provision of benefits:

- ▶ Minimum Wages Ordinance 1961;
- ▶ Provincial Employees' Social Security Ordinance 1965;
- ▶ Punjab Fair Price Shops (Factories) Ordinance 1971;
- ▶ Disabled Persons (Employment and Rehabilitation) Ordinance 1981;
- ▶ Employment of Children Act 1991;
- ▶ Punjab Destitute and Neglected Children Act 2004; and
- ▶ Punjab Industrial Relations Act 2010 (PIRA)

The previous five years have been significant for women, differently abled individuals and other minority groups who have been plagued by unequal treatment and lack of opportunities in legislation.

Regarding the expansion of rights to geographical areas that were previously uncovered, the coverage of Azad Jammu and Kashmir by the Industrial Relations Act has provided for protection from discrimination on the basis of trade union membership. Women's protection in the workplace has been expanded through the Balochistan Protection Against Harassment of Women at the Workplace Act 2016. In 2016, an amendment bill was also introduced in the Senate which would expand the scope of the Protection Against Harassment of Women at the Workplace Act 2010 to educational and medical institutes. However, due to a previous precedent set by *Fahad Faruqui v. SZABIST (2018)*, the Act already covers educational institutions.⁴²

All Government authorities have been asked to formulate and maintain a transgender employment policy for the integration of transgender persons in the workforce in accordance with their skills, experience and qualifications.

Another notable stride is the passage of the Transgender Persons (Protection of Rights) Act 2018. This historic Act, the first of its kind in the region, provides fundamental rights and protection from discrimination to transgender individuals in Pakistan. As such, it provides the transgender population the right to employment along with protection from discrimination in the sphere of employment or occupation. This legislation is applicable to the whole of Pakistan. Recently, the rules under this law were also notified. All Government authorities have been asked to formulate and maintain a transgender employment policy for the integration of transgender persons in the workforce in accordance with their skills, experience and qualifications. The Rules also declare that at least one transgender person shall be

employed in each division and provincial department. The Federal Ombudsman has to entertain all complaints relating to employment of transgender individuals through the Commissioner for Transgender Persons.

Regarding province-specific laws, the Islamabad Capital Territory provides equity in employment for differently abled individuals. It also prescribes a quota, employment incentives and requires the employer to ensure the provision of reasonable accommodation, such as assistive aid and equipment. The ICT Apprenticeship Act 2018 also empowers the Government to make rules regarding the training of differently abled individuals, as well as for women. The Sindh Empowerment of "Persons with Disabilities" Act 2018, similar to the ICT Act, prescribes equity in employment, while additionally prescribing schemes and programmes to promote self-employment and vocational training for differently abled individuals.

In a pleasing development, the Sindh Payment of Wages Act 2015 prohibits and penalizes discrimination in the payment of wages between males and females. While the Sindh Minimum Wages Act 2015 and the Punjab Minimum Wages Act 2019 prohibit discrimination in minimum wage. These laws also prohibit discrimination on other grounds such as sex, religions, race,

⁴² The case of *Fahad Faruqui v. Szabist*, 2019 PCrLJ-PROVINCIAL-OMBUDSMAN-SINDH 806 (2018), involved a sexual harassment complaint by a student against an assistant professor at a university. The question of whether or not the student could file a complaint despite not being a university employee arose. In making its decision the court held that the provisions of the Protection Against Harassment of Women at the Workplace Act 2016 were fully applicable on all educational institutions.

political affiliation, ethnicity and so on. The Sindh Employees Old-Age Benefits (Amendment) Act 2016 similarly protects against discrimination, while providing that the contribution and benefits paid under this Act will be free from discrimination in “employment, professional development and the wages for work of equal value”.⁴³ Several other Acts passed – such as the Sindh Terms of Employment (Standing Orders) Act 2015, the Sindh Companies Profits (Workers’ Participation) Act 2015, and the Sindh Workers Compensation Act 2016 – provide for protection from discrimination on the basis of sex, religion, sect, caste, colour, creed, ethnicity and political affiliation.


The Constitution (Amendment) Bill 2017, which proposes an amendment to article 228, promotes the participation of women in the Islamic Council, which has historically been consistently comprised of men. The amendment bill proposes that the composition of the Islamic Council not be less than one-third women, and for a quorum to be reached at least one-third of the assembled council members must be women.

Under the Sindh Maternity Benefits Act 2018, and for the first time in Pakistan, women are provided 16 weeks of maternity leave. This is two weeks more than the ILO minimum standard of 14 weeks, as prescribed under Maternity Protection Convention, 2000 (No. 183). The legislation also provides for four nursing breaks during the working day; however, the total duration and the period of months for nursing breaks is not mentioned in the law. The Sindh Reproductive Healthcare Rights Act 2019 and the Khyber Pakhtunkhwa Reproductive Healthcare Rights Act 2020 provide for women's protection from discrimination in employment due to reasons related to pregnancies or motherhood.

Strides have also been made in regard to legislation that expands protection to classes of workers who were not previously covered under labour legislation. Domestic workers in Punjab and home-based workers in Sindh have received labour rights protection in the last three years through the Punjab Domestic Workers Act 2019 and the Sindh Home-Based Workers Act 2018. The former Act provides separately for protection from discrimination for domestic workers in Punjab in the sphere of employment, and the latter extends the existent labour legislation to provide protection to home-based workers in Sindh.

Despite these sporadic provisions guaranteeing equality in employment (in certain provinces or in certain laws), there is a dire need for standalone legislation that is applicable across sectors and defines what amounts to discrimination in employment-related matters, in line with the obligations of Conventions Nos 100 and 111. Equality must be adopted in 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.

Keeping this in view and considering its mandate to coordinate labour legislation, the MOPHRD worked on a draft model law on anti-discrimination and shared it with the provinces in 2016 for possible adoption. The draft law defines discrimination as “any distinction, exclusion or

 ... 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.

⁴³ Section 54 of the Sindh Employees Old-Age Benefits (Amendment) Act 2016.

Box 2:

Projects on equality of treatment and opportunity

Implemented between 2010 and 2016, the ILO's Promoting Gender Equality for Decent Employment (GE4DE) project brought about several developments leading to progress in the realm of gender equality and women's economic empowerment in Pakistan.

Two surveys were conducted regarding female labour force participation and the situation of domestic workers in 2015. The findings of the surveys were illustrative of the reforms and policies needed to promote women's economic empowerment. The survey on female labour force participation revealed that the biggest barrier women face when entering or participating in the labour force is the lack of safe transport and a secure work environment free of harassment. In addition, only 37 per cent of those who had faced harassment had filed a formal complaint. In response to this data, the Federal Ombudsman Secretariat against Harassment at Workplace (FOSPAH) implemented measures recommended under the GE4DE project to rectify this issue. The Secretariat created an online system

through which formal complaints could be filed. The online complaint system is still working and is available on the FOSPAH website (<http://www.fospah.gov.pk/cmisis.php>). Awareness sessions involving a total of 2,000 workers as well as trainings involving a total of 1,579 participants were carried out between 2013 and 2015. The Secretariat also conducted 100 awareness workshops, which reached 5,000 participants.

Regarding the situation of domestic workers, the Punjab Women Development Department, the All-Pakistan Women's Association and the ILO conducted the Decent Work for Domestic Workers (DW4DW) Programme in 2016. Under DW4DW, 1,000 domestic workers were trained on domestic care skills, with 650 finding employment due to placement by the programme. Furthermore, through these efforts, the strength of the domestic workers union at the time increased to 1,350 members. The Government of Punjab also trained 1,650 women as domestic workers between 2016 and 2018.

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 sex. 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 part-time workers in the definition of "employee", and thus requires equal treatment between workers irrespective of their employment contract status. The draft law further requires equal wages on all of the above-protected grounds. The draft legislation allows for the use of affirmative action in order to eliminate any obstacles that, in practice, are preventing the realization of equal opportunities.

One of functions of the Federal Tripartite Consultative Committee (FTCC) and the Provincial Tripartite Consultative Committees (PTCCs) is to discuss and recommend amendments in legislation, including pro-women amendments. As such, several amendments have occurred alongside the adoption of new legislation that support female labour force participation by protecting against discrimination and by providing for increased penalties. Section 20(3) of the Sindh Payment of Wages Act 2015 stipulates that whomsoever discriminates in the payment of wages between males and females shall be punished with a fine ranging between 20,000 and 50,000 rupees. An increased fine ranging between 50,000 and 70,000 rupees is presented on subsequent convictions. In a similar vein, section 15(4) of the Sindh Minimum Wages Act

2015 stipulates that whomsoever discriminates in the payment of minimum wages between the genders shall be punished with a fine between 20,000 and 50,000 rupees, which would be increased to between 50,000 and 75,000 rupees for subsequent convictions.

Furthermore, section 21 of the Punjab Minimum Wages Act 2019 and section 4(2) of the Punjab Domestic Workers Act 2019 provide for protection against discrimination. In Punjab, objective job appraisal mechanisms have also been integrated into public sector policies. Thus, women and men are being paid equal wages in the public sector. Moreover, the payment of equal wages for work of similar or equal value has been ensured under the Punjab Women Empowerment Package 2016, through a notification of the Government.

Under the Punjab Women Empowerment Initiative Packages 2012–2017, the Punjab Day Care Fund Society was formed to set up day care centres in the province. More than 100 day care centres were established in 25 districts, including 15 in the private sector. The Provincial Government contributed 70 per cent of the cost, while 30 per cent of the cost of running and establishing the day care centre (besides providing a building for the centre) was borne by the private sector enterprises.

A new provision under the Khyber Pakhtunkhwa Payment of Wages Act 2013 provides for protection against discrimination on the basis of gender, religion, sect, colour, cast, creed and ethnic background in wages and other benefits for work of equal value (section 26). Under this Act, remuneration is meant to be paid by cheque or bank transfer to ensure the observance of the equal pay for equal value of work principle. In enforcing this Act, in 2017, 9,466 inspections were made, 1,311 prosecutions were lodged, 1,334 cases were decided by courts and 1,103,1000 rupees were imposed in fines. Furthermore, under the Annual Development Programme scheme, the Khyber Pakhtunkhwa Labour Department has initiated the "Resource Cell and Report System" which will allow for the collection of segregated data, namely on wage gaps.

Minimum wages are determined by Minimum Wages Boards established in each province and in the ICT under the Minimum Wages Ordinance 1961 and its provincial variants in Khyber Pakhtunkhwa, Punjab and Sindh. These Boards are tripartite in composition and besides Government representatives include representatives of workers and employers in the decision-making process with respect to setting the 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 per cent representation in both the worker and employer sides of the Punjab Minimum Wages Board.⁴⁴ The Government of the Balochistan clearly stands-out in enacting its law on paying equal minimum wages for work of equal value for male and female workers. However, the minimum wage notifications⁴⁵ by provincial governments also 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). Objective job appraisals may be inserted into legislation on minimum wages so that Minimum Wages Boards must conduct objective job appraisals prior to minimum wage setting. What is encouraging here is that despite occupational segregation, the minimum wage rates are identical for similar jobs in male- and female-dominated sectors.

Across Pakistan, women workers are most concentrated in agriculture, manufacturing, education, health and social work, and wholesale and retail trade. Within manufacturing, women are predominantly engaged in the textile sector (ready-made garments), the pharmaceutical industry, and packaging.

44 Punjab Minimum Wages Act 2019, section 3 on the establishment of the Minimum Wages Board.

45 For instance, please see Government of Punjab's 2021 [Notification on Minimum Wages \(No. SO\(D-II\) MW/2011 \(P-V\)\)](#).

As regards statistical information on wages, despite the legislation cited above, Labour Force Survey data still indicates a substantial wage differential between men and women workers. Provincial governments, with ILO support, have established Gender Sensitive Inspection Systems (GSIS), which are based on a gender-mainstreamed inspection checklist. The GSIS' institutionalized and digitalized gender-disaggregated data collected through the above-referred checklist. The new system brought 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. However, due to lack of continued funding, the collated data on gender sensitive labour inspection is no longer available online.

In May 2023, the joint session of Parliament passed the Daycare Centres Bill 2023 requires the federal government to ensure that all enterprises employing at least 70 workers must establish day care centres for workers children.⁴⁶ The joint session also passed the Maternity and Paternity Leave Bill 2023 which has many progressive provisions. However, its scope is limited only to the establishments under the administrative control of the federal government. The newly passed legislation requires different terms of fully paid maternity leave for three times during the entire service of a female worker (six months for the first child, four months for the second and three months for the third child). Unpaid maternity leave shall still be available for children born afterwards. The legislation also requires at least 30 days of paid paternity leave to a male worker on the birth of a child. The leave is available only three times during the entire service of the worker. There are only a handful of countries, all European, which grant a paternity leave of 30 days or more.⁴⁷



46 https://na.gov.pk/uploads/documents/6464a14b11f30_764.pdf

47 https://na.gov.pk/uploads/documents/6464a18eeb1ae_818.pdf

Both bills, passed on 16 May 2023, wait assent from the President.

6.2.1. Protection of informal economy workers

In order to protect informal economy workers (mainly agriculture, home-based workers and domestic workers), governments in Pakistan have taken many steps.

The Provincial Governments of Sindh and Balochistan have amended their respective IRAs, allowing the formation of trade unions in the agriculture and fisheries sectors. Furthermore, the recently promulgated Sindh Women Agricultural Workers Act 2019 provides protection to women agricultural workers in the province, including the right to form trade unions. 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 be taken by other provinces to achieve such benefits. Although, the federal Ministry of Human Rights is working on model drafts of a home-based workers policy, such policies are also under consideration in the provincial governments.

The provincial labour departments in Punjab and Sindh have already notified their respective policies on protecting the rights of home-based workers; while in Balochistan the home-based worker policy has been earmarked for further processing following consultation with the Provincial Tripartite Consultation Committee.

Khyber Pakhtunkhwa is in the process of formulating a law and a policy on home-based workers. The Government of Sindh was the first to pass a law regarding home-based workers, namely the Sindh Home-Based Workers Act 2018, which provides employment rights and social protection to those who undertake remunerative activities in their homes. In November 2020, a memorandum of understanding was signed for the registration of home-based workers in Sindh between the Home-Based Women Workers Federation and the Sindh Labour and Human Resources Department.

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 be taken by other provinces to achieve such benefits.

According to UN Women (n.d.), there are 20 million home-based workers in Pakistan, of whom 12 million are women. The registration initiative in Sindh will facilitate knowing their precise number in the province. An analysis of LFS 2018 data, however, indicates that there are 4.3 million home-based workers in Pakistan, of whom 57 per cent are engaged in non-agricultural employment. The data further corroborates the assertion that home-based workers are mostly women, indicating that more than 80 per cent of home-based workers are females. All provinces except Islamabad Capital Territory have enacted necessary legislation on home-based work. Khyber Pakhtunkhwa Home Based Workers (Welfare and Protection) Act was enacted in 2021⁴⁸ while Balochistan came up with the Balochistan Homebased Workers Act in 2022.⁴⁹ The most recent reform was by the Punjab province which enacted its Home-based Workers Act in February 2023.⁵⁰

48 <https://www.pakp.gov.pk/wp-content/uploads/The-KP-Home-Based-Workers-Welfare-and-Protection-Bill-2021.pdf>

49 https://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2022-04-27_10:23:33_96034.pdf

50 <http://punjablaws.gov.pk/laws/2873.html>

6.3. Protection of domestic workers

The Government of Punjab approved its Domestic Workers Policy in December 2015. The Policy aims to recognize and accept domestic workers as workers through both legislative and administrative action. The Policy was framed to meet the following goals:

1. To accord equal status and rights to domestic workers as those held by other wage earners without any discrimination based on caste, creed, colour and 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 domestic workers at a just and decent level and in consideration of the inflationary trends in the country;
4. To establish a system for applying to domestic workers all of the rights and entitlements available to other wage earners in the formal sector, including social protection coverage and safe and fair conditions of work;
5. To provide domestic workers visibility and an opportunity for an organized voice to articulate their concerns and demands by extending right of freedom of association;

As mentioned above, more recently the Government of Punjab passed the Punjab Domestic Workers Act 2019. The Act ensures the protection of the rights of domestic workers, regulates their employment and working conditions, and provides social protection. Awareness seminars and workshops are being arranged to facilitate the registration of domestic workers and employers. Over 30,000 domestic workers have been registered thus far.

The Government of Punjab announced a second "Women Empowerment Package" in 2016 following the initial package in 2012, declaring that gender equality commanded a place of prominence among the priorities of the Government. Furthermore, new initiatives were proposed under the "Punjab Women Empowerment Initiatives 2017". The proposed initiatives included the formulation of a Punjab Gender Policy, skills development of 40,000 girls, and SME business trainings for 18,600 women entrepreneurs. The previous Punjab Women Empowerment Initiatives 2014 successfully trained 1,000 women domestic workers, 14,740 rural women under the Punjab Skill Development Fund, 12,000 women under the Punjab Vocational Training Council and more than 12,000 women under the Technical Education and Vocational Training Authority. Furthermore, 44,517 women are serving as office bearers in 2,696 trade unions in Punjab; and 16 working women hostels have been established across the province, from which approximately 5,000 women have benefitted.

It must also be indicated here that the Khyber Pakhtunkhwa Government announced its renewed Women Empowerment Policy in 2017. The Policy, similar to the previous one, aims to ensure social, economic, legal and political empowerment of women in the province. However, the revised policy also elaborates on an implementation strategy to guide stakeholders on their roles, responsibilities and priority action plans.

In October 2022, the joint session of Parliament passed the Islamabad Capital Territory Domestic Workers Act.⁵¹ The Presidential assent was given on 22 October 2022.⁵² Similar to the Punjab legislation on the subject, the ICT law aim to protect the rights of domestic workers, regulates their employment and working conditions, prohibits discrimination in employment on various grounds and provides social protection. It sets the minimum age for employment as a domestic worker at 16 years.

51 https://na.gov.pk/uploads/documents/6345784ec86ab_481.pdf

52 <https://www.dawn.com/news/1716436>

6.4. Protection against harassment

The Protection Against Harassment of Women at the Workplace Act 2010 is a fundamental piece of legislation that positively contributes to the promotion of female labour force participation and helps ensure that women are able to work in a safe environment. Under this Act, a code of conduct is required at every workplace, and women may take forward complaints about sexual harassment at the workplace to an inquiry committee or the Ombudsman. One of the mandates of the federal and provincial Ombudspersons is to function as a forum to hear and decide on cases of workplace harassment under the 2010 Act. As of 2017, the Federal Ombudsman had received 411 complaints, most of which were resolved; while the Punjab Ombudsman received 98 complaints, of which 79 received a decision, and the Sindh Ombudsman received 350 complaints, of which 315 were disposed of and 35 were sub-judice at the time.

The Federal Ombudsman sensitized 450 employers and 1,600 public sector officials and civil society representatives on the anti-harassment provisions of law and the complaint registration mechanism in the period of 2013–16. Furthermore, public awareness messages on anti-harassment, online complaint registration and an SMS tracking system were developed and disseminated via television networks.

The Protection against Harassment of Women at the Workplace (Amendment) Act 2022 was officially enacted into law on 25 January 2022. The amended Act has expanded the ambit and scope of the law to include certain professions and employment models that the earlier legislation did not cover. It provides protection from harassment to both formal and informal sector workers.

The Act also redefines harassment and its different kinds, bringing clarity to what constitutes harassment at the workplace. The Act has redefined “employee” and “workplace” to increase the scope of the law and include all forms and categories of work.

6.5. Protection of minorities

The National Commission for Minorities was reconstituted in 2013 to protect the rights of minorities (Non-Muslims, who constitute 3.72 per cent of the national population). The Federal Government has issued necessary administrative instructions regarding a 5 per cent employment quota for minorities across-the-board in the Federal Government services/jobs, with all posts to be filled by direct recruitment. Accordingly, the Punjab Government has also reserved a 5 per cent quota for minorities (Non-Muslims) 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 of blasphemy laws and how the provisions in Pakistan Penal Code 1860, especially section 298(c), singles out members of the Ahmadi Community. The following is a summary of the Government of Pakistan's response and is presented from the vantage point of the Government.

The Ahmadi Community is a constitutional minority, and article 260 of the Constitution clearly defines Muslims and Non-Muslims. ILO Convention No. 111 relates to discrimination in employment-related matters and in this area, not only are Ahmadi covered through the reservation of quota (5 per cent). 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 a 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 the Scheduled Caste (declaration) Ordinance 1957, no act or ordinance was promulgated after 1973 Constitution defining these castes. In 1956, the Pakistan Government declared 32 castes and tribes as scheduled castes, with the majority being lower-caste Hindus such as Kolhi, Menghwar, Bheel, Bagri, Balmaki, Jogi and Oad. The majority of these caste members reside in Tharparkar and Umerkot districts in Sindh and in Rahimyar Khan and Bahawalpur districts in southern Punjab. These districts share a border with India. According to the last census held in 1998, the total population of Hindus in Pakistan is 2.443 million of which 2.111 million are Hindu Jatis (upper castes) and 332,000 are scheduled caste Hindus (lower castes). Demographic data from the 2017 Census on numbers and percentages of various religions in Pakistan had not been released at the time of writing.⁵³

The National Database and Registration Authority (NADRA), established in 2000, is mandated under the law to register all of the citizens of the country. However, NADRA is of the view that there is no requirement under Pakistani law to maintain data on the basis of caste. In its 2015 report to the Committee on the Elimination of Racial Discrimination, the Pakistan Government 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 (CERD 2015, paras 35–36).

Under the 18th Amendment to the Constitution, a new proviso has also been added to the clause 1 of article 27, which states that "[p]rovided 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 under-represented classes into the mainstream to utilize their full potential and make them productive citizens in society. The Government, however, still relaxes the maximum age limit by two to three years for persons belonging to the scheduled castes.

Table 21 presents the actions in the area of equality of opportunity and treatment that are to be undertaken over the next five years according to the National Action Plan on Business and Human Rights (2021–26).

⁵³ On 12 April 2021, the Council of Common Interests, a constitutional forum to discuss and decide the matters between the federation and the provinces, approved the National Population and Housing Census 2017 and decided to start the process for a fresh census by the end of 2021.

Table 21. National Action Plan on Business and Human Rights (2021–26) recommendations for government action related to equality of treatment and opportunity

Coverage area	Action
Pakistan	Enact proposed amendments to the Protection Against Harassment of Women at the Workplace Act, including but not limited to clarifying and expanding, where required, definitional ambiguities in light of the objectives and purpose of the Act, and to promote effective and comprehensive safeguarding against all forms of harassment in all workplaces.
	Develop Labour Policies, or ensure implementation of existing Policies, which introduce a requirement for businesses to create an Internal Equal Opportunity Committee that receives complaints and conducts inquiries regarding wage gaps and discriminatory hiring practices.
	Strengthen existing, and develop where required, civil remedies for discriminatory action based on gender, ethnicity, religion, disability, age, or any other factor.
	Increase awareness about harassment at the workplace and gender-based discrimination, and existing reporting and remedial mechanisms, such as the Provincial Ombudsperson.
	Ratify the ILO Violence and Harassment Convention, 2019 (No. 190).
	Ratify the ILO Home Work Convention, 1996 (No. 177).
	Adopt a National Policy on Home Based Workers.
	Ratify the ILO Domestic Workers Convention, 2001 (No. 189).
	Incorporate the terms of all ratified ILO Conventions into the legal framework governing the rights of all workers in Pakistan, including those in the informal economy.
Pass provincial legislation, or strengthen compliance with existing legislation, on domestic workers.	

Source: Pakistan, Ministry of Human Rights 2021.

The federal and provincial governments must take necessary measures to ensure compliance with the fundamental labour standards on the elimination of discrimination in respect of employment and occupation (that is, Conventions Nos 100 and 111). The reform measures suggested below have already been agreed upon by the provinces under the National and Provincial Labour Protection Frameworks.

Proposed Reforms and Actions (based on CEACR Recommendations)

► **To ensure compliance with provisions of Convention 100 on including all elements of remuneration in its definition:**

1. Amend the definition of wages in Payment of Wages legislation in all provinces.
2. Amend provincial legislation on payment of wages in ICT, Punjab, Khyber Pakhtunkhwa and Sindh to give full expression to the principle of equal remuneration for men and women for work of equal value (Provincial Governments)
3. Provide implementation information on the Balochistan Payment of Wages Act, 2021 and its impact on the elimination of the gender wage gap in the province (Provincial Government of Balochistan)

► **To comply with the principle of equal remuneration for work of equal value:**

1. Amend minimum wage legislation and payment of wages legislation in Punjab, ICT, Khyber Pakhtunkhwa and Sindh (Provincial Governments)
2. Develop and implement objective job appraisal methods for use in both the public and private sectors (Federal and Provincial Governments)
3. Provide information on the implementation of Balochistan Minimum Wages Act, 2021 (Provincial Government of Balochistan)
4. Provide information on any legislative developments regarding Employment and Service Conditions Act (ESCA), or any other legislation that would carry similar mandate (Federal and Provincial Governments)
5. Training and awareness raising at the level of minimum wage boards to ensure that the minimum wage setting process is free from gender bias (Federal and Provincial Governments)

► **To comply with the provisions of Convention 100, take the following actions:**

1. Publish clear data on cases of unequal remuneration or wage discrimination in the Annual Labour Inspection Report (Provincial Governments)
2. Carry out awareness raising activities on promotion of the right to equal remuneration for work of equal value, together with the employers and workers organizations (Provincial Governments)



▶ **To address the issue of gender wage gaps:**

1. Compile data on gender pay gaps (at sectoral and occupational level)
2. Address occupational segregation of females in low paying jobs and occupations through time-bound affirmative action

▶ **To ensure compliance with provisions of Convention 111:**

1. Amend the legislation provisions in all provinces to ensure these explicitly define and prohibit direct and indirect discrimination, apply to all aspects of employment and occupation, including at the recruitment stage, and cover all workers and at least all the grounds as in art. 1(1)(a) of the C. 111 (Federal and Provincial Governments)

▶ **To promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination:**

1. Amend anti-harassment legislation to protect men against sexual harassment in employment and occupation on an equal footing with women (Federal and Provincial Governments)
2. Carry out awareness raising for employers (public and private sector) and judges on anti-sexual harassment laws (Federal and Provincial Governments)
3. Publish information on implementation of anti-harassment laws including the adoption of internal codes of conduct (by public and private organizations) and the constitution of complaints committees to adjudicate complaints against harassment; and (ii) the number and results (sanctions imposed and remedies granted) of complaints lodged for sexual harassment (Federal and Provincial Governments)

▶ **To promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination:**

1. Raise awareness of the Transgender Persons (Protection of Rights) Act 2018 among workers, employers, and their respective organizations as well as enforcement authorities (Federal and Provincial Governments)
2. Enforce the prohibition of and to eliminate discrimination based on caste with respect to scheduled castes including Dalits and promote their inclusion in the labour market in a wider range of jobs through affirmative action. (Federal and Provincial Governments)
3. Amend discriminatory legal provisions (section 298 of PPC) and administrative measures (access to passports as Muslims), and to actively promote respect and tolerance for religious minorities, including the Ahmadi community (Federal Government)
4. Provide information on employment of religious minorities, especially the 5% quota in the public sector (Federal and Provincial Governments)
5. Take measures to promote tolerance and equality of opportunity and treatment in employment and occupation for religious minorities. (Federal and Provincial Governments)
6. Make payment of maternity benefit mandatory through social security system*
7. Invest in safe and affordable transport for women, with a focus on female-only transport.
8. Increase access to affordable internet and support women by providing training on cyber safety and skills needed for digitally enabled jobs.
9. Wage subsidies to support wage employment opportunities for women with educational attainment.
10. Invest in childcare support facilities and enforce existing laws related to maternity leave and childcare.

Other Legislative and Administrative Reforms

Legislative reforms

1. Enact a standalone anti-discrimination legislation that explicitly prohibits the following: "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 versus part time), and should require registration of all workers with the social security institutions.

2. At a minimum, legislation must carry a clear definition of discrimination and prohibit it on the above grounds. (Balochistan has set a standard in this regard which can be emulated by others.)
3. Amend legislation, especially the Factories Act and shops and establishments legislation, to remove the restrictive provisions on female participation in workforce. (Sindh and Balochistan have amended legislation allowing women to work during night hours, Khyber Pakhtunkhwa has submitted legislation before the provincial assembly. Punjab and ICT are lagging behind)
4. Gradually formalize the informal sector through the formulation of policies and legislation for domestic, home-based, construction, agriculture, and digital labour platform workers, among others.
5. Frame Rules in all provinces that elaborate upon the non-discrimination provisions in currently existing legislation

Administrative reforms/actions

1. The Punjab Women Empowerment Packages (2012, 2014, and 2016) need to be emulated by the federal and provincial governments. Ensure implementation of National Gender Policy Framework 2022
2. Encourage women's labour force participation by extending incentives (tax rebates) to businesses.
3. Train the Labour Inspectorate and social partners on different forms of discrimination and legal provisions and international standards concerning discrimination.
4. Operationalize gender-sensitive labour inspections, data handling and reporting. (Toolkits and systems for such inspections were already developed nearly a decade ago.)
5. Recruit female labour inspectors
6. Register informal sector workers with the Employees' Old-Age Benefits Institution (EOBI) and Provincial Social Security institutions (PESSIs) by reducing the contribution rates (or through co-paying of contributions by these workers and the State). Self-registration can help increase the number of people paying contributions into the system and add to the sustainability of the system. The Government must ensure systematic registration of unregistered workers and units through improvement in the labour inspection system. Sindh already allows self-registration of self-employed workers with the Sindh Employees Social Security Institution.
7. Share the cost of maternity leave pay (12 weeks of pay) between employers and the federal and provincial governments in order to raise female labour force participation. The cost can be shared either through the Workers Welfare Fund or general tax revenues.
8. Initiate baseline studies on compiling and analysing statistical information on remuneration/wage gaps between men and women across economic sectors and across value chains.
9. Develop a knowledge base and scholarship on discrimination in employment and occupation by collaborating with universities and research centres.

6.6. Elimination of forced labour

The **ILO Forced Labour Convention, 1930 (No. 29)**, ratified by Pakistan in 1957, 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” (Article 2(1)). 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 (Article 2(2)).

The **ILO Abolition of Forced Labour Convention, 1957 (No. 105)**, ratified by Pakistan in 1960, 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 (Article 1).

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), ratified in 1958 by Pakistan. An important UN instrument to take note of is the International Covenant on Civil and Political Rights, which was ratified by Pakistan in 2008. Under Article 8 of the Covenant, no one shall be held in slavery or servitude, and no one may be subject to forced or compulsory labour, including the use of hard labour as a punishment.

Bonded labour, a special form of forced labour found particularly in the South Asia region, occurs when a person enters into an agreement to render his/her family members' services at the disposal of a creditor in consideration of an 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 an 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. Incidence of bonded labour is more common in rural areas and is mostly found 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 (Ercelawn and Nauman 2001).

The pre-partition law to control forced labour by children was the 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. In the post-partition era, article 3 and 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 a punishment ordered by a Court of law or works required by law for public purposes, 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 fulfilment 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 the opportunity of working to their ability nor do they receive compensation according to their work, its eradication is regarded as constitutional obligation. Bonded labour is also barred under other articles of the

Constitution, including article 14 (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.

The 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. Other laws that deal specifically with forced labour include the Prevention of Trafficking in Persons Act 2018 (to check economic and sexual exploitation) and the Pakistan Penal Code 1860 (to suppress economic and sexual exploitation). In order to prevent situations of forced and bonded labour in the country, the Balochistan Government has enacted the Balochistan Forced and Bonded Labour System (Abolition) Act 2021.

Table 22. Statutory provisions on elimination of forced/bonded labour

Law/legal instrument	Legislative provisions
Constitution of the Islamic Republic of Pakistan, 1973	<p>Article 11. Slavery, forced labour, etc. prohibited:</p> <p>(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>

Law/legal instrument	Legislative provisions
<p>Bonded Labour System (Abolition) Act 1992 (Applicable to the Islamabad Capital Territory)</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>Gilgit-Baltistan Bonded/Forced Labour System (Abolition) Act 2020</p> <p>Balochistan Forced and Bonded Labour System (Abolition) Act 2021</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>
<p>Sindh Bonded Labour System (Abolition) Act 2015 (passed in 2016)</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>
<p>Pakistan Penal Code 1860</p>	<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 [five years] or with fine, or with both.</p>

Law/legal instrument	Legislative provisions
	(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.
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. (1) Any High Court may, whenever it thinks fit, direct:</p> <ul style="list-style-type: none"> (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. <p>(2) The High Court may, from time to time, frame rules to regulate the procedure in the cases under this section.</p> <p>(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>

Law/legal instrument	Legislative provisions
Prevention of Trafficking in Persons Act 2018	<p>Section 3. Trafficking in persons.–</p> <p>(1) Any person who recruits, harbours, transports, provides or obtains another person, or attempts to do so, for compelled labour or commercial sex acts through the use of force, fraud or coercion, commits an offence of trafficking in persons and shall be punished with imprisonment which may extend to seven years or with fine which may extend to one million rupees or with both.</p> <p>(2) If the offence of trafficking in persons under sub-section (1) is committed against a child or a woman, the person who commits the offence shall be punished with imprisonment which may extend to ten years and which shall not be less than two years or with fine which may extend to one million rupees or with both.</p>
Punjab Prohibition of Child Labour at Brick Kilns Act 2016	<p>Section 3. Contract of engagement on work.–</p> <p>(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> <ul style="list-style-type: none"> (a) the amount of advance (peshgi), if any; (b) the amount of wage; and (c) the pay back schedule of the advance (peshgi). <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>
Punjab Domestic Workers Act 2019	<p>Section 4. Rights and entitlements of domestic workers.– (1) A domestic worker shall not be employed under the bonded labour system or forced or partly forced labor system.</p>

Law/legal instrument	Legislative provisions
Azad Jammu and Kashmir Prohibition of Child Labour and Regulation of Labour at Brick Kilns Act 2017	<p>Section 3. Contract of engagement on work.–</p> <p>(1) Every engagement or appointment of a worker at a Brick Kiln shall be subject to a written contract in the form as may be prescribed 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; (b) the amount of Wage; and (c) the payback schedule of the Advance (peshgi).</p> <p>(2) The Occupier shall send a copy of the contract made and executed under this Section to the Inspector having jurisdiction in the area. ...</p> <p>(4) If a Worker is engaged on work at a Brick Kiln in contravention of sub- section (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 2017.</p> <p>Section 5. Prohibition of child employment.– Notwithstanding the provisions of any other law, an Occupier shall not employ, engage or permit a Child to work at the Brick Kiln.</p>
Prevention of Smuggling of Migrants Act 2018	<p>Section 3. Punishment of smuggling of migrants.– Whoever intentionally engages in or attempts to engage in the smuggling of migrants shall be punished with imprisonment which may extend to five years but which shall not be less than three years and with fine up to one million rupees.</p>
<p>Punjab Tenancy Act 1887</p> <p>Sindh Tenancy Act 1950</p> <p>NWFP Tenancy Act 1950</p> <p>Baluchistan Tenancy Ordinance 1979</p>	<p>Provincial tenancy laws to regulate tenant and landlord relations in agriculture sector.</p>
Balochistan Forced and Bonded Labour System (Abolition) Act 2021	<p>Section 3. Abolition of bonded labour system.</p> <p>(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 4. 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>

Table 22 provides the specific provisions of laws addressing forced and bonded labour. The Provincial Tenancy Acts regulate 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 1860) covered only human smuggling and related offences; however, the Prevention of Trafficking in Persons Act 2018 focuses on trafficking (centring on exploitation, whether labour or sexual). The Act provides for compensation, safety and protection to victims and requires severe punishments against offenders, repeat offenders and organized gangs, ranging from 7 to 14 years' imprisonment. Prison sentences under the Bonded Labour System (Abolition) Act 1992 range from 2 to 5 years.

Under the Bonded Labour System (Abolition) Act 1992, Vigilance Committees have been set up at the district level in all provinces and consist of representatives of the District Administration, bar associations, press, and recognized Social Services and Labour Departments.

The functions of a Vigilance Committee are:

1. to advise the Government, both district and provincial, on matters relating to the effective implementation of the law and to ensure its implementation in a proper manner;
2. to help in the rehabilitation of freed bonded labourers;
3. to keep an eye on the working of the law; and
4. to provide the bonded labourers such assistance as may be necessary to achieve the objectives of the law.

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

In July 2013, while hearing a petition, the 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, that all laborers working on brick kilns are registered as recipients of social security (subject to the fulfillment of legal requirements) and that brick kiln owners be required to pay their contributions to the Social Security Department. District Vigilance Committees have been revitalized in Punjab, and 258 Committee meetings were held in the provinces' 36 districts in 2019. Furthermore, through the Sindh Bonded Labour System (Abolition) Act 2015, the functions District Vigilance Committees have been notified, and include advising District Administration on matters relating to the effective implementation of the law, ensuring its implementation in the proper manner, and providing bonded labourers assistance as may be necessary. Khyber Pakhtunkhwa also notified its district vigilance committees at the end of 2021 for all districts.

After devolution in 2010, the 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 within the legal regime, including socio-economic uplift of bonded laborers, awareness and advocacy, and social protection. Provincial governments also aimed to work on:

- ▶ rationalization of the Bonded Labour System (Abolition) Act 1992 (giving ownership to a department and creating the institution of inspector);
- ▶ re-activation of District Vigilance Committees;
- ▶ expanding the coverage and scope of Prevention and Control of Human Trafficking Ordinance 2002 (replaced by the Prevention of Trafficking in Persons Act 2018) to cover internal trafficking for the purpose of forced and bonded labour in the country; and
- ▶ stricter enforcement of various labour laws.

In order to improve the socio-economic plight of bonded laborers, provincial governments are working on:

- ▶ the establishment of Provincial Bonded Labour Welfare Funds;
- ▶ holding a bonded labour survey;
- ▶ the provision of micro-credit (interest-free loans);
- ▶ the 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, the MOPHRD has requested the Pakistan Bureau of Statistics to include some questions related to bonded labour in the questionnaire of upcoming Labour Force Surveys. Doing so would help estimate the number of bonded laborers in the country. While the draft questions were shared with the Bureau in 2016, no progress has been achieved on that front.

The existing legislative framework for the prevention of and protection from bonded and forced labour has been improved upon since 2016. The coverage of bonded labour abolition legislation has been expanded to Sindh through the Sindh Bonded Labour System (Abolition) Act 2015, which was passed in 2016. In a very welcome move that expanded protection from forced labour to domestic workers, a sector where it is quite prevalent, the Punjab Domestic Workers Act 2019 prohibits the engagement of a domestic worker in bonded, forced or partly forced labour. Previously, Pakistan law only addressed external human trafficking (Prevention and Control of Human Trafficking Ordinance 2002). However, in 2018 the ordinance was repealed and Pakistan adopted the Prevention of Trafficking in Persons Act 2018, which prohibits the recruitment, harbouring, transportation, provision or acquisition of another individual for the purposes of compelled labour and sexual exploitation through the use of fraud or coercion (section 3(1)), and covers all violations of this sort within Pakistan. The Prevention of Smuggling of Migrants Act 2018 was adopted in order to address external trafficking.

Currently, an admirable move towards advancement is currently in progress with the draft Prevention and Prohibition of Forced Labour Bill 2021. Pakistan does not have any such legislation that broadly tackles forced labour; therefore this bill aims to provide a single piece of legislation in line with the requirements of ILO Convention Nos 29 and 105. The draft bill:

- ▶ establishes a prevention committee;
- ▶ prohibits forced labour as per ILO standards, which includes sexual exploitation and the worst forms of child labour, in addition to forced and bonded labour; and
- ▶ prescribes stringent penalties to deter violations.

In addition to legal remedies and sanctions, provincial governments have started various development projects aimed at eradicating bonded labour. Instances of elimination of bonded labour can be observed in a scheme to eliminate child labour and bonded labour in brick kilns

Box 3:**Projects on elimination of forced/bonded labour**

In 2016, the aim and implementation of the National Strategy on the Elimination of Child and Bonded Labour in Pakistan was discussed with employers and workers at a consultative meeting organized by the MOPHRD in collaboration with the ILO. The framework of the National Strategy aims to abolish child and bonded labour through “capacity development, policy integration and mainstreaming of child and bonded labour issues and concerns into key development policies, programmes and their budgets, strengthened law and enforcement, enhancing the system child and bonded labour data collection, analysis and use, partnerships and resource mobilization and Information, Education and Communication” following the changes brought on by the 18th Amendment to the Constitution.

Under the ILO project “Eliminating child labour and forced labour in the cotton, textile and garment value chains: an integrated approach”, a consultative workshop was held in 2019. One of the aims of the workshop was to strengthen understanding on fundamental principles and rights at work, as well as improving labor inspection within the cotton supply chain. Previously in 2018, a consultative workshop was organized so that stakeholder experience and expertise may be drawn on to improve and tailor the interventions to address child and bonded labour in cotton, textile and garment supply chains. Another focus was the aim of preventing child and forced labour in the agricultural sector in order to improve rural livelihoods. Two workplans were the product of these consultations, which are still being implemented as of 2022.

located in four districts of Punjab – Faisalabad, Sargodha, Bahawalpur and Gujrat. This project had a total cost of 196.987 million rupees, and was initiated in October 2012 and reached its conclusion in June 2020. A total of 200 Non-Formal Education Centres were established in the four districts in which 7,894 learners were enrolled. As a result, 6,854 brick kiln workers have now secured CNICs (national identity cards) and 3,081 children have been prepared for their birth registration in respective Local Union Councils.


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 Act 2016. The Act not only prohibits engagement of children (under 14 years) in brick kiln work but also regulates employment of adults by requiring written contracts and allows for termination of such contracts by either party. The new Act also has provisions requiring brick kiln owners to provide a 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 a maximum of six times the wages of a worker for one wage period (time rated or piece rated). Brick kiln owners or occupiers are also required to send a copy of contract to the inspector in the area. Another important provision in the Act is that either party can terminate the contract by giving 30 days’ prior notice in writing. Similar legislation has also been adopted in Azad Jammu and Kashmir through the territory’s Prohibition of Child Labour and Regulation of Labour at Brick Kilns Act 2017.

The Government of Punjab amended the Bonded Labour System (Abolition) Act 1992 in 2018 to incorporate the term “forced labour” and stringent penalties for perpetrators of forced and bonded labour in the province. The amended law also has a provision for a **Provincial Vigilance Committee** with the following functions:

- reviewing the implementation of legislation and the action plan relating to abolition of bonded or forced labour and the rehabilitation of persons freed from bonded labour;
- monitoring the working of the District Vigilance Committees constituted under the Act and the rules made thereunder; and
- addressing the concerns of national and international bodies on matters relating to the bonded or forced labour.

The earlier legislation had left all the responsibility to the District Vigilance Committees, but the amended legislation in Punjab provides for a labour inspection system, and labour inspectors notified under the factories, shops and establishments legislation as well as mines legislation have been notified as inspectors under the reformed law and they are all authorized to conduct inspections on bonded labour as well.

This, along with other amendments, has led to an adequate number of inspectors, including the appointment of female inspectors. Session courts have also played a proactive role by disposing of the so-called “Habeas Corpus Petitions”, thus aiding in the recovery and rehabilitation of the forced labour victims through effective utilization of Court Bailiffs. This has resulted in

 **Session courts have also played a proactive role by disposing of the so-called “Habeas Corpus Petitions”, thus aiding in the recovery and rehabilitation of the forced labour victims through effective utilization of Court Bailiffs.**

the recovery of many forced labour victims, including female victims. Rules under the Punjab Bonded Labour System (Abolition) Act 2018 are also in the process of being drafted, while rules under the Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act 2015 are in the process of being vetted.

Under the Khyber Pakhtunkhwa Labour Policy 2018 and its Provincial Action Plan, the Khyber Pakhtunkhwa Employees Social Security Institution has initiated efforts to extend protection to the brick kiln industry. Once this is done, brick kilns will be registered under the Department of Labour, allowing ease in keeping track of employees, thus preventing

bonded labour. Currently, the registration of brick kiln workers and employers is burdensome, as workers tend to have more than one employer. However, once they are registered under social security, workers may only have one employer, removing this barrier of registration. Furthermore, Khyber Pakhtunkhwa has undertaken a study on bonded labour in Peshawar and Nowshera, two districts where 50 per cent of the brick kiln industry is found. The study aimed to identify the prevalence of bonded labour in the brick kiln industry. Following this study, the Khyber Pakhtunkhwa Labour Department plans to conduct a full survey on bonded labour.

Issues of forced labour and other laws

The Pakistan Merchant Shipping Ordinance 2001 has been criticized by the CEACR, which notes that the law 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. The CEACR has stated that the provisions of the Ordinance do not appear to be limited in scope to circumstances endangering the safety of the ship or the life and health of persons.⁵⁴ In responses to the CEACR, the Government has reiterated

⁵⁴ CEACR, [Direct Request – Abolition of Forced Labour Convention, 1957 \(No. 105\) – Pakistan](#), adopted 2020, published 109th session, International Labour Conference, 2021.

and reasserted its earlier stance that these provisions serve a deterrence purpose in order to avoid misconduct that may endanger the ship or lives of persons on board. Moreover, a close analysis of these provisions actually indicates that in the event of absence without leave, desertion or willful disobedience, the 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 lives and health of persons on board, and punishment for these actions is not prohibited under ILO Convention No. 105. As regards the issue of forcible return of seafarers on board a ship to perform their duties, the MOPHRD has requested the Ministry of Ports and Shipping to consider reviewing relevant provision of the Merchant Shipping Ordinance 2001 in consultation with ship-owners and seafarer organizations in the country.

The CEACR has also levied criticism against the Essential Services (Maintenance) Act 1952, noting that under the Act employees are prohibited from leaving their employment without the consent of the employer, as well as from striking, subject to penalties of imprisonment that involves compulsory labour.⁵⁵ In its response to the CEACR, the Government has noted that the law clearly stipulates (in section 3) that the Act applies to every employment under the Federal Government and to any class of employment that is declared as essential through official notification. Such a declaration and notification is issued only if the Federal Government is of the opinion that such employment is essential in securing the defence 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 for a further six months at any one time. Even in cases where the Essential Services (Maintenance) Act is applied to an establishment, the National Industrial Relations Commission is authorized to regulate the wages and employment conditions of workers engaged in "essential services".

Table 23. National Action Plan on Business and Human Rights (2021–26) recommendations for government actions related to the elimination of forced/bonded labour

Coverage area	Action
Pakistan	Ratify ILO Protocol of 2014 to the Force Labour Convention, 1930 No. 29.
	Amend the Bonded Labour (Abolition) Act 1992 to provide more stringent punishments against those violating the law and to incorporate provisions on government aid and rehabilitation programmes for victims of forced or bonded labour.
	Amend Section 374 of the Pakistan Penal Code (in relation to unlawful compulsory labour) to increase the one-year sentence to life imprisonment in accordance with international best practices.
	Introduce capacity-building programmes for members of the District Vigilance Committees established under the Bonded Labour System (Abolition) Act 1992.
	Take requisite steps to incorporate the terms of the ratified ILO Conventions into the legal framework governing workers' rights in Pakistan.
	Enactment of laws and regulations on those engaged in the informal sector.

Source: Pakistan, Ministry of Human Rights 2021.

⁵⁵ *ibid.*

Table 23 presents the actions in the area of forced labour and bonded labour that are to be undertaken over the next five years according to the National Action Plan on Business and Human Rights (2021–26).

The federal and provincial governments must take necessary measures to ensure compliance with the fundamental labour standards on the elimination of all forms of forced or compulsory labour (Conventions Nos 29 and 105). The reform measures, suggested below, have already been agreed upon by the provinces under the National and Provincial Labour Protection Frameworks.

Proposed Reforms and Actions (based on CEACR Recommendations)⁵⁶

► In order to suppress the use of forced or compulsory labour in all its forms:

1. Frame rules under the newly enacted Balochistan legislation (Provincial Government of Balochistan)
2. Ensure effective implementation of bonded labour legislation (All Provincial Governments)
3. Publish data on investigations, violations, prosecutions and convictions regarding bonded labour and the number of freed bonded labourers in the annual labour inspection report (Federal and Provincial Governments)
4. Take actions to combat and eliminate bonded labour, as detailed under the National Strategic Framework to Eliminate Child and Bonded Labour in Pakistan (Federal and Provincial Governments)
5. Publish information on combatting bonded labour and supporting freed bonded labourers, including actions taken under the National Strategic Framework (Federal and Provincial Governments)
6. Publish information on the concrete results of these initiatives, including the number of bonded labourers and former bonded labourers, benefiting from these measures. (Federal and Provincial Governments)
7. Establish and strengthen the DVCs (Provincial Governments)
8. Publish detailed reports on the functioning of DVCs (Federal and Provincial Governments)
9. Provide copies of monitoring or evaluation reports of the DVCs, including the number of bonded labour identified and rescued. (Provincial Governments)
10. Collaborate with the Pakistan Bureau of Statistics (and provincial bureaus) and conduct sectoral surveys on bonded labour in all the provinces (Federal and Provincial Governments)
11. Publish annual statistics number of investigations, prosecutions, convictions and the specific penalties imposed under PTPA, PSMA and relevant sections of PPC (Ministry of Interior and FIA, Federal and Provincial Governments)

⁵⁶ The following CEACR recommendations are used: Observation (CEACR) on C. 29 - adopted 2020, published 109th ILC session (2021) on Forced Labour Convention, 1930 (No. 29) https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4054343,103166:NO and Direct Request (CEACR) on C. 29 - adopted 2020, published 109th ILC session (2021) on Forced Labour Convention, 1930 (No. 29) https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4054340,103166:NO Observation (CEACR) on C. 105 - adopted 2020, published 109th ILC session (2021) on Abolition of Forced Labour Convention, 1957 (No. 105) https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4054659,103166:NO and Direct Request (CEACR) on C. 105- adopted 2020, published 109th ILC session (2021) on Abolition of Forced Labour Convention, 1957 (No. 105) https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4054656,103166:NO

► **To suppress and not to make use of any form of forced or compulsory labour as a punishment for expressing political views and as a means of religious discrimination:**

12. Amend the provisions in selected legislation, either by repealing them, by limiting their scope to acts of violence or incitement to violence, or by replacing sanctions involving compulsory labour with other kinds of sanctions, e.g., fines (Federal Government)
13. Federal and Provincial Governments to amend respective Essential Services (Maintenance) Acts (Federal and Provincial Governments)
14. Federal Government to amend sections 204, 206, 207 and 208 of the Pakistan Merchant Shipping Ordinance 2001 (Federal Government)

► **To suppress and not to make use of any form of forced or compulsory labour as a means of labour discipline and as a punishment for having participated in strikes:**

1. Amend or repeal sections 32(1)(e) and 67(3) of the Industrial Relations Act 2012 (Federal Government)

Other Legislative and Administrative Reforms

Legislative reforms

1. Enact a standalone legislation on forced and bonded labour in line with the principles of Conventions Nos 29 and 105. (The MOPHRD already has with it a draft legislation – Prevention and Prohibition of Forced Labour Bill 2021.)



2. Rationalize and amend the Bonded Labour System Abolition Acts to incorporate forced labour and raise penalties.
3. Harmonize bonded labour legislation with other legislations, for example, the Payment of Wages Act and the Standing Orders Ordinance.
4. Develop subsidiary Rules for the amended or newly enacted laws on forced labour

Administrative reforms/actions

1. Restructure the District Vigilance Committees to make them more effective.
2. Train the Labour Inspectorates and District Vigilance Committees to effectively monitor and address issues of forced and bonded labour.
3. Conduct bonded labour surveys to gauge incidence of bonded labour in various economic sectors.
4. More strictly enforce working time and payment of wages laws by strengthening the labour inspection system (by standalone legislation on labour inspection and by having a dedicated career service).
5. Include questions regarding forced labour in the upcoming Labour Force Survey to gauge actual incidence of forced labour in the formal and informal sectors.
6. Conduct capacity-building of Provincial Labour Departments in identifying instances of forced labour in the formal and informal sectors (and strive towards gradual formalization of the informal sector).
7. Secure convictions under the Bonded Labour System (Abolition) Act 1992, since to date no convictions have been secured under this Act. The focus has been more to use section 491 of the Code of Criminal Procedure 1898 (habeas corpus).
8. Bring workers in the formal sector into the social safety net. Though the formal sector comprises more than 10 million workers, only around 2 million are registered with social security institutions. This drive can then be expanded to the broader informal sector as well. Workers involved in bonded labour find themselves entrenched in slave-like conditions due to personal debts. The leading causes of individual bankruptcies across Pakistan are medical-related – either illness of a family member or the death of a breadwinner. Workers, with limited means, have little choice but 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 financial relief in such situations, and consequently will not need to take loans and risk being in debt bondage.
9. Since bonded labour is more prevalent in the agriculture sector (which accounts for 37 per cent of the labour force), the Government should bring the 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 enabling rights, and once workers have these rights, they are likely to be able to secure other rights through collective bargaining, by lobbying the Government, or (if necessary) by protesting.
10. All shops and establishments must be registered and workers' employment records must be maintained by employers and a designated state department. Access to social security institutions (like the ESSI, EOBI and WWF) should not be based on the employment contract status of a worker. A worker must be registered once he or she starts their employment and that registration should not be affected because of the type of employment contract. Institutional capacity must also be enhanced to ensure social security coverage of all workers.

6.7. 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.

Article 32 of the UN Convention on the Rights of the Child, ratified by Pakistan in 1990, protects children from the violation of their fundamental rights by entrusting State Parties with the responsibility to ensure that children are free from economic exploitation, engagement in hazardous work and work that interferes with the child's education. Article 32 additionally entails that State Parties must set a minimum age for admission to employment, regulate the hours and conditions of employment, and provide appropriate penalties and sanctions to enforce the article.

The **ILO Minimum Age Convention, 1973 (No. 138)**, ratified by Pakistan in 2006, aims to ensure the effective abolition of child labour and demands that countries progressively raise 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 economies 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 jeopardize the health, safety or morals of young persons cannot be less than 18 years. When ratifying Convention No. 138, countries have the option of declaring the minimum age for employment as 14 or 15 years, depending on their level of economic development. Pakistan declared this age as 14 years in 2006.

The **ILO Worst Forms of Child Labour Convention, 1999 (No. 182)**, ratified by Pakistan in 2001, 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.

Table 24. Statutory provisions on the abolition of child labour

Law/legal instrument	Legislative provisions
Constitution of the Islamic Republic of Pakistan, 1973	<p>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.</p> <p>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.</p> <p>Article 37 Promotion of social justice and eradication of social evils. The State shall: ...</p> <p>(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;</p>
Minimum age for admission to work	
<p>Factories Act 1934 and Shops and Establishments Ordinance 1969 (ICT and Balochistan)</p> <p>*Minimum age for employment as well as the minimum age for engaging in hazardous work is 14 years in ICT and Balochistan.</p>	<p>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.</p> <p>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.</p>
Khyber Pakhtunkhwa Prohibition of Employment of Children Act 2015 (14 years)	<p>Section 3. Prohibition of employment.– (1) No child shall be employed or permitted to work in any establishment:</p> <p>Provided that a child not below the age of 12 years may be engaged in the light work, alongside his family member, for a maximum of two hours per day mainly for the purpose of acquiring skills, in a private undertaking, or in any school established, assisted or recognized by Government for such purpose.</p> <p><i>"child" means a person who has not completed his fourteenth year of age;</i></p>
Punjab Restriction on Employment of Children Act 2016 (15 years)	<p>Section 3. Prohibition of employment.–</p> <p>(1) No child shall be employed or permitted to work in any establishment:</p> <p><i>"child" means a person who has not attained the age of fifteen years;</i></p>
Sindh Prohibition of Employment of Children Act 2017 (14 years)	<p>Section 3. Prohibition on employment.– (1) An occupier shall not employ or permit a child to work in the establishment.</p> <p><i>"child" means a person who has not completed his fourteenth years of age;</i></p>

Law/legal instrument	Legislative provisions
Balochistan Employment of Children (Prohibition and Regulation) Act 2021 (14 years)	<p>Section 3. Prohibition on employment.- (1) No child shall be employed or permitted to work in any establishment.</p> <p><i>"child" means a person who has not completed his fourteenth years of age;</i></p>
Mines Act 1923	<p>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.</p>
Khyber Pakhtunkhwa Mines, Safety, Inspection and Regulation Act 2019	<p>Section 2.(i) "child" in case of mining means a person who has not completed his eighteen years of age</p> <p>Section 50. Prohibition of employment of children.- (1) No child shall be employed in a mine or be allowed to be present in any part of a mine which is above or below ground.</p> <p>Section 51. Employment of person below eighteen or above sixty years of age.- (1) After commencement of this Act, no person below eighteen or above sixty years of age other than those employed in managerial or supervisory categories shall be allowed to work in any mine or any part thereof either below or above ground, where any operation connected with or accidental to any mining operation is being carried on.</p> <p>(2) Notwithstanding anything in sub-section (1), apprentices and other trainees who have no completed eighteen years of age may be allowed to work subject to the production of fitness certificate and under proper supervision in a mine or part thereof by mine manager.</p> <p>Provided that in case of apprentices and trainees, prior approval of the Chief Inspector shall be obtained before they are allowed to work.</p>
Factories Act 1934 (ICT and Punjab)	<p>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.</p>
Khyber Pakhtunkhwa Factories Act 2013	<p>Section 80. Prohibition of employment of children. No child shall be allowed to work in any factory.</p>
Sindh Factories Act 2015	<p>Section 81. Prohibition of employment of young children. No child who has not completed his fourteenth year shall be allowed to work in any factory.</p>
Balochistan Factories Act 2021	<p>Section 84. Subject to Article 11 of the Constitution of Islamic Republic of Pakistan 1973 and in pursuance of ILO Convention 138 regarding minimum age for employment as ratified by Pakistan no child who has not completed his fourteenth year shall be allowed to work in any factory.</p>

Law/legal instrument	Legislative provisions
Shops and Establishments Ordinance 1969 (ICT, Balochistan and Punjab)	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.
Sindh Shops and Commercial Establishment Act 2015	Section 20. Prohibition of employment of children. No child shall be required or allowed or employed to work in any establishment for any nature of work.
Khyber Pakhtunkhwa Shops and Establishments Act 2015	Section 21. Prohibition or employment of children.- No child shall be required or allowed to work in any establishment.
Balochistan Shops and Establishments Act 2021	Section 20. No child shall be required or allowed to work in any establishment.
Children (Pledging of Labour) Act 2017 (AJK)	<p>Section 2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-</p> <p>(a) "Agreement to pledge" means an agreement, written or oral, express or implied, whereby the parent or guardian of a Child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the Child to be utilized in any employment:</p> <p>Provided that an agreement made without detriment to a Child and not made in consideration of benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition.</p> <p>(b) "Child" means a person who is under the age of fifteen years; ...</p> <p>Section 3. Agreements to pledge to be void.- An Agreement to pledge, contrary to this Act, shall be void.</p>
Punjab Domestic Workers Act 2019	<p>Section 3. Prohibition on employment.- No child under the age of 15 years shall be allowed to work in a household in any capacity:</p> <p>Provided that no domestic worker under the age of 18 years shall be engaged in a domestic work except involving light work in a household.</p> <p><i>Explanation: "Light work" means domestic work which is part-time in nature and is not likely to harm health, safety and education of a domestic worker.</i></p>
Minimum age for hazardous work	
Employment of Children Act 1991 (Applicable to ICT)	<p>"child" means a person who has not completed his fourteenth year of age;</p> <p>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.</p>

Law/legal instrument	Legislative provisions
	<p>Four occupations and 34 processes have been identified as hazardous in the Schedule</p> <p>*Only ICT has classified domestic work as hazardous work for children under 14 years of age.</p>
Punjab Restriction on Employment of Children Act 2016	<p>Section 2. Definitions.- In this Act:</p> <p>(a) "adolescent" means a person who has attained the age of fifteen years but has not attained the age of eighteen years; ...</p> <p>(c) "child" means a person who has not attained the age of fifteen years;</p> <p>Section 3. Prohibition on employment.- (1) An occupier shall not employ or permit a child to work in the establishment.</p> <p>(2) An occupier shall not employ or permit an adolescent to perform any hazardous work in the establishment.</p> <p>38 forms of work have been identified as hazardous in the Schedule.</p>
Sindh Prohibition of Employment of Children Act 2017	<p>Section 2. Definitions.- In this Act, unless there is anything repugnant in the subject or context -</p> <p>(i) "adolescent" means a person who has completed his fourteenth but has not completed eighteenth year of his age;</p> <p>(ii) "child" means a person who has not completed his fourteenth years of age;</p> <p>Section 3. Prohibition of employment. (1) No child shall be employed or permitted to work in any establishment.</p> <p>(2) No adolescent shall be employed or permitted to work in any hazardous work included in the Schedule.</p> <p>38 forms of work have been identified as hazardous in the Schedule.</p>
Khyber Pakhtunkhwa Prohibition of Employment of Children Act 2015	<p>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.</p> <p>Four occupations and 35 processes have been identified as hazardous in the Schedule.</p>
Balochistan Employment of Children (Prohibition and Regulation) Act 2021	<p>Section 3. No person below the age of 18 years shall be employed or permitted to work in any hazardous occupations and in any of forms of labour that are of the worst kind in nature.</p>

Law/legal instrument	Legislative provisions
Child Rights (Care and Protection) Act 2016 (AJK)	<p>Section 2.(d) "Child" means a person who has not yet attained the age of 18 years, at the time of any relevant proceeding; ...</p> <p>(g) "Child Labour" includes bonded labour and work or employment of a child under fourteen years of age or work which:-</p> <p>(i) is exploitative, hazardous or otherwise inappropriate for a person of that age; and</p> <p>(ii) places at risk the child's well-being, education, physical or mental health, or spiritual, moral, emotional or social development;</p> <p>Section 17. Child Labour.- (1) The Commission recognize the right of the Child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the Child's education, or to be harmful to the Child's health or physical, mental, spiritual, moral or social development.</p> <p>(2) The Commission shall take legislative, administrative, social and educational measures to ensure the implementation of this provision. To this end, the Commission shall in particular:</p> <p>(a) Provide for a minimum age or minimum ages for admission to employment which shall not be less than 14 years;</p> <p>(b) provide for appropriate regulation of the hours and conditions of employment;</p> <p>(c) provide safeguard from bonded labour; and</p> <p>(d) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this provision.</p>
Worst forms of child labour	
Pakistan Penal Code 1860	<p>Section 366.-(A) Procuration 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.</p> <p>(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.</p>

Law/legal instrument	Legislative provisions
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 of Electronic Crimes Act 2016	<p>Section 22. Child pornography.- (1) Whoever intentionally produces, offers or makes available, distributes or transmits through an information system or procures for himself or for another person or without lawful justification possesses material in an information system that visually depicts –</p> <p>(a) a minor engaged in sexually explicit conduct;</p> <p>(b) a person appearing to be a minor engaged in sexually explicit conduct; or</p> <p>(c) realistic images representing a minor engaged in sexually explicit conduct; or</p> <p>(d) discloses the identity of the minor,</p> <p>shall be punished with imprisonment for a term which may extend to seven years, or with fine which may extend to five million rupees or with both.</p>
National Commission on the Rights of Child Act 2017	<p>Section 2.(b) "child" means any person below the age of eighteen years;</p> <p>Section 15. Functions of the Commission.- The Commission shall perform all or any of the following functions, namely:- ...</p> <p>(f) examine all factors that inhibit enjoyment of rights of child, such as violence, abuse and exploitation, trafficking, torture, pornography and prostitution and recommend appropriate remedial measures;</p>

Law/legal instrument	Legislative provisions
Islamabad Capital Territory Child Protection Act 2018	<p>Section 2.(t) "sexual abuse and exploitation" includes the inducement or coercion of a child to engage in any unlawful sexual activity including use of children in audio or visual images for child pornography, child prostitution, trafficking within and between countries for sexual exploitation and sale of children for sexual purposes;</p> <p>Section 5. Child in need of care. A child in need of protection and care shall include a child who–</p> <p>(a) has been subjected to or is under serious threat of being subjected to child abuse or child exploitation while in the care of parents, legal guardian or any other person who has custody of the child in any manner; or</p> <p>(b) is unattended, victim of an offence, child, domestic and such other workers, found begging, imprisoned with the mother or lives in an immoral environment.</p>
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>
Punjab Restriction on Employment of Children Act 2016	<p>Section 11. Penalties – ...</p> <p>(3) A person, who employs a child or an adolescent in:</p> <p>(a) any form of slavery or practices similar to slavery, such as the sale and trafficking of children or adolescents, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children or adolescents for use in armed conflicts;</p> <p>(b) the use, procuring or offering of a child or adolescent for prostitution, for the production of pornography or for pornographic performances; and</p> <p>(c) the use, procuring or offering of a child or adolescent for illicit activities, in particular for the production and trafficking of drugs,</p> <p>shall be liable to punishment with imprisonment for a term which may extend to seven years but which shall not be less than three years and with fine which may extend to one million rupees but which shall not be less than two hundred thousand rupees.</p>

Law/legal instrument	Legislative provisions
Prevention of Trafficking in Persons Act 2018	<p>Section 3. Trafficking in persons.– (1) Any person who recruits, harbours, transports, provides or obtains another person, or attempts to do so, for compelled labour or commercial sex acts through the use of force, fraud or coercion, commits an offence of trafficking in persons and shall be punished with imprisonment which may extend to seven years or with fine which may extend to one million rupees or with both.</p> <p>(2) If the offence of trafficking in persons under sub-section (1) is committed against a child or a woman, the person who commits the offence shall be punished with imprisonment which may extend to ten years and which shall not be less than two years or with fine which may extend to one million rupees or with both.</p> <p>Section 7. Presumption in case of child victim.– Where the victim is a child, the prosecution may not prove actual use of force, fraud or coercion and the Court may not consider the consent of the victim, his parent or guardian as a defence.</p>
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 anyone 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,</p>

Law/legal instrument	Legislative provisions
Sindh Children Act 1955	<p>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>
Sindh Prohibition of Employment of Children Act 2017	<p>Section 14. Penalties - (1) Whoever employs any child in contravention of the provisions of sub-section 3 (1) shall be punishable with imprisonment for a term which may extend to six months or with a fine which may extend to fifty thousand rupees or with both:</p> <p>Provided further that if the child or the adolescent is employed in –</p> <p>(a) any form of slavery or practice similar to slavery, such as the sale and trafficking of children or adolescents, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children or adolescents for use in armed conflicts;</p> <p>(b) the use, procuring or offering of a child or adolescent for prostitution, for the production of pornography or for pornographic performances;</p> <p>(c) the use, procuring or offering of a child or adolescent for illicit activities, in particular for the production and trafficking of drugs; the fine may extend to ten hundred thousand rupees but not less than two hundred thousand rupees and the imprisonment may extend to ten years but not less than five years.</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>

Law/legal instrument	Legislative provisions
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> <p>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.</p> <p>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.</p>
Balochistan Child Protection Act 2016	<p>Section 2.(w) "Sexual abuse and exploitation" includes:-</p> <p>(i) the inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity;</p> <p>(ii) the use of children in commercial sexual exploitation;</p> <p>(iii) the use of children in audio or visual images of child sexual abuse; and</p> <p>(iv) child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking (within and between countries) and sale of children for sexual purposes and forced marriage;</p> <p>Section 5. Child in need of Protection. A child in need of protection shall include any child who has been subjected to, is subject to, or is under serious threat of being subjected to:-</p>

Law/legal instrument	Legislative provisions
	<p>(a) physical violence or injury; (b) mental violence; (c) neglect or negligent treatment; (d) maltreatment; (e) exploitation; and (f) sexual abuse or sexual exploitation</p> <p>while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.</p>
<p>Gilgit Baltistan Child Protection and Welfare Act 2013</p>	<p>Section 2. (e) "Child at risk" means a child in need of protection who;</p> <ul style="list-style-type: none"> (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; (ii) is found begging; or (iii) is found without having any home or settled place of abode or without any ostensible means of subsistence; or (iv) has a parent or guardian who is unfit or incapacitated to exercise control over the child; or (v) lives in a brothel or with a prostitute or frequently visits any place being used for the purpose of prostitution or is found to associate with any prostitute or any other person who leads an immoral or depraved life; or (vi) is being or is likely to be abused or exploited for immoral or illegal purposes or gain; or (vii) is beyond the parental control; or (viii) is imprisoned with the mother or born in jail; (ix) has lost his parents or one of the parents and has no adequate source of income; or (x) is victim of an offence punishable under this Act or any other law for the time being in force and his parent or guardian is convicted or accused for the commission of such offence; or (xi) is left abandoned by his parent or parents as the case may be, which will include a child born out of wedlock and left abandoned by his parent; <p>(x) "Sexual abuse" means employing, using, forcing, persuading, inducing, enticing, or coercing any child to engage in, or assisting any other person to engage in fondling, stroking, caressing, exhibitionism, voyeurism or any obscene or sexually explicit conduct or stimulation of such conduct either independently or in conjunction with other acts, with or without his consent;</p>

Law/legal instrument	Legislative provisions
Gilgit-Baltistan Child Marriages Restraint Act 2015	<p>Section 2. (a) "child" means a person male or female who is under eighteen years of age;</p> <p>Section 3. Punishment for male contracting party. Whoever, being a male above eighteen years of age, contracts a child marriage shall be punished with rigorous imprisonment which may extend to three years but shall not be less than two years and shall be liable to fine.</p> <p>Section 4. Punishment for solemnizing a child marriage. Whoever performs, conducts, directs, brings about or in any way facilitates any child marriage shall be punished with rigorous imprisonment which may extend to three years but shall not be less than two years and shall also be liable to fine, unless he proves that he had reason to believe that the marriage was not a child marriage.</p> <p>Section 5. Punishment for parent or guardian concerned in a child marriage. (1) Where a parent or guardian or any other person in any capacity, lawful or unlawful, does any act to promote the child marriage or permits it to be solemnized, or fails to prevent it negligently, from being solemnized, shall be punished with rigorous imprisonment which may extend to three years but shall not be less than two years and shall also be liable to fine.</p> <p>(2) For the purposes of this section, it shall be presumed, until contrary is proved, that where a child has been contracted into a marriage, a person having charge of such child failed to prevent the marriage from being solemnized.</p>
Sindh Street Children Shelter Home Act 2018	<p>Section 4. Hamara Ghar: (i) In this facility, all possible amenities shall be provided including:</p> <ol style="list-style-type: none"> (1) Education facility to Matric. (2) Residential area (3) Sports and recreational facilities (4) Vocational Skills (5) Basic Health Unit <p>(ii) There shall be a bifurcation in this facility for the boys and girls within the Hamara Ghar.</p> <p>(iii) The Government shall be responsible for their welfare, education, health and all the responsibilities until they have attained the age of 18, or until they have become self-sufficient.</p>

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 from the ages of 5–16 years. The 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. The Government of Pakistan is cognizant of the fact that it needs to raise the minimum age for admission to full time work to 16 years (in line with article 25-A of the Constitution), incorporate the minimum age for light work for limited hours (12 years and onwards), and raise the minimum age for admission to hazardous work from the current 14 years to 18 years (in line with provisions of ILO Convention No. 138).

Pakistan has been criticized for not have minimum age for admission to work; however, this view is misplaced, since the Factories Act 1934, Mines Act 1923 and Shops and Establishments Ordinance 1969 set the minimum age as 14 years (15 years for mine workers). Thus, Pakistan is only partially compliant with its obligations under Convention No. 138. Moreover, as shown in table 24 above, the minimum age for admission to work has been set under new provincial-level legislation enacted in Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh. However, since the 18th Constitutional Amendment has implicitly raised the minimum age for work by requiring compulsory education from 5 to 16 years of age, there is a need to raise the 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 the workforce since they are legally permitted to work. Keeping a low minimum age for work hurts the Government's efforts to provide free and compulsory education in line with Constitutional provisions.

The Government of Khyber Pakhtunkhwa has enacted its Prohibition of Employment of Children Act in 2015. The Act is more in line with the provisions of Convention No. 138 and CEACR comments⁵⁷, as it sets the minimum age for light work (12 years) and raises the minimum age for hazardous work to 18 years. Carpet weaving and bangle manufacturing are listed as hazardous occupations under the Khyber Pakhtunkhwa Prohibition of Employment of Children Act 2015, and therefore children under the age of 18 are not allowed to partake in such processes. Under the Sindh Prohibition of Employment of Children Act 2017, the minimum age to work in non-hazardous occupations is 14–18 years. All employment of children under the age of 14 is prohibited. The minimum age for employment in Punjab is 15 years; while the minimum age for hazardous work is 18 years. The ICT Employment of Children Act 1991 bars children of 14 years of age from hazardous professions. The aforementioned legislation in Khyber Pakhtunkhwa, Punjab and Sindh also requires the formation of a Provincial Coordination Committee on Child Labour to advise the Provincial Government on appropriate legislative, administrative and other measures for the eradication of the child labour as per national and international instruments. Similar provisions are found in the Balochistan Employment of Children (Prohibition and Regulation) Act 2021.

Other than Khyber Pakhtunkhwa, no other provincial legislation refers to light work and the minimum age for engaging a child in light work. However, this appears to be changing soon. The Balochistan Employment of Children (Prohibition and Regulation) Act 2021 prohibits children from engaging in domestic work and hazardous work, and under section 2(v) defines light work as work that may be performed by children above the age of 12 and below the age of 14. In addition, an effort to set a lower minimum age for light work in Punjab is currently underway. However, none of these new laws raise the minimum age for admission to full time work

⁵⁷ As per CEACR, [Observation – Minimum Age Convention, 1973 \(No. 138\) – Pakistan](#), adopted 2020, published 109th Session, International Labour Conference, 2021.

from 14 years to 16 years in line with article 25-A of the Constitution. Moreover, these laws do not limit the hours of work for school-going children to 2–3 hours per day. To address the difference between provincial laws and the Constitution and to ensure that the education of children between the ages of 14 and 16 is not compromised, the requirement of the employer to accommodate working hours that ensure that the child is undergoing compulsory education as per Article 25-A of the Constitution is legislated under the Sindh Prohibition of Employment of Children Act 2017 and the Punjab Restriction on Employment of Children Act 2016. The maximum working hours for adolescents have been specified as seven hours per day, inclusive of one hour of rest in Khyber Pakhtunkhwa, Punjab and Sindh. In Balochistan, the newly enacted law on child labour limits the working hours per day to 8 hours per day inclusive of one hour of rest. It also allows overtime work up to eight hours per week by adolescent/young workers (under age 18).

Several developments have occurred in the last five years, all with the aim of furthering the achievement of the abolition of child labour. In 2017 the National Commission on the Rights of the Child Act was passed. The function of the Commission is to ensure the protection of child rights, including the prevention of trafficking, abuse, exploitation, pornography and prostitution. In 2020 the Government notified the Commission, appointing a chairperson, provincial members and two children as members. Legislation regulating the employment of children has been promulgated in all provinces, with the laws prohibiting the employment of children below the age of 14 (15 in Punjab) and prohibiting the engagement of adolescents in hazardous work. The Sindh Shops and Commercial Establishments Act 2015 similarly prohibits the employment of children below the age of 14 in any nature of work in any establishment in Sindh. Furthermore, any agreement whereby a parent or guardian offers their child's labour in exchange for any payment or benefit is now void in Azad Jammu and Kashmir through the Children (Pledging of Labour) Act 2017. The Khyber Pakhtunkhwa Mines, Safety, Inspection and Regulation Act 2019 restricts the employment of children below the age of 18 in mines in the province. In 2021, Balochistan enacted legislation on prohibiting child labour and has set the minimum age for employment as 14 years and prohibited hazardous work for workers under the age of 18 years (Balochistan Employment of Children (Prohibition and Regulation) Act 2021).

The worst forms of child labour are addressed through various Acts, one of which is the Prevention of Electronic Crimes Act 2016. This Act prohibits and penalizes the production, distribution and procurement of child pornography. Further providing protection is the Prevention of Trafficking in Persons Act in 2018, which not only prohibits and penalizes forced labour, trafficking and sexual exploitation of children, but provides further protection to children in court cases regarding these matters. As of June 2020, nine cases have been registered under the Prevention of Trafficking in Persons Act 2018. Section 14(1)(a) of Sindh Prohibition of Employment of Children Act 2017 and section 11(3)(a) of the Punjab Restriction on Employment of Children Act 2016 prohibit the recruitment of children in armed conflict and provide punishment for such occurrences. To date, no cases under these sections have been reported.

In 2004, Punjab became the first province to enact new legislation on the protection and welfare of children (Punjab Destitute and Neglected Children Act 2004). Khyber Pakhtunkhwa enacted its own law in 2010. More recent legislation include the Balochistan Child Protection Act 2016, the Gilgit Baltistan Protection Welfare Act 2013, the Azad Jammu and Kashmir Child Rights (Care and Protection) Act 2016, and the Islamabad Capital Territory Child Protection Act 2018. Balochistan also enacted the aforementioned Employment of Children (Prohibition and Regulation) Act in 2021, restricting employment of children in the province. These pieces of legislation include the criteria for identification of vulnerable children and the risks they may face, including increased vulnerability to the worst forms of child labour; list out the rights which they are owed; and set up child protection mechanisms and units. The Sindh Street Children Shelter Home Act 2018 similarly protects street children from child labour, providing for "Hamara Ghar", a shelter that educates and cares for this vulnerable segment of society.

Since there are approximately 3 million children under the age of 14 engaged in employment in Pakistan, there is a dire need to regulate this economically active population and bring it under the protection of law. Although, Khyber Pakhtunkhwa has permitted light work to be performed by children aged 12–14, a list of allowed light work must be formulated. Other provinces must follow suit.

The 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 number of child laborers (economically active on full time basis) came to 3.3 million, or 8.3 per cent of the 40 million children aged 5–14 years.

▶▶ The 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.

Realizing the need for new and reliable data on the incidence and scope of child labour, the Punjab Government initiated a provincial level survey in collaboration with the Board of Statistics and supported by the United Nations Children's Fund (UNICEF). The results of the survey, which was completed in December 2020 and had an allocated cost of 212.589 million rupees, have already been released. Khyber Pakhtunkhwa has its own child labour survey currently underway. Despite an earlier specified end date, the Khyber Pakhtunkhwa survey faced delays due to COVID-19, with survey efforts resuming in February 2021 via the training of field teams. The focus of the survey is in areas where there is a greater likelihood for the occurrence of child labour, such as domestic work and agricultural work, with an allocated cost of 241 million rupees. Balochistan also intends to perform such a

survey, but the roll-out has not started due to COVID-19-related delays and due to the sample size not yet being determined. Raw data has been provided to UNICEF for the approval of the sample size. Sindh is also in the process of conducting its child labour survey.

The Khyber Pakhtunkhwa Labour Department intends to conduct a full survey on bonded labour in the brick kiln sector in 2018. The Department also means to declare certain processing areas in brick kilns as hazardous, eliminating child labour from these processes, once the Khyber Pakhtunkhwa Prohibition of Employment of Children Rules are formulated. The Rules are currently in the process of being vetted. Recently, Child and Bonded Labour Units have become a permanent feature of the Khyber Pakhtunkhwa Labour Department, and the service rules of these posts have been notified.

The Criminal Law (Second Amendment) Act 2016 introduced new sections into the Pakistan Penal Code 1860 which criminalize and stringently punish serious offenses against children like child pornography, exposure to seduction, sexual abuse, cruelty to a child and trafficking in human beings within the country. The Act also raises the minimum age for criminal responsibility to 14 years.

Noting the concern expressed by the CEACR on the situation of child domestic labour,⁵⁸ it must be indicated that many steps are being taken to protect children from exploitative and hazardous work. Provincial Child Protection Bureaus/authorities are addressing the issues of child domestic

58 CEACR, [Direct Request – Worst Forms of Child Labour Convention, 1999 \(No. 182\) – Pakistan](#), adopted 2020, published 109th Session, International Labour Conference, 2021

labour, including the issue of street children, who are now being treated as “children at risk”. Child protection Acts have been passed in Azad Jammu and Kashmir, Gilgit Baltistan, Balochistan and Islamabad Capital Territory to protect “children at risk”. The Khyber Pakhtunkhwa Government established a special centre for street children (Zamung Kor-Our Home), which has the capacity to house 1,000 children. The centre was inaugurated on Universal Children’s Day (20 November 2015), and provides street children with education, healthcare, recreation, sports, boarding, food, career, psychological counseling and other necessary facilities. Furthermore, the Sindh Street Children Shelter Home Act 2018 established the “Hamara Ghar” centre, which provides street children with education, healthcare, recreational activities, vocational skills and other amenities. These facilities and amenities will help make street children responsible, financially independent and valued citizens upon reaching the age of 18.

Pertaining specifically to child domestic labour, the schedule under the Islamabad Capital Territory Employment of Children of Act 1991 was amended in 2020 to prohibit child domestic labour by including it in the list of occupations which no child is allowed to work in. The Government of Punjab previously approved its Domestic Workers Policy and has recently passed the Punjab Domestic Workers Act 2019, which prohibits and penalizes the employment of children under 15 in a household in any capacity, and those who are under 18 are only allowed to engage in light work in a household. The province of Sindh has also prepared the Sindh Domestic Workers Bill 2020, which would prohibit the engagement of children under 14 in domestic work of any nature.

Pakistan Bait-ul-Mal (PBM), a national autonomous body set up in 1991 to provide social protection to poor marginalized segments of society, has two programmes addressing the issue of child education as well as child labour. Under its Child Support Programme, PBM supports poor families in sending their children between the ages of 5 to 14 years to school, providing these families with the incentive to send their children to school instead of work. A cash subsidy of 300 rupees is provided to a family with a single child going to school. The amount is raised to 600 rupees for two or more children. Currently 45,856 children are benefitting from this programme. Since the inception of the Child Support Programme, enrolment among girls has increased by 13.47 per cent; while enrolment for boys has increased by 9.06 per cent. Through its National Centres for Rehabilitation of Child Labour, PBM removes children between the ages of 5 and 14 years from hazardous labour and enrolls them in centres where they are provided free education, clothing, footwear and stipends, and subsistence allowances are provided to their parents. There are 159 PBM Schools for Rehabilitation of Child Labour in the country and currently thousands of children are receiving a primary education through these centres. The primary level syllabus is taught in four years to help reintegrate children back into the education system. Parents receive a subsistence allowance of 300 rupees during this four-year period, and on passing out, students receive an annual education stipend of 1,200 rupees and 500 rupees for educational books and stationery, while their parents receive a subsistence allowance of 2,400 rupees. Furthermore, PBM supports vulnerable women and girls through the Women Empowerment Centre, which trains low-income women and poverty-stricken girls on income-generating activities. Centre trainees also receive a daily stipend of 30 rupees. Currently 19,888 trainees are benefitting from these trainings, and a total of 190,222 trainees have been passed out thus far.

 **Pakistan Bait-ul-Mal (PBM), a national autonomous body set up in 1991 to provide social protection to poor marginalized segments of society, has two programmes addressing the issue of child education as well as child labour.**

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

It is a commendable step taken by the Government of Punjab to contain child labour at brick kilns, however the legislation does not fully conform to the provisions of the ILO fundamental Conventions on child labour (Conventions Nos 138 and 182). The current Act allows for children aged 14 and above to be engaged in employment in brick kilns. The brick-making process can be hazardous, as it involves not only preparing the clay or moulding the clay into balls but also includes the important step of firing the bricks. The Act should 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. In addition, since certain activities at kilns are considered hazardous (like firing the bricks), the Act should have specified the minimum age for engaging in those activities as 18 years. The Act should also have specified the activities and areas that may be allowed, with proper protections, for persons over the age of 16 years.

In order to put forward measures to protect children under 18 years from hazardous work in brick kilns, the Punjab Urban Unit conducted a survey in 2016 to determine the number of children in brick kilns.⁵⁹ The results of this survey prompted the Provincial Government to remove 90,000 children from brick kilns and enrolled into schools through monetary incentives provided under Khidmat ATM Cards. In Sindh, the Provincial Labour Department has registered 740 brick kilns, and the implementation of the Sindh Bonded Labour System (Abolition) Act 2015 has been entrusted to local administration (Deputy Commissioners and Police) and the District Officer of the Sindh Department of Labour posted in each district is a member of the District Vigilance Committee. Regarding District Vigilance Committees and their effectiveness, while the Committees in Punjab have been revitalized to the degree that 258 meetings were held in the province's 36 districts place in 2019, not a single case of child debt bondage was reported.

Recently, the Balochistan Forced and Bonded Labour System (Abolition) Act 2021 has been enacted. The Act requires the establishment of District Vigilance Committees in addition to abolishing bonded labour, providing penalties for perpetrators and redressal for victims.

The MOPHRD, in collaboration with the provincial labour departments, had developed national and provincial labour protection frameworks in 2017. Many reforms on the subject of child labour were initiated under these frameworks. Other than various legislative reforms that have already been captured in table 24 above, the following institutional actions have also been initiated:

- ▶ Activation of the Child and Bonded Labour Unit in Khyber Pakhtunkhwa;
- ▶ Ongoing child labour surveys in all provinces (though at various stages).

Table 25 presents the actions in the area of abolition of child labour that are to be undertaken over the next five years according to the National Action Plan on Business and Human Rights (2021–26).

⁵⁹ http://dashboards.urbanunit.gov.pk/brick_kiln_dashboard/brick_reports/children_analysis.php

Box 4:

Overview of the National Strategic Framework to Eliminate Child and Bonded Labour in Pakistan

The MOPHRD developed a National Strategic Framework to Eliminate Child and Bonded Labour in Pakistan in 2016. This strategic framework will be implemented via the Federal Child and Bonded Labour Unit (still to be established) and the National Strategy Secretariat with the various focal components. The strategy aims to create an enabling environment through policy integration and mainstreaming. As such, policies, programmes and their budgets will be reviewed with the aim of integrating action to end child labour into relevant policies, programmes and budgets, both new and existing. Integration and mainstreaming will be promoted in the private sector as well. Another focal component of the strategy is laws and enforcement. The enforcement of laws relating to child and bonded labour will be improved upon through an improved labour inspection system and the introduction of a monthly progress review mechanism. Notably, the strategy aims to constitute and make functional a Provincial Committee on Child Rights for each province.

Moreover, data collection on child labour and bonded labour is another focus. The relevant ministries and line departments under the strategy will initiate and facilitate surveys and research, the results of which will be disseminated to think tanks and policymakers. The strategy aims to develop an Information, Education and Communication Strategic Framework for awareness enhancement and to promote understanding of child labour issues and alternatives. Partnerships and resource mobilization are an additional aim, with goals under this component being to strengthen and establish networks and partnerships and to establish a Child and

Bonded Labour Rehabilitation and Welfare Fund in the provinces, among others. The final component to create an enabling environment is capacity-development. In order to improve reporting and communication, an efficient reporting system will be established by the MOPHRD through horizontal and vertical linkages. Furthermore, feedback loops are to be established with the Tripartite Consultative Committees.

Finally, the strategy aims to improve upon institutional and implementation mechanisms. As such, the Federal Child Labour Unit – renamed the Federal Child and Bonded Labour Unit – is to be reactivated and strengthened. The Unit is to coordinate with Provincial Child Labour Units, and is to cater to research and reporting on enforcement of laws relating to child and bonded labour. Furthermore, the Unit is to work as a resource centre and coordination point for policy integration, and will be responsible for the dissemination of information. The Unit shall also implement the strategy and make it possible through various actions, such as capacity-building, data collection, and the initiation of projects, among others. Provincial Child Labour Units will also be strengthened to promote implementation of the strategy in the provinces. In addition, the Federal and Provincial Tripartite Consultation Committees, alongside District Vigilance Committees, will be strengthened so that they may coordinate horizontally and vertically, as well as coordinate technical support, oversee and review the implementation of laws, promote research and development, and support policy integration, among other responsibilities.

Table 25. National Action Plan on Business and Human Rights (2021–26) recommendations for government actions related to the abolition of child labour

Coverage area	Action
Pakistan	Amend the Children (Pledging of Labour) Act 1933 to raise the penalties payable by both parents/guardians and employers for the pledging and employment of children.
	Pass legislation – and amend existing legislation where applicable, and ensure implementation – on the employment of children to: (1) raise the age of a child, as defined by the legislation, to the compulsory school-going age of 16, per article 25A of the Constitution; (2) prohibit hazardous work under the age of 18; (3) raise the penalties payable for violations; and (4) include domestic work among the schedule of hazardous occupations.
	Conduct nationwide awareness and advocacy campaigns on children's fundamental right to education and on the elimination of child labour.

Source: Pakistan, Ministry of Human Rights 2021.

The federal and provincial governments must take necessary measures to ensure compliance with the fundamental international labour standards on the effective abolition of child labour (Conventions Nos 138 and 182). The reform measures, suggested below, have already been agreed upon by the provinces under the National and Provincial Labour Protection Frameworks.

Proposed Reforms and Actions (based on CEACR Recommendations)⁶⁰

► To ensure compliance with the provisions of Convention 138:

1. Amend the provincial legislation and raise the minimum age for admission to work to 16 years (Provincial Governments)
2. Amend the Employment of Children Act 1991 and add necessary provisions in draft laws to raise the minimum age for hazardous work to 18 years (Provincial Government/ ICT Labour Department)
3. Amend employment of children legislation in ICT, Punjab and to incorporate the provisions on minimum age for light work for limited hours and the minimum age for engaging a child in light work. (Provincial Governments)

► To ensure compliance with article 4 of the Convention:

4. Hold consultations at federal and provincial level to avail the possibility of excluding the work in family run establishments from the scope of Convention (Provincial Governments)

⁶⁰ The following CEACR recommendations are used: Observation (CEACR) on C. 138 - adopted 2020, published 109th ILC session (2021) - https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4054319,103166:NO and Direct Request (CEACR) on C. 138 - adopted 2020, published 109th ILC session (2021) - https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4054323,103166:NO Observation (CEACR) on C. 182 - adopted 2020, published 109th ILC session (2021) - https://www.ilo.org/dyn/normlex/en/f?p=100:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4015512,103166:NO and Direct Request (CEACR) on C. 182 - adopted 2020, published 109th ILC session (2021) - https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4054347,103166:NO

► **To strengthen the enforcement of child labour legislations, the government needs to:**

5. Strengthen the capacity of the labour inspectorate, and to continue providing information on the number and nature of violations relating to the employment of children detected by the labour inspectorate. (Provincial Governments)
6. Share results of the provincial child labour surveys as well as the updated information on the Child Labour Surveys which are in progress

► **To ensure that children are not forced or compulsorily recruited for use in armed conflict:**

7. Provide information on implementation of relevant sections of employment of children legislation in Punjab and Sindh⁶¹ (Provincial Governments)

► **To illustrate the implementation progress of C.182,**

8. Provide update on the implementation of laws in abolishing bonded labour (Provincial Governments)



61 Section 14(1)(a) of the Sindh Child Act 2017 and section 11(3)(a) of the Punjab Children Act 2016 concerning the offences related to the use and recruitment of children under 18 years of age for armed conflict

9. Provide information on the number of child bonded labourers identified by the DVCs and other law enforcement officials, the number of violations reported, investigations conducted, prosecutions, convictions and penal sanctions imposed (Provincial Governments)
10. Provide and publish updated information on number of cases that relate to the trafficking of children under 18 years of age as well as the number of investigations and prosecutions carried out and penalties imposed under section 3(2) of the promulgated Prevention of Trafficking in Persons Act (PTPA) 2018 and PSMA 2018 (Federal Government)
11. Provide and publish updated information on measures taken to identify child victims of trafficking as well as on the measures taken to ensure their rehabilitation and social integration. (Provincial Governments)
12. Ensure effective implementation of the prohibition on employment of children legislation and provisions of the Pakistan Penal Code (Federal Government)
13. Adopt, amend and revise hazardous works list in consultation with employer and worker organizations (Provincial Governments/ICT Labour Department)
14. Protect children under 18 years of age engaged in the brick kiln industry from hazardous work (Provincial Governments)
15. Amend the Punjab Prohibition of Child Labour at Brick Kilns Act, 2016 and raise the minimum age for employment to at least 16 years (Provincial Government)
16. Provide information on the results achieved, particularly on the number of children removed from working in brick kilns through inspections and the number of children provided with direct assistance for their rehabilitation and social integration (Provincial Governments)
17. Provide information on the application in practice of the provisions of the Punjab Prohibition of Child Labour at Brick Kilns Act, 2016, indicating the number of prosecutions carried out and penalties imposed for the offences related to child labour in brick kilns (Provincial Governments)
18. Provide information on the implementation of the 2016 National Strategic Framework to Eliminate Child and Bonded Labour and its recommendations to eliminate child bonded labour and its impact in eliminating child bonded labour during the last 6 years (Provincial Governments)
19. Provide information on the implementation of any other projects at the provincial level to combat child bonded labour, and to provide information on the results achieved, including the number of children removed from bonded labour and provided assistance, disaggregated by age and gender (Provincial Governments)
20. Provide information on measures taken to provide free basic education to all children (Provincial Governments)
21. Take effective and time-bound measures to protect and withdraw street children from engaging in the worst forms of child labour and provide for their rehabilitation and social integration (Provincial Governments)
22. Publish information on the number of street children benefiting from shelter and other rehabilitative services (Provincial Governments)
23. Enact legislation on domestic work in provinces of Balochistan, Khyber Pakhtunkhwa, and Sindh (Provincial Governments)
24. Include child domestic labour in the list of hazardous occupations under the employment of children legislation (Provincial Governments)
25. Provide information on the application in practice of the provisions prohibiting hazardous activities in the carpet and glass bangle manufacturing factories contained in the respective laws of the Provinces of Punjab, Sindh and KPK (Provincial Governments)
26. Provide information on the measures taken or envisaged for the removal, rehabilitation and social reintegration of children working in carpet and glass bangle manufacturing sectors and the results achieved (Provincial Governments)

Other Legislative and Administrative Reforms

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. (The outdated legislation is still applicable in Islamabad Capital Territory.)
2. The new laws enacted in all provinces need to be amended as follows:
 - a. The minimum age for admission to full-time work must be set at 16 years (in line with article 25-A of the Constitution and compulsory education laws).
 - b. The minimum age for light work should be set at 12–14 years and limits on hours for such light work must be set (in line with the provisions of Convention No. 138). Similarly, appropriate light work and hours of work for adolescents aged 14–16 must also be specified.
3. The hazardous work list needs to be reviewed, and domestic work needs to be included in the list.
4. Formulate a light work list (that is, work allowed for children as young as 12 years).
5. Frame subsidiary rules under the various prohibition of child labour legislation in all provinces.

Administrative reforms/actions

1. Complete child labour surveys and make available accurate and reliable statistics.
2. Strengthen the oversight mechanisms at the provincial level (through provincial committees on child labour).
3. Engage in awareness-raising among employers and workers regarding the menace of child labour.
4. Extend coverage of legislation to sectors with high incidence of child labour (domestic work, workshops, and so on).
5. Develop model child labour-free districts (like Jamshoro in Sindh).

6.8. Occupational safety and health

Since Government of Pakistan has ratified the ILO Labour Inspection Convention, 1947 (No. 81) and noting that the European Union's 2015 policy "Trade for All" emphasizes that "the [European] Commission will ... prioritise work to implement effectively the fundamental 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" (European Commission 2015, 24), the MOPHRD requested to include a section in this report on occupational safety and health (OSH) and labour inspection and a section on tripartite consultations, as one of the aims of GSP+ scheme is to lead to better governance. The European Commission's proposal for a new GSP scheme from 2024 onward also includes the requirement that State beneficiaries ratify and uphold the principles of the ILO Labour Inspection Convention, 1947 (No. 81) and the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (GSP Hub 2021).


The principal functions of the 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.

In addition, a 2022 amendment in the ILO Declaration on Fundamental Principles and Rights at Work 1998 adds "a safe and healthy working environment" to the list of fundamental workers' rights. This would therefore add the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) to the list of fundamental labour standards. Neither of these Conventions have been ratified by Pakistan.

The provisions of ILO Convention No. 81 cover the functions, duties and responsibilities of labour inspection systems, the recruitment of inspection staff, and the 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 inspections should cover a basic set of parameters, such as the hours of work, wages, safety and health of workers employed.

Moreover, inspectors must be empowered and should have the authority to conduct an inspection visit during any time of the day. Furthermore, Convention No. 81 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 principal functions of the 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. Article 7 of the International Covenant on Economic, Social and Cultural Rights similarly requires State Parties to ensure everyone's right to just and favorable working conditions, including safe and healthy working conditions.

Table 26. Statutory provisions on occupational safety and health

Law/legal instrument	Legislative provisions
Constitution of the Islamic Republic of Pakistan, 1973	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. 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
Mines Act 1923	Labour inspection: Sections 4–9A OSH: Sections 17–22
Khyber Pakhtunkhwa Mines, Safety, Inspection and Regulation Act 2019	Labour inspection: Sections 4–9 OSH: Sections 23–39
Factories Act 1934 and its provincial variants	Labour inspection: Sections 9–12, 49E, and 63 OSH: Sections 13–33Q
Shops and Establishments Ordinance 1969 and its provincial variants	Labour inspection: Sections 25–26 OSH: No provision in the Act
Employment of Children Act 1991 and its provincial variants	Labour inspection: Sections 9 and 17 OSH: Section 13
Dock Labourers' Act 1934	Labour inspection: Sections 3–4 OSH: Section 5 allows for rule making with regard to safe working conditions.
Dock Workers (Regulation of Employment) Act 1974	Labour inspection: Section 4 OSH: Section 3 allows for making schemes with regard to health and safety measures in places where dock workers are employed, so far as satisfactory provision does not exist apart from the scheme.
Road Transport Workers Ordinance 1961	Labour inspection: section 9 OSH: No provision
Newspaper Employees (Conditions of Service) Act 1973	Labour inspection: Section 20 OSH: No provision
The above laws are applicable to specific sectors or specific type of workers. The labour inspection system is provided under all labour laws as referenced below	
Apprenticeship Act 2018 and its provincial variants	Labour inspection: Section 11
Boilers and Pressure Vessels Ordinance 2002	Labour inspection: Sections 5–16

Law/legal instrument	Legislative provisions
Bonded Labour System (Abolition) Act 1992 and its provincial variants	<p>Labour inspection: No provisions with regard to the institution of labour inspection; however, the District Coordination Officer (in some places the District Magistrate) is authorized to ensure that provisions of this Act are implemented. Vigilance Committees established under the Act are also required to keep an eye on the working of the law (section 9 and 15).</p> <p>The Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act 2015, however does create 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).
Provincial Employees' Social Security Ordinance 1965 and its provincial variants	An official of the Employees Social Security Institution is required to check employer records (section 22).
Payment of Wages Act 1936 and its provincial variants	Labour inspection: Section 14
Minimum Wages Ordinance 1961 and its provincial variants	Labour inspection: Power of the Minimum Wage Board to collect information (section 12).
Punjab Occupational Safety and Health Act 2019	<p>Section 3. Duties of employer.– (1) Every employer shall:</p> <ul style="list-style-type: none"> (a) take all possible and reasonably practicable measures to ensure safety and health of the employees at the workplace; (b) ensure systematic and effective identification of the existing and new hazards at the workplace on a regular basis; (c) arrange for training of safety and health representatives every year to attend health and safety training as approved by the Government and shall bear all expenses thereof; (d) get, at his own expense, the employees vaccinated and inoculated against occupational related deceases at such intervals as may be prescribed; (e) ensure provision and application of processes, systems of work and tasks to be safe and without risks of harm to health; (f) ensure provision and maintenance of tools, machinery, equipment and appliances which are safe and without risks of harm; (g) make arrangements to control and prevent physical, chemical, biological, radiological, ergonomics and psycho-social or any other hazards to the employees and other persons at the workplace; (h) provide such information, instructions, training and supervision, as is necessary or required under the Act and the rules;

Law/legal instrument	Legislative provisions
	<ul style="list-style-type: none"> (i) keep the workplace in safe, clean orderly and harm-free condition, and provide and maintain safe means of access to and egress from the workplace; (j) inform the employees in an understandable manner and in accessible written form, before any work commences, the hazards associated with their work, risks involved and the preventative and protective measures that need to be taken; (k) provide where necessary to the employees, at his own expense, if hazards cannot otherwise be eliminated or controlled, adequate protective clothing and protective equipment as may be approved by the Government, to prevent every risks of harm and of adverse effects on health; (l) maintain in the general register particulars of all accidents including dangerous occurrences, commuting accidents and suspected cases of occupational diseases at the workplace and submit the extracts thereof to the Government; (m) provide where necessary measures including adequate first aid arrangements to deal with emergencies, dangerous occurrences, accidents and industrial disasters; and (n) take all practical measures for the prevention of fires or explosions and for the provision of safety measures in the event of fire or explosions as well. <p>(2) The employer shall record particulars of an accident or harm which occurs at a workplace and shall take all reasonably practicable steps to ensure that the event is so investigated as to determine the cause of accident or harm.</p> <p>(3) Wherever two or more undertakings engage in activities simultaneously at one workplace, the employers of each undertaking shall collaborate in applying the provisions of the Act.</p> <p>Section 8. Safety and Health.– (1) The Government may in consultation with the Council, by notification in the official Gazette, provide for safety and health of persons in any establishment or a class of establishments in the prescribed manner.</p> <p>(2) Without prejudice to the generality of the foregoing provision, the rules made under subsection (1) may include but not be limited to the following matters:</p> <ul style="list-style-type: none"> (a) design, siting, structural features, installation, maintenance, repair and alteration of workplaces and means of access thereto and egress therefrom; (b) lighting, ventilation, odour, temperature, noise, dust, fume, artificial humidification and cleanliness of workplaces; (c) design, construction, use, maintenance, testing and inspection of machinery and equipment liable to present hazards and, as appropriate, their removal and transfer;

Law/legal instrument	Legislative provisions
	<p>(d) prevention of harmful physical or mental stress due to conditions of work;</p> <p>(e) handling, stacking and storage of loads and materials, manually or mechanically;</p> <p>(f) guarding and fencing of the machinery and work at or near machinery in motion;</p> <p>(g) instructions, training and supervision in relation to employment on dangerous machine and fencing or casing of machinery, wet floors, open wiring, safety escapes, emergency exits, safe electric wiring and fitting etc.;</p> <p>(h) manufacture, packing, labelling, transport, storage and use of dangerous substances and agents, disposal of their wastes and residues and, as appropriate, their replacement by other substances or agents which are not dangerous or which are less dangerous;</p> <p>(i) control of the atmosphere and other ambient factors of workplaces;</p> <p>(j) prevention and control of hazards due to high and low barometric pressures;</p> <p>(k) prevention of fires and explosions and measures to be taken in case of fire or explosion;</p> <p>(l) design, manufacture, supply, use, maintenance and testing of personal protective equipment and protective clothing;</p> <p>(m) sanitary installations, washing facilities, facilities for changing and storing clothes, supply of drinking water and any other welfare facilities connected with occupational safety and health;</p> <p>(n) use, handling and storage of excessive weights;</p> <p>(o) use and handling of loading and earth moving machinery;</p> <p>(p) use, handling and storage of cranes, hoist, lifts and other lifting operations;</p> <p>(q) installation and use of scaffolding and work at height;</p> <p>(r) first-aid treatment;</p> <p>(s) establishment of emergency plans; and</p> <p>(t) supervision of the health of employees.</p>
Sindh Shops and Commercial Establishment Act 2015	<p>Section 25. Appointment of Chief Inspector, Deputy Chief Inspector and Inspectors. (1) Government may, by notification in the official Gazette, appoint –</p> <p>(a) a Chief Inspector of Shops for the whole of the Province;</p>

Law/legal instrument	Legislative provisions
Sindh Shops and Commercial Establishment Act 2015	<p>(b) Deputy Chief Inspectors of Shops for such areas as may be notified; and</p> <p>(c) such persons or class of persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as may be specified by the Chief Inspector of Shops.</p> <p>(2) The Chief Inspector of Shops and the Deputy Chief Inspectors of Shops–</p> <p>(a) shall supervise the work of Inspectors appointed under clause (c) of sub-section (1) in such manner as may be prescribed; and</p> <p>(b) may exercise all or any of the powers of an Inspector.</p> <p>(3) The Chief Inspector of Shops, Deputy Chief Inspectors of Shops and Inspectors appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).</p> <p>Section 26. Powers of Inspectors. An Inspector appointed under section 25 may, for the purposes of this Act and within the local limits for which he is appointed, at all reasonable times enter into any place which is, or which he has reason to believe is, an establishment, with such assistants, if any, being persons in the service of Government, and make such examination of that place or of any prescribed record, register, or other documents maintained therein, and may require such explanation of any prescribed record, register or other documents and do all such things as he considers necessary for the purpose of this Act.</p>
Sindh Factories Act 2015	<p>Section 12. Inspectors. (1) Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.</p> <p>(2) Government may, by notification as aforesaid, appoint any person to be a Chief Inspector, who shall, in addition to the powers conferred on a Chief Inspector under this Act, exercise the powers of an Inspector throughout the Province of Sindh.</p> <p>(3) No person shall be appointed to be an Inspector under sub-section (1) or a Chief Inspector under sub-section (2) or having been so appointed shall continue to hold office, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.</p> <p>(4) Every Deputy Commissioner shall be an Inspector for his district.</p> <p>(5) Government may also, by notification as aforesaid, appoint such public officers as it thinks</p>

Law/legal instrument	Legislative provisions
Sindh Factories Act 2015	<p>fit to be Additional Inspectors for all or any of the purposes of this Act within such local limits as it may assign to them respectively.</p> <p>(6) In any area where there are more Inspectors than one, Government may by notification as aforesaid declare the powers which such Inspectors shall respectively exercise, and the Inspectors to whom the prescribed notices are to be sent.</p> <p>(7) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code (XLV of 1860) and shall be officially subordinate to such authority as Government may specify in this behalf.</p> <p>Section 13. Power of Inspectors. Subject to any rules made by Government in this behalf, an Inspector may, within the local limits for which he is appointed -</p> <ul style="list-style-type: none"> (a) enter with such assistants, if any, being persons in the service of the state or of any municipal or other public authority, as he thinks fit, any place which is or which he has reason to believe to be used as a factory or capable of being declared to be a factory under the provisions of section 5; (b) make such examination of the premises and plant and of any prescribed registers, and take on the spot or otherwise such evidence of persons as he may deem necessary for carrying out the purposes of this Act; and (c) exercise such other powers as may be necessary for carrying out the purposes of this Act: <p>Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.</p>
Sindh Terms of Employment (Standing Orders) Act 2015	<p>Section 6. Inspectors. (1) The Inspectors of Mines appointed under section 4 of the Mines Act 1923 (IV of 1923), the Inspectors appointed under section 10 of the Factories Act 1934 (Act No. XXV of 1934), and such other persons, not being conciliators appointed under the Sindh Industrial Relations Act 2013, as Government may, by notification in the official Gazette, appoint, shall be the Inspectors for the purposes of this Act within the local limits assigned to each.</p> <p>(2) An Inspector may at all reasonable hours enter on any premises and make such examination of any register or document relating to the maintenance or enforcement of the Standing Orders and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for carrying out the purposes of this Act.</p> <p>(3) Every Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code 1860 (XLV of 1860).</p>

Law/legal instrument	Legislative provisions
Sindh Workers Compensation Act 2016	Section 13. Officer authorized may refer cases for payment of compensation. The Director Labour, an Inspector of factories or any other officer authorized by Government for this purpose may refer, in the prescribed manner, to the Commissioner cases of workers who have not been paid due compensation by employers under the provisions of this Act.
Sindh Employees' Social Security Act 2016	<p>Section 22. Records and returns by employers.– Every employer shall keep such records and shall submit to the Institution such returns, at such times, in such form and containing such particulars relating to persons employed by him, as may be provided in the regulations.</p> <p>Section 23. Officials of Institution to check employer's books.– (1) Any official of the Institution duly authorized by a certificate in a form specified in the regulations, may, for the purpose of inquiring into the correctness of any of the particulars stated in the records or returns referred to in section 22 or for the purpose of ascertaining whether any of the provisions of this Act have been complied with –</p> <ul style="list-style-type: none"> (a) require an employer to furnish to him such information as he may consider necessary; or (b) at any reasonable time enter in any establishment or other premises occupied by such employer and require any person found in charge thereof to produce and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages, or to furnish to him such information, as he may consider necessary; or (c) examine, with respect to any matter relevant to the purposes aforesaid, the employer, his agent or any person found in such establishment or other premises, or any other person whom the said official has reasonable cause to believe to be or to have been a secured person. <p>(2) The official referred to in sub-section (1), shall be bound to secrecy as regards all matters with which he becomes acquainted in the performance of his duties and which do not relate to matters provided for in this Act.</p> <p>(3) If an employer fails to maintain records or to submit returns as required by regulations, or otherwise fails to comply with the provisions of sub-section (1) and thereby makes it difficult to ascertain the identity of persons required to be secured or the amount of contribution payable, the contribution shall be assessed on the basis of such evidence as the Institution may find satisfactory for this purpose.</p>

Law/legal instrument	Legislative provisions
Sindh Employees' Social Security Act 2016	<p>(4) No staff member of the Institution shall visit the premises of any establishment, opting for the Self-Assessment Scheme under section 21, for the purpose of checking of employer's books, record, etc., during the period of two years.</p> <p>(5) The number of annual inspections in respect of those establishments which do not opt for self-assessment scheme shall be restricted to only one which shall be notified to the establishments in advance and shall, at the maximum, be restricted to last two years.</p>
Sindh Occupational Safety and Health Act 2017	<p>Section 4. General Duties of Employer –</p> <p>(1) It shall be the duty of an employer to ensure all possible practicable measures in respect of safety and health at work of all persons in the workplace and in addition, the welfare of the workers and volunteers.</p> <p>(2) Every employer shall inter-alia ensure that there exists effective methods for –</p> <ul style="list-style-type: none"> (a) systematically identifying existing hazards to workers at work; and (b) systematically identifying (if possible before, and otherwise as, they arise) new hazards to workers at workplace; and (c) regularly assessing each hazard identified, and determining whether or not it is a significant hazard. <p>(3) Where there occurs any accident or harm in respect of which an employer is required by section 25 to record particulars, he shall take all practicable steps to ensure that the occurrence is so investigated as to determine whether it was caused by or arose from a significant hazard.</p> <p>(4) Without prejudice to the generality of the duty of an employer under the preceding sub-sections, the duty of the employer shall –</p> <ul style="list-style-type: none"> (a) provide and apply of processes, systems of work and tasks to be safe and without risks of injury to health; (b) provide and maintain tools, machinery, equipment and appliances which are safe and without risks of injury to worker's health; (c) make arrangements to ensure the safety and absence of risk of injury to health of workers in connection with the use, handling, storage, disposal and transport of articles, materials and substances; (d) make arrangements to control and prevent physical, chemical, biological, radiological, ergonomic, psychosocial or any other hazards that affect the safety and health of workers and other persons at workplace;

Law/legal instrument	Legislative provisions
	<p>(e) provide such information, instructions, training and supervision, as is necessary or required by this Act and the regulations, to ensure safety and health at work of all workers;</p> <p>(f) maintain workplace or place of work in a condition which is safe, clean, orderly and without risks of injury to health and the provisions and maintenance of safe means of access to and egress from it;</p> <p>(g) inform the workers in an understandable manner before any work commences, the hazards associated with their work, risks involved and the preventative and protective measures that need to be taken;</p> <p>(h) provide for the workers, where necessary, when hazards cannot be otherwise eliminated or controlled, adequate protective clothing and protective equipment of a type approved by Government, to prevent every risk of injury and of adverse effects on health;</p> <p>(i) maintain particulars of all accidents occurring at the workplace and produce before the Inspector under this Act;</p> <p>(j) provide measures, where necessary, including adequate first aid arrangements to deal with emergencies, dangerous occurrences, accidents and industrial disasters.</p> <p>(k) take all practical measures for the prevention of fires and for the provision of safety measures in the event of fire;</p> <p>(l) engage in activities simultaneously at one workplace and where two or more undertakings, the employer of each undertaking shall collaborate in applying the provisions of this Act.</p> <p>Section 10. Safety and health. (1) Government may, by notification in the official Gazette, make rules for the health and safety of the worker or volunteer in any establishment or class of establishments.</p> <p>(2) Without prejudice to the generality of the foregoing provisions, the said rules may include, but not limited to, the following matters, namely:-</p> <p>(a) cleanliness in the place of work and its freedom from nuisance, and maintenance of buildings;</p> <p>(b) illumination, ventilation, temperature, noise, dust, fume and artificial humidification;</p> <p>(c) disposal of wastes and effluents;</p> <p>(d) floor, stairs, means of access, proper working space, overcrowding, confined spaces, pits, sumps, opening in floors and allied things;</p> <p>(e) drinking water and conservancy;</p> <p>(f) guarding and fencing of the machinery and work at or near machinery in motion;</p>

Law/legal instrument	Legislative provisions
	<ul style="list-style-type: none"> (g) self-acting machines and device for cutting off power; revolving machinery and pressure plants; (h) instructions, training and supervision in relation to employment on dangerous machine and fencing or casing of machinery; wet floors, open wiring, safety escapes, emergency exits, safe electric wiring and fitting etc.; (i) explosives or inflammable dust, gas and precaution against dangerous fumes etc.; (j) precaution in case of fire; (k) personal protective equipment; (l) excessive weights; (m) loading and earth moving machinery; (n) cranes, hoist, lifts and other lifting operations; (o) scaffolding and work at height, and (p) safety of building, machinery and manufacturing process.
Azad Jammu and Kashmir Industrial Relations Act 2017	<p>Section 30. Inspector.- The inspectors appointed under Section 10 of the Factories Act 1934 (XXV of 1934), and such other persons, not being Conciliators appointed under this Act, as the Government may, by notification in the official Gazette appoint, shall be inspectors for ensuring compliance with the provisions of this Act within the local limits assigned to each.</p> <p>Section 31. Functions of the Inspector.-</p> <p>(1) The Inspector may,-</p> <ul style="list-style-type: none"> (a) at all reasonable hours enter any premises and make such examination of any register and document relating to the provisions of Section 28 and Section 29 and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for discharging of his duty; (b) call for such information from the management as he may deem necessary for the discharge of his functions and the management shall provide the information called for within such period as may be specified by him; and (c) make a report in writing to the Registrar having jurisdiction of any offence punishable under this Act. <p>(2) Every inspector shall be deemed to be a public servant within the meaning of Section 21 of the Azad Penal Code 1860 (XLV of 1860).</p>
Azad Jammu and Kashmir Payment of Wages Act 2017	<p>Section 14. Inspectors.</p> <p>(1) An Inspector of Factories appointed under subsection (1) of Section 10 of the Factories Act 1934, (XXV of 1934) as enforced in AJ&K, shall be an Inspector for the purposes of this Act in respect of all factories within the local limits assigned to him.</p>

Law/legal instrument	Legislative provisions
	<p>(2) The Government may appoint Inspectors for the purposes of this Act in respect of all persons employed upon a railway (otherwise than in a factory) to whom this Act applies.</p> <p>(3) The Government may, by notification in the Official Gazette, appoint such other persons as it thinks fit to be inspectors for the purposes of this Act, and may define the local limits within which and the class of factories and industrial establishments in respect of which they shall exercise their functions.</p> <p>(4) An inspector may, at all reasonable hours, enter on any premises, and make such examination of any register or document relating to the calculation or payment of wages and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for carrying out the purposes of this Act.</p> <p>(5) Every inspector shall be deemed to be a public servant within the meaning of the Azad Penal Code 1860 (XLV of 1860), as enforced in AJ&K.</p>

Labour inspection is provided under nearly all labour laws (as indicated in table 26 above); while OSH provisions are mainly found in the Factories Act 1934 and its provincial variants in Khyber Pakhtunkhwa and Balochistan (Chapter III) and in the Mines Act 1923 (Chapter V) – and now in standalone OSH legislation in Punjab (2019), Sindh (2017) and Khyber Pakhtunkhwa (2022). Khyber Pakhtunkhwa enacted its Occupational Safety and Health Law 2022 on 6 June 2022.


According to ILO Convention No.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. Labour inspection under various labour laws in the industrial and commercial establishments as well as mines was already entrusted to the provinces prior to devolution. Enforcement of laws and regulations in mines and industrial and commercial establishments is therefore the responsibility of the respective provincial governments, and the inspection machinery is mainly established in the 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. Inspectors periodically inspect workplaces to ensure compliance with applicable laws. They have the right to enter any workplace, inspect the workplace or any prescribed records and other documents

maintained by the firm. The inspectors supply information and advise the employers and workers on how to comply with the law and alert the competent authority of any defects, shortcomings and violations found during inspections.

Enforcement of laws for dockworkers as well as marine workers (seafarers) is entrusted to the Ministry of Ports and Shipping at the federal level. The Directorate of Dock Workers Safety and the Government Shipping Office ensure compliance with the Dock Labourers Act 1934 and the Pakistan Merchant Shipping Ordinance 2001, respectively. The enforcement of health and safety provisions in oil and gas installations (rigs) is also with the Federal Government, specifically the Ministry of Petroleum and Natural Resources. Inspection under various labour laws and the OSH provisions under these laws in the ICT and Federally Administered Tribal Areas also remains the responsibility of the Federal Government (with ICT Administration working under the directions of the Ministry of Interior).

The informal economy (domestic and home-based workers) and the agriculture and construction sectors are being brought within the ambit of law in most provinces. For example, Sindh enacted home-based workers legislation in 2018; while Punjab promulgated a domestic workers law in 2019. Similarly, Sindh has enacted another piece of progressive legislation protecting the rights of women agriculture workers.

 **According to ILO Convention No.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.**

Most of the legislative developments in the area of OSH in the last several years have been in the province of Sindh. The majority of these legislations have been adopted following the devolution and the terms under the 18th Amendment. Following devolution, the province adopted the Sindh Factories Act 2015 (passed in 2016), the Sindh Terms of Employment (Standing Orders) Act 2015 (passed in 2016), the Sindh Workers Compensation Act 2016, the Sindh Shops and Commercial Establishment Act 2015 (passed in 2016) and the Sindh Social Security Act 2016, and they are in essence similar to their preceding legislation. The aforementioned Acts provide for labour inspectors, delineate their duties and empower them with various rights. Similarly, the Azad Jammu and Kashmir Industrial Act was enacted in 2017 alongside the Azad Jammu and Kashmir Payment of Wages Act.

These laws also prescribe labour inspectors and empower them. The Khyber Pakhtunkhwa Mines, Safety, Inspection and Regulation Act was passed in 2019, giving powers and duties to labour inspectors, in addition to prescribing OSH standards for mines in the province.

Newer developments in this area can be seen in the Punjab Occupational Safety and Health Act 2019 and the Sindh Occupational Safety and Health Act 2017. These pieces of legislation prescribe the duties of the employer as well as employee to ensure a safe and healthy work environment, in addition to empowering labour inspectors to carry out the purposes of the Acts. The Acts prescribe the establishment of an Occupational Safety and Health Council. The Council is to comprise of the Chief Inspector Labour, the Director-General Labour Welfare, three employer representatives, three employee representatives, at least three individuals from the labour department who are responsible for OSH, and at least three persons from organizations or professional bodies related to OSH, at least one of whom must be a woman.

Box 5:**Projects on occupational safety and health**

The last five years have brought about many strides to improve OSH mechanisms in Pakistan. In November 2016, the Project Advisory Committee of Strengthening Labour Inspection System for Promoting Labour Standards and Ensuring Workplace Compliance in Pakistan (SLISP) held their first meeting. Plans were made to train labour inspectors in Khyber Pakhtunkhwa, Sindh and Punjab, as well as to develop tools to aid labour inspectors. Since then, several labour inspector trainings have been completed. Most recently, the 14th batch of national labour inspectors received training in August 2018, bringing the total number of trained inspectors to 403 (385 men and 18 women) across all provinces.

Furthermore, under the SLISP, a consultative meeting was held with the Chief Inspectors of Mines to discuss capacity-building in order to improve safety in the mining sector in Pakistan, as there is an alarmingly high death rate in Pakistan's mines. An awareness-raising seminar on OSH in the construction sector of Pakistan was also organized in Karachi supported by the Labour and Human Resources Department of Sindh. Sixty-six construction sites were visited, and awareness was raised among

workers, site supervisors and employer representatives on construction site risk and hazards. Under the SLISP project a two-day workshop was carried out, the second day of which was focused on OSH in the cotton supply chain.

A notable development is the move towards a technology-based Labour Inspection Management Information Systems (LI-MIS). An LI-MIS was developed by the Punjab Labour Department, and was showcased to the other four provinces so that they may develop similar systems.

In a renowned tragic incident, the Ali Enterprises garment factory caught fire in September 2012, killing 255 workers and leaving 57 injured. While the factory's main buyer, KIK Textilien of Germany, paid US\$1 million in emergency benefits in 2012, about five years later the company started providing regular payments to victims and their families from a total compensation fund of US\$5.15 million, in line with the ILO Employment Injury Benefits Convention, 1964 (No. 121). On 21 May 2018, more than 200 beneficiaries received their first payment.

The functions of the Council include inspections of establishments at least twice a year, the establishment of an effective complaint and reporting procedure, undertaking investigations, running awareness campaigns to promote OSH, and conducting training programmes on OSH, among others. The laws additionally provide the Provincial Government with the power to make rules on matters related to OSH, such as the disposal of waste or matters of illumination and ventilation.


While Sindh and Punjab have already enacted their OSH laws, Balochistan and Khyber Pakhtunkhwa are in the process of passing such laws. Khyber Pakhtunkhwa has drafted a law on OSH that has been submitted to the relevant law department for vetting. Furthermore, ten posts for OSH professionals have been established in the province. The Balochistan Occupational Safety and Health Bill is in the process of being presented to the Provincial Cabinet.

There is still a need, however, for standalone laws on labour inspection in order to provide for a reformed labour inspection system with participation from the private sector. Inspection services currently have limited domain, as they covers only the so-called formal sector. Labour

extension services must be started to bring the huge informal sector into the legal domain. In line with the recommendations of the 2016 report on GSP+ by the MOPHRD (and in line with provisions of Convention No. 81), consolidated annual reports on inspections conducted during the year have been published for three years (2017, 2018 and 2019). These annual reports demonstrate that provincial labour inspectorates, with dedicated career officials, need to be established with the mandate to enforce legal provisions relating to conditions of work, such as working time, wages, OSH, 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 provisions under the laws and thus hurt workers' rights. The Factories Act 1934 and its provincial variants are applicable to industrial establishments employing at least ten workers, while those establishments employing fewer than ten workers are covered under the Shops and Establishments Ordinance 1969 and its provincial variants. The West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance 1968 and its provincial variants are applicable to industrial and commercial establishments employing 20 or more workers; however, its provisions related to compulsory group insurance and gratuity are applicable

only to industrial establishments employing 50 or more workers. The Provincial Employees Social Security Ordinance 1965 and Employees' Old-Age Benefits Act 1976 cover establishments employing five or more workers. Therefore, in order to extend legislation to cover microenterprises and in order to ease the compliance burdens on such enterprises, a standalone simplified legislation on microenterprises is needed.

 **Labour inspectors are empowered to inspect any workplace “as they may deem fit” without prior notice under section 11 of the Factories Act 1934, section 13 of the Sindh Factories Act 2015 and section 12 of the Khyber Pakhtunkhwa Factories Act 2013.**

Labour inspection is conducted in isolation from the other inspections conducted by environment specialists, boiler engineers, civil defense officials, electric inspectors and the Tehsil (Township) Administration. Social security institutions and the Employees' Old-Age Benefits Institution (EOBI) also have their own inspection mechanism, which has no links with the inspections under the Labour Department. Labour inspectors are empowered to inspect any workplace “as

they may deem fit” without prior notice under section 11 of the Factories Act 1934, section 13 of the Sindh Factories Act 2015 and section 12 of the Khyber Pakhtunkhwa Factories Act 2013. Moreover, Inspectors of Mines are empowered under section 6 of the Mines Act 1923 to enter freely without prior notice in any mine under their jurisdiction. However, inspecting officers are not allowed to visit factories without prior notice to the management in Punjab, despite Convention No. 81 stipulating 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” (Article 12(1) (a)). There is a need to change this situation in order to bring Punjab's factory inspection regime in line with the terms of Convention No. 81.

The labour inspection system in Pakistan has been moving towards digitalization. An online labour inspection system has been established in Punjab as well as Khyber Pakhtunkhwa. The Labour Information Management System (LMIS) is used to streamline labour inspection data. Furthermore, under the Annual Development Programme Scheme titled “Business Reengineering & Strengthening of Labour Inspectorate”, tablets have been provided to the

inspectorate in addition to training to increase their capacity. The Labour Department of ICT has initiated the process of geo-tagging all data of shops, establishments and factories. Upon its completion, labour inspectors will be provided with tablets to use during inspections.

The Government of Sindh has been streamlining its labour inspection system by training of staff, conducting of awareness-raising campaigns for employers and employees, updating legislation, procuring technology for use during inspections, and increasing the number of professionally qualified inspectors. To date, 120 labour inspectors for an improved labour inspection system have been trained in collaboration with the ILO in Sindh. The Workers Education Wing of the Khyber Pakhtunkhwa Labour Department has been actively raising awareness and providing trainings to workers, employers and inspectorate staff. In 2019, 66 sessions were conducted and 1,571 individuals participated. Furthermore, under the Khyber Pakhtunkhwa Labour Department's Resource Cell and Reporting System, training sessions were held exclusively for the labour inspection team. Sixteen inspectors notified under the Khyber Pakhtunkhwa Factories Act 2013 attended the training session. Another 37 labour inspectors were trained under the Khyber Pakhtunkhwa Shops and Establishments Act 2013. While 20 inspectors of weights and measures were trained according to their respective domain and practices, such as registration.

Table 27 details the particulars of inspectorate staff in each province and ICT for the year 2019.

Provincial Governments have been working efficiently to strengthen their labour inspection staff and expand inspectors' areas of activity. Punjab has admitted officers of other district-level departments and district police to function as labour inspectors alongside those of the Punjab Department of Labour. The following table outlines the current inspectors in Punjab and their occupational capacity.

The Khyber Pakhtunkhwa Department of Labour employs 93 labour inspectors for the implementation of labour laws across its 26 districts. The Department of Mines and Minerals in Khyber Pakhtunkhwa has a strength of 16 inspectors currently. It is working towards increasing its staff by filling already sanctioned posts. In the year 2019, 1,178 inspections were conducted under Mines Department.

The Balochistan Department of Labour has 1 Chief Inspector of Factories and Shops, 9 Inspectors of Factories, 9 Inspectors of Wages, 5 Inspectors of Child/Bonded Labour and 35 inspectors of Shops and Establishments. In 2019 the Department conducted 23,965 inspections.

Under various pieces of legislation, labour inspectors have other duties in addition to their primary duties, such as the registration of trade unions and the conciliation and settlement of industrial disputes. However, in line with Article 3(2) of Convention No. 81, these duties do not interfere with the effective discharge of their primary duties. The time needed to perform additional functions occupies a mere 5 per cent of total working time.

Labour inspections are mainly carried out by public officials, keeping the process of inspection free from external influence. There are no private auditing firms under which inspections may occur, nor are such firms covered under labour legislation. The Government and the Pakistan


 **Labour inspections are mainly carried out by public officials, keeping the process of inspection free from external influence. There are no private auditing firms under which inspections may occur, nor are such firms covered under labour legislation.**

Table 27. Labour inspectorate staff in 2019

Segment	Directorate of Labour					Inspectorate of Mines			
	Punjab	Sindh	KP	Balochistan	ICT	Punjab	Sindh	KP	Balochistan
Labour inspection staff at the provincial level									
Aggregate No. of inspectors	225	189	93	112	3	16	38 (14 for coal mines)	20	35
Sanctioned	225	189	93	112	3	16	38	20	35
Occupied	205	118	70	59	2	13	26 (5 for coal mines)	16	25
No. of inspectors of different categories (specifying number of sanctioned and occupied posts)									
Factory/ mines	128	102	16	18	1	-	-	-	12
OSH	-	16	16	8	-	7	14	-	35
Technical	2	6	2	3	-	-	4	-	-
No. of women inspectors	12	6	5	3	-	-	3	2	-
Any other category (inspector of shops and child labour)	83 inspectors for shops and establishments	-	45 inspectors for shops and child labour	-	-	6 mine labour welfare officers	2 medical inspectors; 1 environmental inspector; 4 prosecuting inspectors	-	-

KP = Khyber Pakhtunkhwa; ICT = Islamabad Capital Territory. Source: MOPHRD 2019.
Source: MOPHRD 2019.

Table 28. Occupational capacity of inspectors in Punjab

Occupational capacity	No. of inspectors in Punjab
Shops and Establishments Ordinance 1969	83
Factories Act 1934	72
Assistant Directors working as super inspectors of shops	54
Deputy Directors working as super inspectors	16
Divisional Directors working as overall super inspectors of factories/ shops and so on	15

Source: MOPHRD 2019.

Workers Federation are of the view that labour inspection services should not be outsourced, as the responsibility lies with the State.

The recently passed Khyber Pakhtunkhwa Mines, Safety, Inspection and Regulation Act 2019 imposes stricter fines and penalties, with the most serious contraventions being penalized with up to one year of imprisonment and a fine of up to 500,000 rupees. The Balochistan Department of Mines and Minerals is in the process of amending and increasing the fines under the Mines Act 1923. The inspection system in the Department has been strengthened with the induction of 2 Mine Safety Engineers, 3 Junior Inspectors of Mines and 62 Rescue Instructors. Sindh has drafted a new law titled the Sindh Metalliferous Mines Act 2021, which substantially increases the amount of fines. It is currently with the relevant law department for vetting. In 2019, 78 mines were inspected and 84 violations reported in the province.

To promote gender parity, quotas for women have been reserved under labour inspector posts in all provinces, but these quotas have generally not yet been reached. As per the MOPHRD's 2019 annual inspection report, 12 women labour inspectors are working in Punjab out of a total number of 240. The quota for the province, however, is set at 15 per cent, and as such, at least 36 of the inspectors should be women. In Khyber Pakhtunkhwa, out of a 93 labour inspectors, just 5 are women. The Mines inspectorate of Khyber Pakhtunkhwa has a strength of 16 inspectors, out of which 2 are women. In Balochistan, 2 out of 59 inspectors are women, while there are 7 vacant posts reserved for women. A 5 per cent quota is reserved for women labour inspectors in the Department of Mines Balochistan (out of 25 total positions), however positions under the quota are yet to be filled. While in the Sindh Department of Mines, 2 of the 11 inspectors are women.

While efforts are being made to ensure that transport facilities are provided to inspection officials, this has not yet been accomplished due to lack of resources. However, the MOPHRD's annual inspection report for 2019 communicated that labour inspectors are being duly reimbursed for their transport expenditures. During the 2019–20 financial year, 7.6 million rupees were allocated for petroleum oil lubricants, transport allowances and dearness allowances for the inspection staff of Punjab. While for the Khyber Pakhtunkhwa Mines Department, 1 million rupees had been allocated as travel allowances. The Khyber Pakhtunkhwa Labour Department has recently proposed a scheme titled "Enabled Directorate of Labour", which aims to provide inspecting staff with transport facilities.

Employers are obliged to notify accidents and occupational diseases to inspectors under various provisions, namely section 33 of the Factories Act 1934, section 11(2) of the Punjab Occupational Safety and Health Act 2019, section 15(2) of the Sindh Occupational Safety and Health Act 2017, and section 50 of the Khyber Pakhtunkhwa Factories Act 2013.

Table 29 presents the actions in the area of OSH and labour inspection that are to be undertaken over the next five years according to the National Action Plan on Business and Human Rights (2021–26).

Table 29. National Action Plan on Business and Human Rights (2021–26) recommendations for government actions related to occupational safety and health

Coverage area	Action
Pakistan	Ratify ILO Occupational Safety and Health Convention, 1981 (No. 155), and ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
	Bring health and safety legislation, standards, rules and guidelines, and independent enforcement mechanism up to date for all sectors, with immediate priority allotted to the most hazardous sectors based on available data or reported concerns, and account for the differentiated needs of workers, including women, elderly workers, and others.

Source: Pakistan, Ministry of Human Rights 2021.

The federal and provincial governments must take necessary measures to ensure compliance with fundamental labour standards to ensure a safe and healthy working environment. The reform measures, suggested below, have already been agreed upon by the provinces under the National and Provincial Labour Protection Frameworks.



Proposed Reforms and Actions (based on CEACR Recommendations)

- ▶ **To achieve better compliance with the Labour Inspection Convention 1947 (No. 81), the government may bring more sectors under the purview of labour legislation and, ultimately, labour inspection. This could be achieved by gradually bringing the informal sectors under the protection of the formal economy, in line with ILO Recommendation No. 204. These could include domestic workers, home-based workers, platform/gig economy workers, etc.**
- ▶ **In order to secure safe and healthy workplaces and ensuring enforcement of legal provisions on OSH:**
 1. Adopt Occupational Safety and Health law in Islamabad Capital Territory as well as Gilgit Baltistan and Azad Jammu & Kashmir (Provincial Governments)
 2. Extend coverage of OSH legislation in Punjab and Sindh to the mining sector (Provincial Governments)
 3. Provide information on private auditing firms in the country performing OSH audits (Provincial Governments)
 4. Provide information on non-public actors involved in labour inspection, the proportion of labour inspection performed in this manner, and how such non-public actors are being supervised by the Government. (Provincial Governments)
- ▶ **To ensure effective enforcement of legislation in the mining sector:**
 5. Provide information on any measures taken to improve safety and health in the mining sector (Provincial Governments)
 6. Provide updated information (2021/2022) on the number of mines inspected, the number of violations detected, and the penalties applied, as well as the number of fatal and non-fatal accidents in the sector (Provincial Governments)
 7. Raise the level of fines, alone or in combination with other penalties, to a level which is sufficiently dissuasive as a sanction for violations (Provincial Governments)
 8. Provide information on the recruitment of mining inspectors, including the filling of vacant posts (Provincial Government of Balochistan)
- ▶ **To achieve compliance with the provisions of Labour Inspection Convention, 1947 (No. 81):**
 9. Take steps to fill in the currently sanctioned 200 vacancies of labour and mines inspectors asap (Provincial Governments)
 10. Publish the data on labour inspectors, workplaces liable to inspection and number of inspections conducted, in annual labour inspection reports, in line with article 21 of the Convention 81. (Federal and Provincial Governments)
 11. Strengthen the labour inspection authorities by filling the vacant positions, establishing more offices, providing transport facilities, and imparting necessary training to the labour inspectors (Provincial Governments)
 12. Collect data on fatal and non-fatal accidents and occupational diseases, the provincial governments must frame necessary rules and start collecting data on fatal, non-fatal accidents and occupational diseases on a regular basis (Provincial Governments)
 13. Improve the detection and identification of cases of occupational diseases (Provincial Governments)
 14. Governments of Punjab and Khyber Pakhtunkhwa also need to update the list of occupational diseases in line with ILO Recommendation No. 194 (Provincial Governments)

15. Amend legislation allowing inspectors to enter, first, freely and without any previous notice, and second, at any hour of the day and night (Provincial Governments)
16. Revise and update the penalties for violation of labour legislation. Instead of giving absolute amounts which become outdated after some years, the fines should be linked with the applicable minimum wage, e.g., the fine for a labour law violation should be two times the minimum wage or four times the minimum wage and so on. Moreover, the minimum penalty for a violation must be equivalent to at least one minimum wage (Provincial Governments)
17. Publish the annual labour inspection report and make it accessible to the public through MOP&HRD's website. Share the annual labour inspection reports with the ILO (Federal Government)

► **To reduce the gender gap in inspection teams, the government needs to hire more female labour inspectors.**

1. The number and percentage of female labour inspectors need to be gradually raised to 20% of the total sanctioned strength of labour inspectors in the country. This is equivalent to 150 inspectors out of a total of 750 inspectors in the country (Provincial Governments)

Other Legislative and Administrative Reforms

Legislative reforms

1. Enact separate laws on OSH with coverage of all sectors of employment, including mines, in Balochistan and the Islamabad Capital Territory.
2. Frame subsidiary Rules for the already enacted OSH laws to facilitate enforcement of OSH provisions (in Khyber Pakhtunkhwa and Punjab).
3. Develop and operationalize OSH codes of conduct.

Administrative reforms/actions

1. Update the inspection proforma.
2. Redesign the inspection manuals at the provincial level.
3. Digitize inspection reporting.
4. Strengthen health and safety inspections in all sectors.
5. Initiate system-based inspection to improve the OSH situation in the country.
6. Provide capacity enhancement of inspection staff in key aspects.

6.9. Tripartite consultation and social dialogue

The Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) obligates States to ensure the conducting of effective consultations between representatives of the government, employers and workers. It binds the government to organize consultations 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 and Recommendations, re-examine unratified Conventions and Recommendations for possible ratification, and submit proposals on denunciation of any ratified Convention(s). Convention No. 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 as well as participation in consultative processes has to be based upon the principle of true representation.

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

1. Governing Body of the Workers Welfare Fund
2. Board of Trustees of the Employees' Old-Age Benefits Institution
3. Provincial Minimum Wage Boards
4. National Steering Committee on Bonded Labour
5. Governing Bodies of the Provincial Social Security Institutions
6. Provincial Workers Welfare Boards
7. Provincial Tripartite Advisory Committees under the Apprenticeship Ordinance 1962 and the ICT Apprenticeship Act 2018
8. Provincial Miners' Welfare Boards
9. Provincial Occupational Safety and Health Councils
10. Provincial Committees on the Elimination of Bonded Labour
11. District Vigilance Committees under the Bonded Labour System (Abolition) Acts.



Box 6:**Projects on tripartite consultation and social dialogue**

The Directorate-General of Labour Welfare Balochistan, supported by the ILO, participated in social dialogue to strengthen labour legislation following the devolution instigated by the 18th Amendment to the Constitution. A three-day tripartite consultation workshop as part of an ILO project aimed at sustaining GSP+ by strengthening compliance with and reporting capacity on fundamental labour standards was conducted in February 2017 in Karachi. Participants included the MOPHRD, Ministry of Human Rights, Provincial Labour Departments and employers' and workers' organizations. A similar workshop of 30 participants was conducted in Lahore the following April, where the main topics of focus were "Child Labour, Forced Labour, Freedom of Association/Collective Bargaining & Non-Discrimination and Equality in Employment and Occupation". The workshop aimed to create awareness about ILO standards and to aid the Provincial Tripartite Consultation Committee in legal, institutional and administrative reforms.

In May of 2017, technical consultations took

place in Quetta for three days along with a special meeting of the Provincial Tripartite Consultation Committee on ensuring that the fundamental labour rights of workers are granted and enforced as per ILO Convention standards. The areas on which the focus lay were the setting of minimum wages, child labour, and freedom of association and collective bargaining.

Following, in October 2017, the Balochistan Government, in collaboration with ILO, carried out social dialogue in order to strengthen legislation in the areas of freedom of association and collective bargaining, compensation and wages, OSH and others. Participants included employer and employee representatives, along with labour welfare, human rights, social welfare, industries and fisheries departments. Draft labour laws were reviewed, such as the Balochistan Minimum Wages Bill, the Balochistan Industrial Relations Act, the Balochistan Payment of Wages Bill and the Balochistan Prohibition on the Employment of Children Bill.

Before devolution, there also existed institutions like the Federal Labour Conference, the Pakistan Tripartite Labour Conference and the Standing Labour Committee; however, these institutions only partially fulfilled the obligations set out under Convention No. 144 for discussion on possible ratification or denunciation of international labour standards and reporting to the ILO (under Articles 19 and 22 of the ILO Constitution). It must also be indicated that these institutions were engaged irregularly on ad-hoc basis without specific agendas. The last meeting of the Pakistan Tripartite Labour Conference was held in 2010.

In 2014, the Federal Government notified the Federal Tripartite Consultative Committee (FTCC), in line with the provisions of Convention No. 144. Similarly Provincial Tripartite Consultative Committees (PTCC) have been notified by all the provincial governments. These Committees meet the requirement of consultation on international labour standards as stipulated under Convention No. 144.

Tripartite Consultation Committees have been established and are functional in all provinces and every district, and meetings are held twice a year. Currently, efforts are being made to conduct the National Tripartite Labour Conference. The Industrial Relations Institute holds various trainings on social dialogues, and the promotion of social dialogue is a regular feature of labour inspections. Table 30 below gives highlights of the issues discussed at the FTCC level since its inception in 2014.

Table 30. Issues discussed under the Federal Tripartite Consultative Committee since 2014

Meeting	Date	Agenda items under discussion
1st Meeting	25 September 2014	<ol style="list-style-type: none"> 1. Role of Federal and Provincial Tripartite Committees 2. Compliance and reporting on international labour standards 3. Preparation of country reports for submission to ILO 4. Better Work Programme 5. Mechanism to handle complaints before the Committee on Freedom of Association (CFA)
2nd Meeting	27 January 2015	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of Provincial Tripartite Consultative Committees (PTCCs) 3. Complaints before the CFA 4. Enforcement of the provisions of Convention No. 144 through district-based social dialogue mechanisms 5. Review of development process of provincial laws in the post-18th Amendment scenario 6. PESSI health initiative for workers' children in the WWB Schools 7. Review of Sindh OSH Policy and Joint Action Plan 8. Discussion on the issue of right to strike under Convention No. 87 9. Consultation on reporting on unratified Conventions
3rd Meeting	30 June 2015	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the CFA 4. Status of labour legislation in provinces 5. Discussion on the ratification of ILO Convention No. 155 6. Discussion on ratified and unratified Convention reports 7. Identification of gaps in labour legislation vis-à-vis ratified ILO Conventions 8. Discussion on draft anti-discrimination law 9. Update on complaints against Pakistan before ILO's Committee on Freedom of Association 10. Discussion on the future status of EOBI and Workers Welfare Fund (WWF) in the backdrop of 18th Constitutional Amendment
4th Meeting	11 January 2016	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the CFA 4. Submission of instruments before the competent authorities 5. Upcoming reports by the ILS Unit on Legal Gap Analysis, GSP+ and Target 1B of the Millennium Development Goals 6. MOU on Decent Work Country Programme (DWCP) III (2016–21) 7. Upcoming Asian Living Wage Conference (May 2016) 8. Consultation on reporting on unratified Conventions
5th Meeting	6 May 2016	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the CFA 4. Progress on draft OSH Law 5. Reports by ILS Unit (GSP+; OSH reports) 6. ILO's Future of Work Initiative 7. Consultation on reporting on unratified Conventions

Meeting	Date	Agenda items under discussion
6th Meeting	29 July 2016	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the CFA 4. Briefing on ongoing ILO projects 5. Progress on draft OSH Law 6. Reports on ratified and unratified Conventions 7. Submission of International Labour Conference (ILC) instruments (Conventions/Recommendations) before the competent authorities 8. Discussion on DWCP launching
7th Meeting	24 November 2016	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the CFA 4. Discussion on the outcomes of PTCC meetings 5. Legislative and administrative steps to address OSH issues in the provinces 6. DWCP-III Portfolio of Activities I 2016 and 2017 7. Discussion on publication of labour inspection reports in compliance with ILO Convention No. 81 8. National report on "Future of Work-Pakistan". 9. Consultation on reporting on unratified Conventions
8th Meeting	17 May 2017	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the CFA 4. National Strategic Framework to Eliminate Child and Bonded Labour 5. GSP+ status for Pakistan 6. Supervisory mechanisms of the DWCP-III 7. Agenda and views on upcoming ILC 8. Post-devolution matters pertaining to EOBI and WWF in the context of discussion at the Council of Common Interests 9. Consultation on reporting on unratified Conventions
9th Meeting	3 May 2018	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the CFA 4. National Labour Protection Framework 5. Agenda of the 107th Session of the ILC 6. Supervisory mechanisms of DWCP-III 7. ILO Centenary Celebration (Future of Work) 8. Case study on minimum wages in Pakistan 9. Better Work Programme: Prospects and challenges from business perspective 10. Discussion on potential ratification of ILO Health and Safety in Mines Convention, 1995 (No. 176) 11. Human Rights Case No. 16143-P/2014 (OSH) and setting up of silicosis centres in cement factories 12. Awareness-raising of the PTCCs on global and national development agendas 13. Consultation on reporting on unratified Conventions
10th Meeting	14 February 2019	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the the CFA 4. Accidents in the mining sector in Balochistan 5. Challenges to implementation of Conventions Nos 87 and 98 in the banking sector and export processing zones

Meeting	Date	Agenda items under discussion
		<ol style="list-style-type: none"> 6. Labour legislation in Balochistan 7. Update on the Better Work Programme 8. Consultation on reporting on unratified Conventions
11th Meeting	22 October 2019	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the CFA 4. Discussion on new ILO instruments adopted in the 107th and 108th sessions of the ILC (Convention No. 190) 5. Placing of instruments before the competent authority 6. Review of National Labour Inspection Report 2017 7. Discussion on potential ratifications 8. Update on Better Work Programme 9. Submission of independent expert report on GSP+ 10. Registration of trans-provincial unions 11. Consultation on reporting on unratified Conventions
12th Meeting	16 April 2020	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the CFA 4. COVID 19 pandemic and its impact on the labour market 5. Ratification of ILO Conventions 6. Consultation on reporting on unratified Conventions
13th Meeting	17 November 2020	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the CFA 4. Inspection mechanism in mines 5. Situation and gap analysis report on Convention No. 176 6. Concept of living wage vs minimum wage 7. Update on child labour surveys in the provinces 8. Proposed standalone law on forced labour 9. Codification of labour laws in Pakistan 10. ILO missions to Pakistan (2019–20) and their recommendations on strengthening trade unionism 11. Update on GSP+ status 12. Update on Better Work Programme 13. Consultation on reporting on unratified Conventions
14th Meeting	20 October 2022	<ol style="list-style-type: none"> 1. Update on the decisions of last FTCC meeting 2. Important outcomes of PTCCs 3. Complaints before the CFA 4. Updates from the provinces on the status of labour legislation 5. Review of interventions to strengthen labour administration/inspection 6. Discussion on ratification of new conventions 7. ILS Reporting 8. Child Labour Survey

Source: Minutes of various FTCC meetings, MOPHRD

The Punjab PTCC comprises of nine government department members, six worker representatives, six employer representatives and two labour law consultants. Eighteen meetings of the Punjab PTCC have been held since 2014, and various issues have been on the agenda, such as the gender wage and employment gap and gender discrimination in the workplace. The Sindh Tripartite Labour Standing Committee was reconstituted on August 2020. Six meetings of the Sindh PTCC have taken place, during which all provincial labour laws were reviewed and amendments were suggested. The Sindh Domestic Workers Bill 2020 has been finalized through tripartite consultations, and is now with the relevant law department for vetting. Khyber Pakhtunkhwa PTCC consultations resulted in the province's recent decision to extend social security to brick kiln workers. Issues such as steps to be taken by the Labour Department in the wake of COVID-19 have also been discussed.

The Balochistan PTCC has conducted nine meetings. Several positive outcomes have resulted from these meetings. In the fourth meeting, the Balochistan Occupational Health and Safety Bill was put up for discussion and inputs, and it was decided to put the Bill forward. In the fifth meeting, the Balochistan Labour Protection Framework was drafted, focusing on child and forced labour, freedom of association, labour inspection, non-discrimination, OSH and social dialogue. Furthermore, the Balochistan Domestic Workers Regulation Bill was discussed, bringing attention to the multiplicity of employer and the physical and sexual violence faced by domestic workers. The implementation of baseline surveys to record the number of workers in factories, shops, establishments and mines in the province for ease of future programme planning was additionally an agenda item. Subsequent meetings concerned draft bills such as the Balochistan Occupational Safety and Health Bill 2019, the Balochistan Workers Compensation Bill 2019, the Balochistan Bonded Labour System (Abolition) Bill 2019, the Balochistan Social Security Bill, the Balochistan Workers' Welfare Funds Bill, and the Balochistan Companies Profits (Workers' Participation) Bill. Finally, the draft Home-Based Workers Policy and law were discussed in the most recent meeting, in addition to the re-drafted Balochistan Industrial Relations Bill 2019 following CEACR comments. The decision to retain the minimum age for admission to employment as 14, as well as the decision to exclude family-run organizations from the provincial child labour law were taken following consultation with the PTCC, due to socio-economic factors.

The federal and provincial governments must take necessary measures to ensure compliance with the priority labour standard on social dialogue (Convention No. 144). The reform measures, suggested below, have already been agreed upon by the provinces under the National and Provincial Labour Protection Frameworks.

Administrative reforms/actions

1. Determine the most representative organizations of workers and employers
2. Hold Provincial Tripartite Labour Conferences annually
3. Hold regular meetings of the federal and provincial tripartite consultative committees
4. Publish annual reports on the discussions and decisions made at the FTCC and PTCCs level
5. Sensitize employers and workers to the existing provisions in laws promoting bilateral and tripartite social dialogues (Joint Management Board, Worker Participation in Management, Work Councils, Minimum Wage Boards, etc)
6. Expand the membership of the Federal Tripartite Consultative Committee to national-level centres/institutes working on labour rights and similar issues

▶ Annex

Annex A: List of exclusions under the Industrial Relations Acts

The IRA excludes the following categories of workers from its scope of application:

- ▶ workers employed in services or installations exclusively connected with the armed forces of Pakistan, including the Ordnance Factories maintained by the Federal Government;
- ▶ workers employed in the administration of the State other than those employed as workmen;
- ▶ members of the security staff of the Pakistan International Airlines Corporation (PIAC), or drawing wages in a pay group not lower than Group V in the PIAC establishment;
- ▶ workers employed by the Pakistan Security Printing Corporation or Security Papers Limited;
- ▶ workers employed by an establishment or institution for the treatment or care of sick, infirm, destitute and mentally unfit persons, excluding those run on a commercial basis; and
- ▶ workers of charitable organizations.

The KPIRA, PIRA and SIRA also exclude workers employed:

- ▶ in the Police or any of the Defence Services of Pakistan or any services or installations exclusively connected with or incidental to the Armed Forces of Pakistan including an ordnance factory maintained by the Federal Government;
- ▶ in the administration of the State other than those employed as workmen by the Railway and Pakistan Post;
- ▶ as a member of the security staff of the Pakistan International Airlines Corporation, or drawing wages in pay group, not lower than group V, in the establishment of that Corporation as the Government may, in the public interest or in the interest of security of the Airlines, by notification in the official Gazette, specify in this behalf;
- ▶ by the Pakistan Security Printing Corporation or the Security Papers Limited;
- ▶ by an establishment or institution for the treatment or care of sick, infirm, destitute or mentally unfit persons excluding those run on commercial basis;
- ▶ as a member of the watch and ward, security or fire service staff of an oil refinery or an airport;
- ▶ as a member of the security or fire service staff of an establishment engaged in the production, transmission or distribution of natural gas or liquefied petroleum gas; and
- ▶ in an establishment or institution providing education or emergency services excluding those run on commercial basis (PIRA and KPIRA only).

BIRA excludes the following:

- ▶ The Government subject to Article 17(1) of the Constitution of Islamic Republic of Pakistan 1973 may by Notification issued in the Official Gazette impose reasonable restrictions on exercise of right to form associations or unions under this Act in any public sector organization, in the interest of sovereignty or integrity of Pakistan, for such time as it may deem proper.

- ▶ It shall not apply to Police, Levies or any of the Defense Services of Pakistan or any services or installations exclusively connected with or incidental to armed forces of Pakistan and essential services.

Other than these, there are certain explicit exclusions: agriculture workers and informal sector workers (contract workers, home-based workers, domestic workers, digital labour platform workers, and self-employed workers).

Annex B. The GSP+ and the 27 human rights, labour, governance and environment-related Conventions

This annex presents the list of the 27 international Conventions that must be ratified and adequately implemented by GSP+ beneficiary countries in order to secure and maintain their beneficiary status.

Core UN human rights and ILO labour rights 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. Forced Labour Convention, No. 29 (1930)
9. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
10. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
11. Equal Remuneration Convention, 1951 (No. 100)
12. Abolition of Forced Labour Convention, 1957 (No. 105)
13. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
14. Minimum Age Convention, 1973 (No. 138)
15. Worst Forms of Child Labour Convention, 1999 (No. 182)

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 Transboundary Movements of Hazardous Wastes and their Disposal (1989)
19. Convention on Biological Diversity (1992)
20. 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)

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