

Pakistan - National legislation on caste-related labour rights

Constitution of Pakistan

The Constitution of Pakistan contains a range of provisions with regards to labour rights found in Part II: Fundamental Rights and Principles of Policy.

- Article 11 of the Constitution prohibits all forms of slavery, forced labour and child labour;

“(1) Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.

(2) All forms of forced labour and traffic in human beings are prohibited.

(3) No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.”

- Article 17 provides for a fundamental right to exercise the freedom of association and the right to form unions;

“(1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.”

- Article 18 proscribes the right of its citizens to enter upon any lawful profession or occupation and to conduct any lawful trade or business;

“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:”

- Article 25 lays down the right to equality before the law and prohibition of discrimination on the grounds of sex alone;

“(1) All citizens are equal before law and are entitled to equal protection of law.

(2) There shall be no discrimination on the basis of sex.

(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.”

- Article 37(e) makes 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.

“(e) The State shall make provisions for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited for their age or sex, and for maternity benefits for women in employment.”

The Factories Act, 1934

(As amended to 1997)

Section 18: Overcrowding:

“(1) No work-room in any factory shall be over-crowded to an extent injurious to the health of the workers employed therein.”

Section 20: Drinking Water:

(1) In every factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein a sufficient supply of whole-some drinking water.

Section 21: Latrines and urinals:

“(1) In every factory -

- (a) sufficient latrines and urinals of prescribed types shall be provided conveniently situated and accessible to workers at all times while they are in the factory;
- (b) enclosed latrines and urinals shall be provided separately for male and female workers;
- (c) such latrines and urinals shall be adequately lighted and ventilated;
- (d) all such latrines and urinals shall be maintained in a clean and sanitary condition at all times with suitable detergents or disinfectants or with both;”

Section 32: Prohibition of employment of women and children near cotton openers:

“No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work:”

Section 34: Weekly hours:

“No adult worker shall be allowed or required to work in a factory for more than forty-eight hours in any week, or, where the factory is a seasonal one, for more than fifty hours in any week:

Provided that an adult worker in a factory engaged in work which for technical reasons must be continuous throughout the day may work for fifty-six hours in any week.”

Section 36: Daily hours:

“No adult worker shall be allowed or required to work in a factory for more than nine hours in any day:

Provided that a male adult worker in a seasonal factory may work ten hours in any day.”

Section 47: Extra pay for overtime:

“(1) Where a worker

- (a) in a non-seasonal factory works for more than nine hours in any day or for more than forty-eight hours in any week, or
- (b) in a seasonal factory works for more than nine hours in any day or for more than fifty hours in any week,

he shall be entitled in respect of the overtime worked to pay at the rate of twice his ordinary rate of pay.”

The West Pakistan Maternity Benefit Ordinance, 1958

(Extends to whole Pakistan)

Section 3: Employment of, or work by, women in [establishments] prohibited during certain period:

“No employer shall knowingly employ a woman and no woman shall engage in employment in any [establishment] during the six weeks following the date on which she is delivered of a child.”

Section 4: Right to and liability for payment of maternity benefit:

“(1) Subject to the provisions of this Ordinance, every woman employed in an establishment shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of her wages last paid during the period of six weeks immediately preceding and including the days on which she delivers the child and for each day of six weeks succeeding that day:

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the establishment of the employer from whom she claims maternity benefit for a period of not less than four months immediately preceding the day on which she delivers the child.”

The Industrial and Commercial Employment (Standing orders) Ordinances, 1968

(An ordinance to amend and consolidate the law relating to industrial employment in the Province of West Pakistan)

Section 2(A): Terms and Conditions of service to be given in writing:

“Every workman at the time of his appointment, transfer or promotion shall be provided with an order in writing, showing the terms and conditions of his service.”

Section 10-B. Compulsory Group Insurance:

“(1) The employer shall have all the permanent workmen employed by him insured against [natural death and disability and] death and injury arising out of contingencies not covered by the Workmen’s Compensation Act, 1923 (VIII of 1923), or the [Provincial Employees Social Security Ordinance, 1965] (W.P. Ordinance No. X of 1965).”

Section 12. Termination of employment:

“(1) For terminating employment of a permanent workman, for any reason other than misconduct, one month’s notice shall be given either by the employer or the workman. One month’s wages calculated on the basis of average earned by the workman during the last three months shall be paid in lieu of notice.

(3) The services of a workman shall not be terminated, nor shall a workman be removed, retrenched, discharged or dismissed from service, except by an order in writing which, shall explicitly state the reason for the action taken.

(5) The services of a permanent or temporary workman shall not be terminated on the ground of misconduct otherwise than in the manner prescribed in Standing Order 15.”

Prevention and Control of Human Trafficking Ordinance, 2002

Section 3: Punishment for human trafficking: ---The human trafficking shall be punishable as under:-

“(ii) Whoever knowingly provides, obtains or employs the labour or services of a person by coercion, scheme, plan or method intended to make such person believe that in the event of non-performance of such labour or service, he or any other person may suffer from serious harm or physical restraint or legal proceedings, shall be punishable with imprisonment which may extend to seven years and shall also be liable to fine:

(iv) Whoever knowingly takes, confiscates, possesses, conceals, removes or destroys any document related to human trafficking in furtherance of any offence committed under this Ordinance or to prevent or restrict or attempt to prevent or restrict, without lawful authority, a person’s liberty to move or travel shall be punishable with imprisonment which may extend to seven years and shall also be liable to fine.”

The Tea Plantations Labour Ordinance, 1962

(An Ordinance to provide for the welfare of labour, and to regulate the conditions of work in tea plantations.)

Section 8: Drinking water:

“In every tea plantation such arrangements as may be prescribed shall be made by the employer to provide and maintain at convenient places in the tea plantation a sufficient supply of wholesome drinking water for all workers.”

Section 9: Conservancy:

“(1) There shall be provided separately for males and females in every tea plantation a sufficient number of latrines and urinals of prescribed types and number so situated as to be convenient and accessible to workers employed therein.

(2) All latrines and urinals provided under sub-section (1) shall be maintained in a clean and sanitary condition.”

Section 10: Medical facilities:

“In every tea plantation there shall be provided and maintained so as to be readily available such medical facilities for the workers as may be prescribed.”

Section 14: Educational facilities:

“Where the children between the ages of six and twelve of workers employed in any tea plantation exceed twenty five in number, the Provincial Government may make rules requiring every employer to provide educational facilities for the children in such manner and of such standard as may be prescribed.”

Section 15: House building facilities:

“It shall be the duty of every employer to provide house-building facilities to every worker and his family residing in the tea plantation according to such scale as may be prescribed.”

Section 16: Facilities for daily necessities, etc:

“It shall be the duty of the employers to provide facilities within easy reach of the employees for obtaining the daily necessities of life through co-operative or other means and also to provide the employees with such amenities for protection from adverse weather conditions as may be prescribed.”