

DECENTWORKCHECK.ORG

Check

DecentWorkCheck Pakistan is a product of
WageIndicator.org and www.paycheck.pk/main



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

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Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Pakistan scored 33 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.

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01/13 Work & Wages

Regulations on work and wages:

Factories Act, 1934

The Payment of Wages Act, 1936

Minimum Wages Ordinance, 1961

West Pakistan Minimum Wages for Unskilled Workers Ordinance, 1969 (not in use after 18th constitutional amendment in 2010) Federal and Provincial Budgets (2014-15)

Minimum Wage

The minimum wage rate for unskilled workers is Rs. 12,000 in the provinces of Balochistan, Punjab & Sindh and Rs. 15,000 in Khyber Pakhtunkhwa. Minimum wages for semi-skilled and skilled workers are determined by the Minimum Wage Boards constituted under the Minimum Wages Ordinance, 1961.

Regular Pay

The Payment of Wages Act, 1936 regulates the payment of wages to all classes of workers. Section 4 of the Act stipulates that wage period shall not exceed one month. Section 5 of the Act says that wages are to be paid within seven days after the last day of wage period except in establishments employing 1000 or more persons which are allowed to pay within 10 days after the last day of wage period.

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02/13 Compensation**Regulations on compensation:**

Factories Act, 1934

The Payment of Wages Act, 1936

Minimum Wages Ordinance, 1961

West Pakistan Minimum Wages for Unskilled Workers Ordinance, 1969 (not in use after 18th constitutional amendment in 2010) Federal and Provincial Budgets (2014-15)

Overtime Compensation

In accordance with the section 47 of Factories Act, 1934; if a worker works beyond the stipulated working hours, i.e., 9 hours a day and 48 hours a week, he is entitled to an overtime pay that is double the rate of his ordinary pay (200% of the normal wage rate). In seasonal factories, workers may work up to 56 hours a week.

Night Work Compensation

There is no special pay premium for employees working overnight.

Compensatory Holidays/rest days

Workers can be asked to work on weekly rest days and Festival/Public Holidays. The law does provide for compensatory holidays. (Section 35, 49-I of Factories Act)

Weekend/Public Holiday Work Compensation

There is no provision for premium pay for working on a weekly rest day however if an employee works on a public holiday, he is paid at 300% of the rate of his normal wages. (normal wage for working on public holiday + paid substitute holiday + one day's paid compensatory holiday) (section 49-I of Factories Act)

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03/13 Annual Leave & Holidays**Regulations on annual leave and holidays:**

Factories Act, 1934

The West Pakistan Shops and Establishments Ordinance, 1969

Paid Vacation / Annual Leave

An employee is entitled to 14 calendar days paid annual leave, after completion of 12 months of continuous service. (section 49-B of Factories Act). This law does not indicate whether paid annual leave increases with longer service/seniority. A worker is paid his daily wages while he is on annual leave. Factory workers are paid half of the pay due for annual leave before start of the leave. The annual leave has to be consecutive and may not be split however if a worker fails to avail whole leave during the 12 months, it is added to the next year. However, not more than 14 days of leave can be carried forward.

Pay on Public Holidays

Workers are entitled to paid Festival (public and religious) holidays. Festival holidays are announced by Ministry of Interior, Islamabad and Provincial Government at the start of calendar year (usually 14 in number) (section 49-I of Factories Act). The Public holidays can be divided in religious and memorial holidays. The dates of Muslim religious festivals are subject to appearance of moon and change every year. The religious holidays are Eid Milad-un-Nabi-12 Rabi ul Awwal (January 2014), Eid ul Fitr-Shawwal 01 (three days in July 2014), Eid ul Azha-Zil Haj 10 (two days in October 2014), Ashura-Moharram 9 & 10 (two days in November 2014). The memorial holidays are Kashmir Day (February 5, 2014), Pakistan Day (March 23, 2014), Labour Day (May 01, 2014), Independence Day (August 14, 2014), Iqbal Day (November 09, 2014), Quaid-e-Azam Day/Christmas (December 25, 2014). The day after Christmas (December 26) is also a public holiday, however for Christians only. There are nearly 22 optional holidays (for Muslims and other religious communities including Christians, Hindus, Sikhs and others).

Weekly Rest Day

Workers are entitled to 1 day of rest per week (24 consecutive hours). The weekly rest day is usually Sunday. If a worker has to work on holiday; he can't be made to work consecutively for 10 days without being given a compensatory holiday for full one day. (section 35 of Factories Act)

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04/13 Employment Security**Regulations on employment security:**

The West Pakistan Shops and Establishments Ordinance, 1969

Industrial and Commercial Employment (Standing Orders) Ordinance, 1968

Written Employment Particulars

Standing Orders Ordinance requires that every workman at the time of his appointment, transfer or promotion should be provided with an order in writing, showing the terms and conditions of his service. (S.O. 2-A of Standing Orders Ordinance,

Fixed Term Contracts

Pakistani labour Law prohibits hiring fixed term contract workers for tasks of permanent nature. The maximum length of a fixed term (temporary) contract including renewals is 09 months.

Probation Period

In accordance with the Standing Orders Ordinance, probation period is of 3 months' duration only. (S.O. 1 of Standing Orders Ordinance, 1968)

Notice Requirement

Labour law requires termination notice before terminating services of an employee. A permanent employee may be terminated after serving one month's notice or paying in lieu of notice. (S.O. 12 of Standing Orders Ordinance, 1968)

Severance Pay

There is a provision in the law regarding severance/redundancy pay however it is not provided when a worker is terminated on the ground of misconduct. A worker is entitled to severance payment amounting to 30 days' wages for each completed year of service. (S.O. 12 of Standing Orders Ordinance, 1968)

05/13 Family Responsibilities**Regulations on family responsibilities:**

Factories Act, 1934

The West Pakistan Shops and Establishments Ordinance, 1969

Paternity Leave

There is no provision in the law on paid or unpaid paternity leave. Paternity Leave is provided under Revised Leave Rules, 1981 in the Punjab province. New fathers are granted maximum 7 days of paternity leave on or immediately before the birth of a child. This leave is admissible only two times during the entire service.

Parental Leave

There is no provision in the law on paid or unpaid parental leave.

Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

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06/13 Maternity & Work

Regulations on maternity and work:

The West Pakistan Maternity Benefit Ordinance, 1958

The Mines Maternity Benefit Act, 1941

The Provincial Employees Social Security Ordinance, 1965

Free Medical Care

In accordance with section 38 of The Provincial Employees Social Security Ordinance, 1965, a woman is entitled to prenatal confinement and post-natal medical care, if she is entitled to maternity benefit under section 36.

No Harmful Work

Employment of women is prohibited during six weeks following the delivery of child. (section 3 of West Pakistan Maternity Benefit Ordinance, 1958). There are gender neutral provisions in the laws to ensure safety of workers however none of these specifically mentions that pregnant and breast feeding women enjoy special protection and are not made to do any harmful work.

Maternity Leave

Female employees are entitled to a maximum of twelve weeks (or 3 months) of maternity leave with full pay. The six-week post-natal leave is compulsory. (Section 4 of West Pakistan Maternity Benefit Ordinance, 1958). The maternity leave in public sector is also 90 days (3 months) and during this time, wages are paid in full.

Income

The maternity leave is awarded with full pay. The qualifying condition is that the women must be working in enterprise at least four months prior to the date of delivery of her child. (Section 4 of West Pakistan Maternity Benefit Ordinance, 1958)

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Protection from Dismissals

It is illegal for an employer to dismiss a female employee during the term of her maternity leave. An employer is also prohibited to terminate an employee 6 months prior to the date of delivery of a child in order to avoid payment of maternity benefit. (Section 7 of West Pakistan Maternity Benefit Ordinance, 1958)

Right to return to same position

Employers are prohibited from dismissing, discharging or reducing, or otherwise punishing an employee during the period in which she is in receipt of maternity benefit (also includes sickness benefit, injury benefit or medical care). So, although it is not explicitly provided under the labour law, it can be implied from this provision that a female worker has the right to return to same job after availing her maternity leave. (Section 72 of The Provincial Employees Social Security Ordinance, 1965)

Breastfeeding

No provisions could be located in the law requiring employers to provide nursing breaks for new mothers.

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07/13 Health & Safety

Regulations on health and safety:

Factories Act, 1934

Mines Act 1923

Workmen's Compensation Act, 1923

Dock Labourers Act, 1934

Employer cares

Chapter 3 of Factories Act makes it obligatory on the employer to provide for safe and healthy working environment to the workers. (Section 13-33Q)

Free protection

No specific provision in the laws on provision of protective clothing, however Labour Protection Policy 2006 directs the enterprises to provide workers with protective clothing and equipment. In the same way, Factories Act, 1934 (section 23-A) provides for compulsory vaccination and inoculation of workers and expenses are to be borne by employer.

Training

In accordance with the Factories Act, it is the responsibility of an employer to provide instruction, training and supervision as is necessary to ensure health and safety at work of his employees. (Section 38)

Labour Inspection System

Labour laws provides for an independent labour inspection system in the country. However, the inspection system is province based and there is no central inspection authority.

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08/13 Sick Leave & Employment Injury Benefits

Regulations on sick leave& employment injury benefits:

The Provincial Employees Social Security Ordinance, 1965

The West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968

Workmen Compensation Act, 1923

Income

Every secured worker certified by a medical practitioner is entitled to paid sick leave (sickness benefit) for a period of 121 days (in a calendar year) in case of ordinary ailments and 365 days (in a calendar year) in case of Cancer or Tuberculosis. The sickness benefit for ordinary ailments (for a period of 121 days) requires the employer to pay 75% of wages last drawn while for Cancer and Tuberculosis (for a period of 365 days), a worker has to be paid 100% of last wages drawn (Different provisions in provinces). If there is an employment related injury, a worker has the right to draw 100% wages for a period of 180 days. (section 35-39 of The Provincial Employees Social Security Ordinance, 1965)

Medical Care

Medical benefits are available for insured workers and these include general medical care, specialist care, medicine, hospitalization, maternity care, and transportation.

Job Security

As per section 72 of The Provincial Employees Social Security Ordinance, 1965, an employer can't dismiss, discharge, reduce or otherwise punish a worker during his/her period of sickness, maternity, injury or medical care.

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Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent total incapacity/disability, amount of compensation paid is 75% of an insured worker's average earnings in the 12 months before disability began (this amount is 100% of the previous average wage in Punjab).

In the case of permanent partial disability, amount of compensation depends on the assessed degree of disability. Partially disabled workers are paid up to 66% of total disability benefit in accordance with a schedule provided in Provincial Employees' Social Security Ordinance.

In the case of temporary disability, 60% (100% in Punjab) of the average wage is paid after a waiting period of 3 days up to 180 days. The benefits are paid until worker's full recovery or certification of permanent disability

In the case of fatal injury, dependents (widow/widower/minor children/parents) receive survivors' benefit. A widow gets 60% of the monthly pension a deceased worker received or was entitled to receive. A needy and disabled widower is also entitled to benefit. Minor children and parents are also entitled to benefits. Orphans, younger than the age of 16 years, receive 20% of the deceased worker's disability pension. A full orphan gets 40% of the deceased worker's pension. Survivors are also eligible for a survivors grant of Rs. 200,000 under the Workmen Compensation Act, 1923 (Schedule IV)

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09/13 Social Security

Regulations on social security:

Provincial Employees Social Security Ordinance, 1965

Employees Old Age Benefits Act, 1976

Pension Rights

Social security laws provide for both full and partial/early pension. For full pension, a worker must have attained 60 years of age (55 years for women) with at least 15 years of contributions. A reduced pension is paid to the workers with ages from ages 55 to 59 (men) or ages 50 to 54 (women) with at least 15 years of contributions. Old-age pension is 2% of the insured worker's average monthly earnings in the last 12 months multiplied by the number of years for which contributions have been made. As for the early/partial pension, full pension is reduced by 0.5% for each month that the pension is taken before retirement age (So, a worker taking pension after 55 years of age gets only 70% of the full pension). If a worker does not meet requirements of full or partial pension, there is also an old-age grant. The minimum monthly pension from EOBI has been raised from Rs. 3,600 to Rs. 5,250 per month, effective from 01 April 2015. (Section 22 of the Provincial Employees Social Security Ordinance, 1965)

Dependent's/Survivors' Benefit

Social Security laws provide for survivor benefit (these include dependents including widow, widower, children). The deceased worker must be a pensioner at the time of death. 100% of the deceased minimum pension is distributed equally among deceased's spouses. If spouses are not alive, this is distributed among orphans. In the absence of spouse and orphans, deceased's parents are paid this pension up to 5 years after the death of a worker. The minimum monthly pension from EOBI has been raised from Rs. 3,600 to Rs. 5,250 per month, effective from 01 April 2015. (Section 22-B of the Provincial Employees Social Security Ordinance, 1965)

Unemployment Benefit

No provision in law for unemployment insurance and benefits.

Invalidity Benefit

The above acts provide for invalidity benefit in the case of non-occupational accident/injury/disease resulting into permanent invalidity. If a worker is assessed with 67% loss in earning capacity, he/she is paid 2% of the average monthly earnings in the last 12 months multiplied by the number of years of covered employment. The minimum monthly pension from EOBI has been raised from Rs. 3,600 to Rs. 5,250 per month, effective from 01 April 2015. (Section 23 of the Provincial Employees Social Security Ordinance, 1965)

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10/13 Fair Treatment

Regulations on fair treatment:

The Constitution of Pakistan, 1973 (amended in 2012)

West Pakistan Minimum Wage Rules, 1962

Protection Against Harassment of Women at Workplace Act, 2010

Pakistan Penal Code, 1860

Code of Criminal Procedure, 1898

Equal pay

In accordance with the section 15 of the West Pakistan Minimum Wage Rules, 1962, the principle of equal remuneration for work of equal value between men and women workers will be applied while fixing wages. Since there is no specific law in the country to deal with the equal remuneration, the Federal Government is working on a draft of a model Provincial law on anti-discrimination which can be adopted by the Provincial Legislative assemblies.

Sexual Harassment

In accordance with the Protection Against Harassment of Women at Workplace Act, 2010, sexual harassment of workers is prohibited by law and is a punishable offence. A person convicted of sexually harassment convict can be imprisoned for a maximum term of 3 years, or fined with a maximum sum of PKR 5 Lakh (0.5 million) or with both. (Section 509 of Penal Code 1860; Schedule II of Code of Criminal Procedure, 1898, entries related to section 509 of PPC)

Non-discrimination

In accordance with the article 27 of the Constitution, "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 of birth". This article is only about the public sector jobs. We can't locate similar provision for non-discrimination in private sector employment. Since there is no specific law in the country to deal with the equal remuneration and nondiscrimination in all employment related matters, the Federal Government is working on a draft of a model Provincial law on anti-discrimination which can be adopted by the Provincial Legislative assemblies.

Equal Choice of Profession

Women can't work in the same industries as men (Factories Act, 1934). Moreover, section 27 of Constitution of Pakistan 2010 also provides for gender based occupational segregation by saying that " 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".

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11/13 Minors & Youth

Regulations on minors and youth:

The Constitution of Pakistan, 1973 (amended in 2012)

Employment of Children Act, 1991

Minimum Age for Employment

Article 11.3 of the Constitution of Pakistan says " No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment." Similar safeguards have been provided in Article 37 of Constitution. Section 50 of Factories Act 1934 reads as under: "Prohibition of employment of young children. - No child who has not completed his fourteenth year shall be allowed to work in any factory."

The children under the age of 14 years cannot be employed in any public or private industrial undertaking containing process dangerous to life, health or moral of children under the provisions of the said laws. The Employment of Children Act, 1991 has provided a schedule of hazardous occupation and processes where the employment of children under the age of 14 years is totally prohibited. The child worker is, however, permitted to work as a member of the family engaged in any process not declared hazardous under Section 3 of the said Act.

Minimum Age for Hazardous Work

The Employment of Children Act 1991 prescribes 4 occupations and 34 processes wherein employment of children (under the age of 14) is prohibited. It does not set a higher minimum age for hazardous work. These include transport of passengers or goods; underground mining; manufacturing; mixing and applying pesticides and insecticides; stone crushing; scavenging including hospital waste; working at railway stations or ports; carpet weaving; spice grinding; working in boiler house; deep-sea fishing; construction; working in the glass bangle industry and manufacturing cement, explosives, and other products that involve the use of toxic substances.

12/13 Forced Labour**Regulations on forced labour:**

The Constitution of Pakistan, 1973 (amended in 2012)

The Bonded Labour System (Abolition) Act, 1992

Prohibition on Forced and Compulsory Labor

Article 11 of the Constitution prohibits all forms of forced labour. The Bonded Labour System (Abolition) Act, 1991 provides for the abolition of bonded labour system in the country. The practice of bonded labour has become a punishable offence after enactment of this act (with imprisonment for a term which shall not be less than two years nor more than five years, or with fine which shall not be less than fifty thousand rupees, or with both). Vigilance Committees are formed at the district level to keep an eye on the working of law and help in rehabilitation of freed bonded labour.

Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice on their employer. (S.O. 12 of Standing Orders Ordinance, 1968). For more information on this, please refer to the section on employment security.

Inhumane Working Conditions

Normal working hours in Pakistan are 48 hours a week. The overtime hours from 24 hours a week (Khyber Pakhtunkhwa), 12 hours a week/624 hours a year (Balochistan, ICT and Punjab) and 150 hours a year (Sindh). In most of the cases, the maximum working hours inclusive of overtime hours exceed 56 hours per week threshold.

Regulations on trade unions:

The Constitution of Pakistan, 1973 (amended in 2012)

Industrial Relations Act, 2012 (and Provincial Industrial Relations Acts)

Freedom to Join and Form a Union

Constitution and labour law provide for freedom of association and allow workers and employers to join and form unions. (Section 3 of Industrial Relations Act 2012). Constitution also supports freedom of association, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality (art. 17). IRA 2012 includes many exclusions which in effect deprive workers of the right to form and join unions.

Freedom of Collective Bargaining

Industrial Relations Act 2012 (section 19 onwards) allows employees to bargain collectively through their representatives.

Right to Strike

Right to strike is not considered as fundamental right. Moreover, go-slow actions are considering an unfair labour practice, strikes longer than 30 days can be prohibited by government order, and a party or the government can unilaterally compel arbitration, undermining the right to strike (Industrial Relations Act 2012, section 41-48).

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01/13 Work & Wages**ILO Conventions on Work and Wages**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Pakistan has not ratified the Conventions 95, 117 & 131 only.

Minimum wage

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover it must relate reasonably to the general level of wages earned and the living standard of other social groups.

Regular Pay

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

02/13 Compensation**ILO Conventions on Compensation**

Compensation overtime: Convention 01 (1919); Night work: Convention 171 (1990)

Pakistan has ratified the Convention 01 only.

Overtime Compensation

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night Work Compensation

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

Compensatory Holidays/Rest Days

If you have to work on a national/religious holiday or a weekly rest day, you should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

Weekend/Public Holiday work Compensation

If you have to work during the weekend, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if you have to work on a public holiday, you must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take your right to a holiday/ rest.

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03/13 Annual Leave & Holidays**ILO Conventions on weekly rest days and paid annual leave**

Convention 132 (1970) on Holidays with Pay Convention

Conventions 14(1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

Pakistan has ratified the Conventions 14 & 106.

Paid Vacation/Annual Leave

An employee is entitled to at least 21 consecutive paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

Pay on Public Holidays

You should be entitled to paid leave during national and officially recognized public holidays.

Weekly Rest Day

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7 day period, i.e., a week

04/13 Employment Security**ILO Conventions on employment termination**

Convention 158 (1982) on employment termination

Pakistan has not ratified the Convention 158.

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

Written Employment Particulars

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contracts

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

Probation Period

A reasonable probation period must be provided to a worker to learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

Notice Requirement

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Severance Pay

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

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05/13 Family Responsibilities**ILO Conventions on family responsibilities**

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

Pakistan has not ratified the Conventions 156 & 165.

Paternity Leave

This is for the new fathers around the time of child birth and is usually of shorter duration.

Parental Leave

The accompanying recommendation (No. 165) to ILO Convention on Family Responsibilities provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance

Recommendation 165 asks for looking into measures for improving general working conditions through flexible work arrangements.

06/13 Maternity and Work**ILO Conventions on maternity and work**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Pakistan has not ratified the Conventions 103 & 183.

Free medical care

During pregnancy and maternity leave, you should be entitled to medical and midwife care without any additional cost.

No harmful work

During pregnancy and while breastfeeding, you should be exempt from work that might bring harm to you or your baby.

Maternity leave

Your maternity leave should last at least 14 weeks.

Income

During maternity leave, your income should amount to at least two thirds of your preceding salary.

Protection from Dismissals

During pregnancy and maternity leave, you should be protected from dismissal or any other discriminatory treatment.

Right to return to same position

Workers have the right to return to same or equivalent position after availing maternity leave.

Breastfeeding/Nursing Breaks

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

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07/13 Health & Safety**ILO Conventions on Health and Safety**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

Pakistan has ratified the Convention 81 only.

Employer cares

Your employer, in all fairness, should make sure that the work process is safe.

Free protection

Your employer should provide protective clothing and other necessary safety precautions for free.

Training

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Labour Inspection System

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

08/13 Sick Leave & Employment Injury Benefits**ILO Conventions on Sickness and Employment Injury**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Pakistan has not ratified the Conventions 102, 121 & 130.

Income/Paid Sick Leave

Your rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally you should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). You should be entitled to paid sick leave.

Medical Care

During illness, you should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

Job security

During the first 6 months of your illness, you should not be fired.

Disability/Work Injury Benefit

Whenever you are disabled due to an occupational disease or accident, you ought to receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

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09/13 Social Security**ILO Conventions on Social Security**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Pakistan has not ratified any of the above mentioned Conventions.

Pension Rights

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

Dependent's/Survivors' Benefit

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

Unemployment Benefit

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity Benefits

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

10/13 Fair Treatment**ILO Conventions on Fair Treatment**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Pakistan has ratified both Conventions 100 & 111.

Equal Pay

At workplaces equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Sexual Harassment

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

Non-Discrimination

Your employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

Equal Choice of Profession

People have the right to work and there can't be occupational segregation on the basis of gender.

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11/13 Minors & Youth**ILO Conventions on Minors & Youth**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Pakistan has ratified both Conventions 138 & 182.

Minimum Age for Employment

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Minimum Age for Hazardous Work

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

12/13 Forced Labour**ILO Conventions on Forced/Bonded labour**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Pakistan has ratified both Conventions 29 & 105.

Prohibition on Forced and Compulsory labour

Except for certain exceptions, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Freedom to change jobs and Right to quit

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

Inhumane Working Conditions

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

ILO Conventions on Trade Union Rights

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Pakistan has ratified both Conventions 87 & 98.

Freedom to join and form a union

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Freedom of Collective Bargaining

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Right to Strike

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

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About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Pakistan. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employers associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

WageIndicator.org and Iftikhar Ahmad

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