



# PAKISTAN

## Decent Work Check 2019

Iftikhar Ahmad

## WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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### Bibliographical information

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# INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental principles and Rights at Work and Core ILO Conventions, are practiced, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects, which are deemed important in attaining "decent work". The work makes the rather abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and gives a score to the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Workers can compare their own score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

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 even labour inspectors are not, sometimes, fully aware of 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).

The work is relevant to the challenges posed to the future of work especially the effective enforcement of legislation in financially constrained states, rise of precarious employment and measuring the impact of regulatory regimes.

Currently, there are more than 100 countries for which a Decent Work Check is available here: [www.decentworkcheck.org](http://www.decentworkcheck.org) During 2019, the team aims to include at least 10 more countries, thus taking the number of countries with a Decent Work Check to 115!

## Major Legislation on Employment and Labour

1. Code of Criminal Procedure, 1898
2. Dock Labourers Act, 1934
3. Employees Old Age Benefits Act, 1976
4. Employment of Children Act, 1991
5. Factories Act, 1934
6. Industrial and Commercial Employment (Standing Orders) Ordinance, 1968
7. Industrial Relations Act, 2012 (and Provincial Industrial Relations Acts)
8. Mines Act 1923
9. Minimum Wages Ordinance, 1961
10. Pakistan Penal Code, 1860
11. Protection Against Harassment of Women at Workplace Act, 2010
12. The Bonded Labour System (Abolition) Act, 1992
13. The Constitution of Pakistan, 1973 (amended in 2012)
14. The Mines Maternity Benefit Act, 1941
15. The Payment of Wages Act, 1936
16. The Provincial Employees Social Security Ordinance, 1965
17. The Provincial Employees Social Security Ordinance, 1965
18. The West Pakistan Shops and Establishments Ordinance, 1969
19. West Pakistan Minimum Wage Rules, 1962
20. West Pakistan Minimum Wages for Unskilled Workers Ordinance, 1969 (not in use after 18th constitutional amendment in 2010) Federal and Provincial Budgets (2014-15)
21. Workmen's Compensation Act, 1923

# 01/13 WORK & WAGES

## ILO Conventions

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.**

### *Summary of Provisions under ILO Conventions*

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

## Regulations on work and wages:

- Minimum Wages Ordinance, 1961 (applicable in ICT and Balochistan)
- Minimum Wages Ordinance, 1961 (adopted by Punjab in 2012)
- Khyber Pakhtunkhwa Minimum Wages Act, 2013
- Sindh Minimum Wages Act, 2015
- Factories Act, 1934 (applicable in ICT and Balochistan)
- The Payment of Wages Act, 1936 (applicable in ICT and Balochistan)
- The Payment of Wages Act, 1936 (adopted by Punjab in 2012)
- Khyber Pakhtunkhwa Payment of Wages Act, 2013
- Sindh Payment of Wages Act, 2015
- Payment of Wages Rules 1960; §3-6 of the
- West Pakistan Minimum Wages for Unskilled Workers Ordinance, 1969 (not in use after 18th constitutional amendment in 2010) Federal and Provincial Budgets

## Minimum Wage

Minimum Wage is the wage level (set by Government, either after consultation with the social partners i.e. worker organizations and employer associations or unilaterally) below which it is illegal for the employer to pay his/her employees. Khyber Pakhtunkhwa and Sindh define minimum wage as “minimum rates of wages announced, declared, adopted or notified by Government from time to time which shall include the basic pay and statutory allowances that is to say cost of living allowance, dearness allowance and adhoc relief”.

Prior to the 18th Amendment in the Constitution, minimum wages were declared by the federal government by amending Pakistan Minimum Wages for Unskilled Workers Ordinance, 1969. However, since devolution of the subject of labour to provinces, the provincial minimum wages are now declared through minimum wage notifications on the recommendations of minimum wage boards constituted under Minimum Wages Ordinance, 1961 and its provincial variants.

The legislation is applicable to all industrial and commercial establishments and their employees (whether skilled, unskilled or apprentices) and even domestic workers (Balochistan, ICT and Punjab only) however it excludes the employees of Federal or Provincial governments, coalmine employees or persons employed in agriculture (agriculture is not excluded in Sindh). The minimum wage rates for coal mine workers are determined under the Coal Mines (Fixation of Rates of Wages) Ordinance 1960 (in consultation with Mines Welfare Boards).

Minimum wages for semi-skilled, skilled and highly skilled workers are determined by the Minimum Wage Boards constituted under the Minimum Wages Ordinance, 1961 and its provincial variants. The detailed Minimum Wage notifications for different industries based in the provinces are issued later by the provincial labour departments. One such detailed notification has been issued by the Punjab Labour & Human Resource Department. The said notification provides minimum wage rates for

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ministerial, highly skilled, semi-skilled and skilled workers in the 102 industries based in the province. Similar detailed notifications are issued by the other Provincial governments.

For the last couple of years, the trend has been to increase workers' minimum wages while announcing the federal and provincial budgets instead of announcing a wage increase for private sector on May Day. In his Federal Budget 2017-18 speech, the Federal Finance Minister announced the increase of minimum wage for private sector workers from PKR14,000 to PKR15,000 per month. The Provincial Budgets in all the Provinces except Sindh followed suit and increased minimum wage for unskilled workers in line with the increase announced by the Federal Government. Sindh later raised the minimum wage to PKR15,000. During the current fiscal year (2018-19), none of the federal and provincial governments revised the minimum wage except Sindh which raised the minimum wage to PKR16,200.

Minimum Wages for Unskilled Workers used to be fixed under the Minimum Wages for Unskilled Workers Ordinance 1969 however after devolution of Ministry of Labour to provinces, the wages are announced under section 6 of the Minimum Wages Ordinance, 1961 (the Khyber Pakhtunkhwa Minimum Wages Act, 2013) which applies to all industrial establishments' employees (whether skilled, unskilled or apprentices and even domestic workers) but it excludes the employees of Federal or Provincial governments, coalmine employees or persons employed in agriculture. The minimum wage rates for coal mine workers are determined under the Coal Mines (Fixation of Rates of Wages) Ordinance 1960 (in consultation with Mines Welfare Boards).

For newspaper employees, wages are determined under the Wage Board Award and wages are fixed by the Wage Board (constituted specifically for that purpose) while taking into consideration the cost of living, the prevalent wage rates in comparable employment, circumstances relevant to the newspaper industry in different regions of the country as well any other reasons that the Boards considers appropriate and relevant. 7th Wage Board Award, announced in 2001, could not be implemented. The 8th Wage Board was constituted in September 2013 (and later again in 2018) however no award has been announced yet. The Wage Board, having equal representation of newspaper workers and employers, are constituted under Newspaper Employees (Conditions of Service) Act 1973.

There is yet another law that provides for minimum wage fixation for coal mine workers i.e. The Coal Mines (Fixation of Rates of Wages) Ordinance 1960. Provincial Governments issue minimum wage notifications for these coal miners and they may also consult Mines Welfare Board in wage fixation (but it is not necessary).

Minimum Wages are determined at the provincial level. Minimum Wage Ordinance, 1961 and its provincial variants allow Minimum Wage Boards, for each province, to recommend minimum wage rates for adult unskilled workers and juvenile workers employed in industrial undertakings. Minimum wage legislation in each province gives the power to each province's MW Board to fix MW rate even for workers in industries



where there is no effective regulation of wages. The list of industries covered also varies from province to province. The Government can fix the wage rate for skilled workers because Section 2(9) defines worker as "skilled or unskilled, intellectual, technical, clerical, manual, or other work including domestic work for hire or reward". Thus, it has the authorisation to do that. Currently, the minimum wages for skilled workers are not specified in the notification rather these are left to the mutual agreement between the worker and the employer.

Minimum wages Board can fix minimum wages for time work, piece work, overtime work and work on weekly rest day and paid holidays. The time rates recommended by the Board may be on hourly, daily, weekly or monthly basis.

Nothing relating to number of hours is mentioned in the MW Ordinance, 1961. However, as per Factories Act, 1934 (Section 34 and 36), no adult worker shall be allowed or required to work in a factory for more than 48 hours a week or 9 hours a day. Similar provisions on working hours are found in the shops and establishment legislation across provinces. As specified in the notifications, the monthly minimum wage is set for 26 working days.

Minimum wage legislation requires the provincial governments to establish a minimum wages board that will recommend minimum wage rates. The Minimum Wages Board comprises of a Chairman, an independent member and one member each as a representative from employers and workers side (as applicable in Balochistan, ICT and KPK). Punjab legislation requires three members each from workers and employers side of which at least one should be a woman. All the members are appointed by the provincial government. Sindh legislation on minimum wages requires 4 members each from workers and employers side. Provincial governments also have to appoint one member as representative of employers and workers each at the industry level for all the industries for which minimum wages have to be notified.

MW Board can review its minimum wage recommendations if there are any changes in economic conditions or the cost of living and further recommend it to Provincial Government. However, in norm, it is a political decision and in the recent past, provinces have tried to increase minimum wages just to outdo the other provinces or the federal government.

Wages have both the fixed and variable components. These include dearness allowance, house rent, conveyance allowance, cost of living allowance and special allowance. All of these are variable components. Above these variable allowances, MW includes also the fixed allowances.

In line with the legislation applicable in Balochistan, ICT and Punjab, no recommendation regarding review of minimum wages will be considered before 1 year and after 3 years. Only under very special circumstances revision of before a year can be considered. The legislation in KPK and Sindh does not require any time limits for reviewing minimum wages. However, it is important to note that this is only for a

recommendation that Board sends on its own to the Government. Government can send the reference to the Board anytime for revision of wages.

The minimum wage legislation allows review of minimum wage rates if there is any change in the economic conditions or cost of living or other relevant factors. Cost of living here can be interpreted as consumer prices because whenever there was a change in level of consumer prices, minimum wage rates were revised (raised). Economic conditions can be interpreted as decent living standards. National Poverty line, as determined by the Planning Commission of Pakistan, is PKR 3250.

As per section 21 and 22 of West Pakistan minimum wage Rules, 1962 government may appoint labour inspectors to regulate and inspect the compliance of minimum wages by making as many visits to industries. Governmental Body/ Authority - As per section 9-A of MW Ordinance, 1961 the provincial government may appoint any person as the Authority for the area to hear and decide on all the claims (complaints) regarding non-payments or delay in the payment of wages. Employers are prohibited from paying wages lower than the notified minimum wage rate. According to section 9(3) of minimum wages Ordinance, 1961, the following penalties are specified - either up to 6 months' imprisonment or a fine (PKR20,000) or even both along with the payment of arrears made to the employee. The amount of fine ranges between PKR20,000 to PKR50,000 on paying lower than the statutory minimum wage in Sindh.

Provincial Industrial Relations laws require every industry to have a collective bargaining agent who deals with matters relating to employment, work conditions or enforcement of any right. According to the National & Provincial Industrial Relations Acts, Collective Bargaining Agent (registered trade unions) is responsible for dealing with matters relating to workers' rights guaranteed by law.

As per section 9-A(2) of MW ordinance 1961, if no action has been taken by the employer (in case of delay of payment) within 6 months of the complaint, the worker can appeal to the Authority appointed by the provincial government. As per the section 23 of the West Pakistan Minimum Wage Rules 1962, a worker can send his complaint regarding noncompliance of minimum wages to the government through Inspectors or any authorized official. As provided under the National & Provincial Industrial Relations Acts, a worker can bring his complaint relating to any right guaranteed to him by law, to the Collective bargaining agent. Collective Bargaining Agent is a registered trade union and is elected representative of the workers in an enterprise. Similar provisions are found are Khyber Pakhtunkhwa 2013 Act, Punjab 2012 Minimum Wages Act and Sindh Minimum Wage Act 2015, enacted in 2016.

Sources: §4-6 of the Minimum Wages Ordinance, 1961; §4-6 of the Khyber Pakhtunkhwa Minimum Wages Act, 2013; §10-12 of the Newspaper Employees (Condition of Service) Act, 1973; §3-5 of the Coal Mines (Fixation of Rates of Wages) Ordinance, 1960; Sindh Minimum Wages Act, 2015

## Historical Background on Minimum Wages

### Minimum Wage in Pakistan for Unskilled Workers in 2018-19

During the current fiscal year (2018-19), only Sindh province has raised its minimum wage from PKR15,000 to PKR16,200.

The Federal Finance Minister (Mr. Ishaq Dar) while announcing the Federal Budget (2017-18) on 26 May 2017 raised the minimum wage rate for unskilled workers from Rs. 14,000 to Rs. 15,000 per month with effect from July 2017 (applicable to Islamabad Capital Territory). Dr. Ayesha Ghaus Pasha, Finance Minister in Punjab, announced to raise the minimum wage from current Rs. 14,000 to Rs. 15,000 while presenting the budget on 2 June 2017. The Sindh Chief Minister (Syed Murad Ali Shah) presented the budget on 5 June 2017 however no wage increase for the private sector was proposed. The Khyber Pakhtunkhwa Finance Minister (Mr. Muzaffar Said) while announcing the KPK Budget (2017-18) on 7 June 2017 has raised the minimum wage rate for unskilled workers from Rs. 14,000 to Rs. 15,000 per month with effect from July 2017. The Adviser to the Chief Minister Balochistan for Finance announced the Balochistan budget 2017-18 on 15 June 2017. The minimum wage for unskilled private sector workers was raised from Rs. 14,000 to Rs. 15,000 with effect from July 2017. AJK Finance Minister, Dr Najeeb Naqi, presented Azad Jammu and Kashmir Budget 2017-18 on 15 June and proposed to raise the minimum wage to Rs. 15,000 per month.

### Minimum Wage in Pakistan for Unskilled Workers in 2016-2017

The Punjab Chief Minister, Mr. Shahbaz Sharif, announced on the May Day to raise the minimum wage rate for unskilled workers from Rs. 13,000 to Rs. 14,000 per month with effect from July 2016 (The same was reiterated by the Finance Minister - Dr. Ayesha Ghaus Pasha- while presenting the budget on 13 June 2016). The Finance Minister (Mr. Ishaq Dar) while announcing the Federal Budget (2016-17) on 03 June 2016 has raised the minimum wage rate for unskilled workers from Rs. 13,000 to Rs. 14,000 per month with effect from July 2016 (applicable to Islamabad Capital Territory). The Sindh Finance Minister (Syed Murad Ali Shah) while announcing the Sindh Budget (2016-17) on 11 June 2016 has raised the minimum wage rate for unskilled workers from Rs. 13,000 to Rs. 14,000 per month with effect from July 2016. The Khyber Pakhtunkhwa Finance Minister (Mr. Muzaffar Said) while announcing the KPK Budget (2016-17) on 14 June 2016 has raised the minimum wage rate for unskilled workers from Rs. 13,000 to Rs. 14,000 per month with effect from July 2016. The Balochistan Chief Minister (Nawab Sanaullah Khan Zehri) while announcing the Budget (2016-17) on 19 June 2016 has raised the minimum wage rate for unskilled workers from Rs. 13,000 to Rs. 14,000 per month with effect from July 2016.

### Minimum Wage in Pakistan for Unskilled Workers in 2015-2016

In June 2015, the Federal Government has raised the minimum wage from Rs. 12,000 to Rs. 13,000 per month for unskilled workers. This decision was also repeated in the

budgets presented by the Provincial Governments of Punjab, Sindh & Balchistan. The Khyber Pakhtunkhwa province has also notified its minimum wage as Rs. 12,000. The minimum wage rate for unskilled & juvenile (14 years to 17 years) workers is Rs.13,000 per month in the provinces of Punjab, Sindh, and Balochistan as well as the Islamabad Capital Territory. These minimum wage rates are applicable from 01 July 2015. The daily minimum wage for an 8 hour work day is Rs. 500 (and Rs.13,000 for 26 working days). Minimum wage for unskilled & juvenile workers (14 years to 18 years) is notified as Rs.12,000 per month in Khyber Pakhtunkhwa with effect from 01 July 2014. The daily minimum wage in Khyber Pakhtunkhwa is Rs.461.54 (and Rs.12,000 for 26 working days).The Khyber Pakhtunkhwa Government had fixed a higher minimum wage in 2014 (Rs. 15,000 per month) however it was fixed unilaterally by the Government without forming and consulting the Minimum Wage Board. This notification was suspended in March 2015 by the Peshawar High Court. The new notification, declaring Rs. 12,000 as minimum wage for unskilled workers has been issued in September 2015 and is effective from back date. Khyber Pakhtunkhwa again issued a minimum wage notification in January 2016 declaring the minimum wage as Rs. 13,000 with effect from July 2015.

<b>Minimum Wages for Unskilled Workers in Pakistan (over the last 15 years)</b>	
<b>Year</b>	<b>Wage per month (PKR)</b>
<b>Single National Minimum Wage for unskilled workers</b>	
<b>1998</b>	1,950
<b>2001</b>	2,500
<b>2005</b>	4,000
<b>2007</b>	4,600
<b>2008</b>	6,000
<b>Provincial Minimum Wage for unskilled workers (after Devolution of the subject of Labour in 2010)</b>	
<b>2010</b>	Sindh, Khyber Pakhtunkhwa, Balochistan: 7,000 (Punjab: 8,000)
<b>2012</b>	Sindh, Khyber Pakhtunkhwa, Balochistan: 8,000 (Punjab:9,000)
<b>2013</b>	Punjab, Sindh, Khyber Pakhtunkhwa, Balochistan: 10,000
<b>2014</b>	Punjab, Sindh, Khyber Pakhtunkhwa, Balochistan: 12,000
<b>2015</b>	Punjab, Sindh, Khyber Pakhtunkhwa, Balochistan and ICT: 13,000 The Minimum Wage in Khyber Pakhtunkhwa was earlier declared as PKR 12,000 however it was raised to 13,000 in January 2016 with effect from July 2015.
<b>2016</b>	Punjab, Sindh, Khyber Pakhtunkhwa, Balochistan and ICT: PKR 14,000 (with effect from 01 July 2016)
<b>2017</b>	Punjab, Sindh, Khyber Pakhtunkhwa, Balochistan, ICT and AJK: PKR 15,000 (with effect from 01 July

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	2017) Sindh did not announce minimum wage increase under the Budget. However, later it also increased the minimum wage to 15,000 rupees.
<b>2018</b>	Punjab, Khyber Pakhtunkhwa, Balochistan, ICT and AJK: PKR 15,000 (with effect from 01 July 2017) Sindh: PKR 16,200 (with effect from 01 July 2018)

[The current minimum wages can be found in Minimum Wage Section.](#)

## Regular Pay

Wages, as defined under the Minimum Wages Ordinance 1961 and its provincial variants, mean all remuneration, expressible in monetary terms, and payable to a person on fulfillment of the express or implied terms of employment contract but does not include contributions paid by the employer on behalf of the worker under any scheme of social insurance, pension fund or provident fund; travelling allowance or value of any travelling concession; amount paid to defray special expenses incurred by the worker in respect of his employment; any sum paid as annual bonus; or any gratuity paid on contract termination.

The Payment of Wages Act, 1936 (currently applicable in Balochistan, ICT and Punjab) and its provincial variants regulate the payment of wages to all classes of workers. Wages can be paid on daily, weekly, fortnightly or monthly basis. However, a wage period can't 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. The law also requires that wages are to be paid on a working day and in current coin or currency notes only. KPK legislation requires employers to pay wages in current currency through Scheduled Banks in a prescribed manner. On the other hand, Sindh legislation stipulates that wages are to be paid in current currency through cross cheque or through bank transfer of any Scheduled Banks or commercial Banks along with pay slip showing the details. This also means that wage payments by organizations through cheque are not permitted under the law (Balochistan, ICT and Punjab). In order to ensure that workers are paid their wages as specified under the law or employment contract or memorandum of settlement (referred to generally as collective bargaining agreement), necessary amendment in Payment of Wages Acts is needed.

Employers are required to display, in a conspicuous place at or near the main entrance of the factory, a notice, in English and in the local language which the majority of workers can understand, showing for at least two months in advance, the day on which wages are to be paid.

Sources: §3-6 of the Payment of Wages Act 1936; §3-6 of the Payment of Wages Act 1936, adapted by Punjab in 2014; §3-6 of the Khyber Pakhtunkhwa Payment of Wages Act,

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2013; Rule 8 of the Payment of Wages Rules 1960; §3-6 of the Sindh Payment of Wages Act, 2015

## Deductions & Fines

According to the Payment of Wages Act, following deductions can be made from a worker's wages.

- Fines;
- Deductions for absence from duty; Law considers it a breach of contract when ten or more persons, through concerted action, absent themselves from office without due notice and reasonable cause. The law entitles the employer to make deductions up to eight days of wages when employees take such an action. However, the law exempts women and workers (under the age of 15 years) from such wage deduction for contract breaches.
- Deductions for damages to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;
- Deductions for house accommodation provided by the employer
- Deductions for such amenities and services supplied by the employer as the Provincial Government may by general or special order authorize;
- Deductions for recovery of advances or for adjustment of overpayment of wages;
- Deductions of income tax payable by the employed person;
- Deductions required to be made by order of a Court or other authority competent to make such order;
- Deductions for subscriptions to, and for repayment of advances from, any approved Provident Fund;
- Deductions for payment to co-operative societies approved by the Provincial Government or to a scheme of insurance maintained by the Pakistan Post Office;
- Deductions made with the written authorization of the employed person, in furtherance of any war saving scheme approved by the Provincial Government.

Under the minimum wage notification issued by the Government of Punjab, the deductions for providing housing accommodation (Rs.186 per month) and transport facility (Rs.39 per month) are allowed subject to the agreement between the worker and employer. However, in other Provinces including Khyber Pakhtunkhwa and Sindh, no variable or incentive allowance (non-statutory) or value of welfare facilities including house rent allowance or free house and conveyance can be adjusted against the minimum wage rates.

Fines can be imposed on employees in respect of certain acts and omissions but these are to be specified and previously approved by the Government. A notice of such acts has to be exhibited in the premises at some conspicuous place (like near factory entrance). Fines can be imposed for only those acts contained in the notice and a contravention of this provision is deemed to be an unauthorized deduction which is a liable offence. The total amount of fine in a single wage period (which can be maximum 30 days) can't exceed 3% of the wages payable to the worker. The fine imposed has to be

recovered in lump sum and has to be recovered within sixty days of the commission of an act or omission. Fines cannot be imposed on workers under the age of 15 years.

Sources: §7-13 of the Payment of Wages Act 1936; §3-6 of the Payment of Wages Act 1936, adapted by Punjab in 2014; §7-13 of the Khyber Pakhtunkhwa Payment of Wages Act, 2013; Rule 10-16 of the Payment of Wages Rules 1962; Minimum Wage Notifications; §7-13 of the Sindh Payment of Wages Act, 2015

### Penalties for Violation

In the event of non-payment of minimum wage or at a rate lower than the rate announced by the Government, the following penalties are provided under the relevant laws.

Acts	Applicability (Area)	Penalties	
		Fines (monetary)	Imprisonment
Minimum Wages Ordinance, 1961 (section 9)	Balochistan and Islamabad Capital Territory	Up to Rs.500 or	Up to 6 months or both
Minimum Wages Ordinance, 1961 (adapted in 2012) (section 9)	Punjab	Up to Rs.20,000 or  Up to Rs.50,000 or (on subsequent contravention)	Up to 6 months or both  Up to 6 months or both
Khyber Pakhtunkhwa Minimum Wages Act, 2013 (section 9 and 11)	Khyber Pakhtunkhwa	Up to Rs.20,000 but not less than Rs.5,000 or	Up to 6 months or both
Sindh Minimum Wages Act, 2015	Sindh	Rs. 20,000 to 50,000	Up to 6 months or both

Other than above fines, employer is also required to pay the difference in wages actually paid to the worker and the wages which should have been paid had there been no such contravention.

Penalties are also provided under the Payment of Wages Acts for different offences by the employer as follows:

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Acts	Applicability (Area)	Offences	Penalties	
			Fines (monetary)	Imprisonment
Payment of Wages Act, 1936 (section 20)	Balochistan and Islamabad Capital Territory	<ul style="list-style-type: none"> <li>• Section 5: Time of Payment of Wages</li> <li>• Section 7: Deductions which may be made from wages</li> <li>• Section 8: Fines</li> <li>• Section 9: Deductions for absence from duty</li> <li>• Section 10: Deductions for damage or loss</li> <li>• Section 11: Deductions for services rendered</li> <li>• Section 12: Deductions for recovery of advances</li> <li>• Section 13: Deductions for payments to cooperative societies and insurance schemes</li> </ul>	Up to Rs.500	
Payment of Wages Act, 1936 (adapted in 2014) (section 20)	Punjab		Up to Rs.10,000	
The Khyber Pakhtunkhwa Payment of Wages Act, 2013 (section 20)	Khyber Pakhtunkhwa		Up to Rs.10,000 or	Up to one month or both
			Up to Rs.20,000 or ( <i>on subsequent contravention</i> )	Up to two months or both
Sindh Payment of Wages Act, 2015	Sindh	Rs. 5,000 to 10,000		
Payment of Wages Act, 1936 (section 20)	Balochistan and Islamabad Capital Territory	<ul style="list-style-type: none"> <li>• Section 4: fixation of wage periods</li> <li>• Section 6: wages to be paid in current coin or currency notes</li> <li>• Section 25(section 24 for Khyber Pakhtunkhwa Act): Display by notice of the abstracts of this act</li> </ul>	Up to Rs.200	
Payment of Wages Act, 1936 (adapted in 2014) (section 20)	Punjab		Up to Rs.5,000	
The Khyber Pakhtunkhwa Payment of Wages Act, 2013 (section 20)	Khyber Pakhtunkhwa		Up to Rs.10,000 or	Up to one month or both
			Up to Rs.20,000 or ( <i>on subsequent contravention</i> )	Up to two months or both
Sindh Payment of Wages Act, 2015	Sindh	Rs. 5,000 to 10,000		



## Publication of Wages & Maintenance of Registers

Government has to ensure that minimum wage rates fixed under the law are publicized widely to all workers and employers. Government may also require the employers, to display the minimum wage rates in prominent places in a factory, workshop or other workplace, in Urdu, English or any other language specified in the order.

Employers, under the West Pakistan Minimum Wage Rules 1962, are required to maintain a Wage Register, issue wage slips in authorized format and a Muster Roll as prescribed under the law. A worker, within 6 months of non-payment of minimum wage on rates specified, may submit a claim to the concerned authority for payment of arrears.

The West Pakistan Payment of Wages Rules 1962 also requires to maintain certain registers including register of fines, register of deductions for damages or loss, register of wages, and register of advances in prescribed formats. Employers are also required to submit an Annual Return to the Chief Inspector of Factories before 12th of February each year with details of fines imposed or any deductions made from wages for breach of contract or for damage or loss.

## Compliance Under the Minimum Wage Law

Requirement	Relevant Legislation	Form
Maintenance of Wages Register	Rule 19(1) of the Minimum Wage Rules 1962	<a href="#">Form I</a>
Format of Wage Slips	Rule 19(2) of the Minimum Wage Rules 1962	<a href="#">Form II</a>
Maintenance of Muster Roll	Rule 19(5) of the Minimum Wage Rules 1962	<a href="#">Form III</a>

## Compliance Under the Payment of Wages Laws

Requirement	Relevant Legislation	Form
Display of the abstract of Payment of Wages Act and rules in English and Urdu (or a local language understood widely by workers)	Section 25 of the Payment of Wages Act 1936	
	The Khyber Pakhtunkhwa Payment of Wages Act, 2013	
	Sindh Minimum Wages Act, 2015	
Register of Fines	Rule 3 of the Payment of Wages Rules 1960	<a href="#">Form I</a>
Register of Deductions for Damage or Loss	Rule 4 of the Payment of Wages Rules 1960	<a href="#">Form II</a>
Register of wages	Rule 5 of the Payment of Wages Rules 1960 Rule 19(1) of the Minimum Wage Rules 1962	<a href="#">Form I-A</a>
Register of Advances	Rule 17 of the Payment of Wages Rules 1960	<a href="#">Form III</a>
Annual Returns	Rule 18 of the Payment of Wages Rules 1960	<a href="#">Form IV</a>

# 02/13 COMPENSATION

## **ILO Conventions**

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Pakistan has ratified the Convention 01 only.**

### *Summary of Provisions under ILO Conventions*

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 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.

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

If a worker has to work during the weekend, he/she 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 a worker has to work on a public holiday, he/she 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 away the right to a holiday/ rest.

## Regulations on compensation:

- Factories Act, 1934 (applicable in ICT and Balochistan);
- Factories Act, 1934 (adapted for the Province of Punjab by the Factories (Amendment) Act, 2012;
- The Khyber Pakhtunkhwa Factories Act, 2013;
- The Sindh Factories Act, 2016
- The Shops and Establishments Ordinance, 1969 (applicable in ICT and Balochistan);
- The Punjab Shops and Establishments Ordinance, 1969 (amended in 2014);
- The Khyber Pakhtunkhwa Shops and Establishments Act, 2015;
- The Sindh Shops and Commercial Establishment Act, 2015;
- The Industrial and Commercial Employment (Standing Order) Ordinance 1968 (applicable in ICT and Balochistan);
- The Industrial and Commercial Employment (Standing Order) Ordinance 1968 (2012, applicable to Punjab);
- The Khyber Pakhtunkhwa Industrial and Commercial Employment (Standing Order) Act 2013;
- The Sindh Terms of Employment (Standing Orders) Act 201
- Mines Act, 1923
- Newspaper Employees (Conditions of Service) Act, 1973
- Road Transport Workers Ordinance, 1961
- Railways Act, 1890

## Overtime Compensation

The Factories Act (and its provincial variants) is applicable mainly to the manufacturing processes and is applicable on any factory where 10 or more people are working or were working on any day in the preceding 12 months. The Standing Orders Ordinance (and its provincial variants) is applicable to the commercial or industrial establishments where 20 or more workers are employed or were employed during the last 12 months. The Shops and Establishments Ordinance is applicable to all shops and (industrial and commercial) establishments irrespective of the number of employees. Thus, the Shops and Establishments legislation is applicable to all those workers who are working in establishments employing less than 10 workers.

The Mines Act is applicable to any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine. However, a worker covered under this Act if he/she is engaged in the manufacturing process even on the same premises unless it is for coke making or the dressing of minerals.

The Newspaper Employees Act is applicable to any establishment for the production, printing or publication of one or more newspapers or for conducting any news agency or syndicate. Road Transport Workers Ordinance is applicable to any service for

carrying passengers or goods or both by road in vehicles for hire or reward. Railways Act is applicable to all persons employed in railway whether they are intermittent or regular employees.

Law	Applicability	
	Type of Establishment	Minimum Number of Employees
Factories Act, 1934 (Punjab:2012; KPK:2013; Sindh : 2016)	Factory/manufacturing process	10 or more employees
The Shops and Establishments Ordinance, 1969 (ICT, Balochistan (Punjab:2014; KPK:2015; Sindh: 2015)	All types of establishments	No minimum number
Standing Order Ordinance, 1968 (ICT,Balochistan) (Punjab:2012; KPK:2013; Sindh: 2015)	Commercial or industrial establishments	20 or more employees 10 or more employees in KP and Sindh
Mines Act, 1923	All types of mines	No minimum number
Newspaper Employees (Conditions of Service) Act, 1973	Establishment for production, printing or publication of one or more newspapers	No minimum number
Road Transport Workers Ordinance, 1961	Any service for carrying passengers or goods or both by road	No minimum number
Railways Act, 1890	Railways	No minimum number

The normal daily working hours range between 8-9 hours with the condition that weekly working hours should not exceed 48 hours. After including lunch and prayer time breaks, total hours cannot exceed 10 hours. Keeping in view the business needs, a worker may be required to work overtime. The daily spread over (time between entry into and exit from the premises) of working hours for adult workers will be 12 hours as shown below.

Spread Over		
Normal working time	8 hours/day (on some days, it can be 9 hours)	Total Spread over of working hours can't be greater than 12 hours a day
Lunch/prayer time	1 hour/day	
Overtime	2 hours/day (on some days, it may extend to 3 hours)	

The maximum weekly overtime hours are 12 hours. Keeping that weekly limit, workers may work 2-3 hours overtime while considering the above spread over limits. The total yearly overtime work hours should also not exceed 624 hours (these are referred to only in Punjab Shops and Establishments 1969). You also need to know that if you are a young person (your age is greater than 14 but less than 17 years), you can be required to work 1.5 hours a day overtime but your total overtime hours in a year can't exceed 468 hours.

Moreover, lunch breaks and rest intervals are unpaid time, thus a worker does not receive any remuneration for this. The women workers can work only up to 10:00 pm and this is only on the condition that the employer arranges transport for pick up and drop facility. Women workers are not allowed to work more than 9 hours in any day (this includes lunch and rest).

If the employer does not arrange transport facility for women workers, the working hours for women hours must be between 06:00 a.m. to 07:00 p.m. (starts at 07 a.m. in Sindh). The same working hours count for adolescents. If you are a road transport service employee, you can't be required to work for more than 8 hours in a day and 48 hours in a week. Moreover, after five hours of work, you are to be given at least half an hour break and if you are required to work for over seven hours, you must have availed at least two such half an hour intervals. On Friday, the working hours are reduced by 3 hours.

Similarly, if you are a mine worker (above or below ground), you can't be required to work more than 8 hours a day and 48 hours a week. The spread over for workers working above ground is 12 hours however for the workers below ground the spread over is fixed at 8 hours which also means that they can't be required to work overtime. During the month of Ramazan, the working hours are reduced by two hours in all establishments. Notifications are also issued in this regard.

#### Ramazan timings for offices working 5-day week

Sr. No	Days	Timings
1.	Monday to Thursday	08 am to 02 pm
2.	Friday	08 am to 01 pm

#### Ramazan timings for offices working 6-day week

Sr. No	Days	Timings
1.	Monday to Thursday	08 am to 01 pm
2.	Friday	08 am to 12 pm

#### What is the overtime pay and how I become eligible for it?

Every employee in a factory, except those employed *solely in a clerical capacity* in any room or place where no manufacturing process is being carried on (applicable in Balochistan, KPK, Punjab and ICT) or executive/managerial capacity (applicable in all provinces) is eligible for the overtime pay. If you work for more than 8 hours in a day or

more than 48 hours in a week (while working in a non-seasonal factory), you are eligible for this extra/overtime pay. If you are working in a seasonal factory, you can't be eligible for overtime rate of pay unless you work for more than 50 hours in a week. The rate of overtime pay is double the ordinary rate of pay. You are under obligation to work overtime (so, it is not voluntary) whenever the employer requires you to do so. However, in case you can't perform overtime work, you are supposed to offer sufficient causes/reasons regarding your inability to do so.

The same rules are applicable if you are employed under Mines Act or Newspaper Employees Act or Road Transport Workers Ordinance. However, if you are employed under Railways Act, and in case of exceptional pressure of work you will be paid overtime not lower than one and a quarter time (1.25) your ordinary rate of pay.

### Overtime Rates under Different Laws

Law	Overtime Rate
All employment laws (except Railways Act)	Double the rate of pay (2X)
Railways Act	One and a quarter time (1.25X)

### How is overtime calculated?

The first thing to remember is that your overtime is calculated on the basis of your ordinary pay or gross salary. Considering that you work in an organization other than Railways, your overtime rate is twice the rate of ordinary pay. Consider the following case.

Your monthly wage: PKR 20,000  
 Normal working hours: 8 hours/ day ( 48 hours a week)  
 Working days in a month: 26 days (one weekly holiday)  
 Total Overtime hours that you worked: 30 hours

Here is the formula:

$$\text{Overtime} = \frac{\text{gross monthly salary} \times 2 \times \text{number of overtime hours}}{26 \text{ (working days in a month)} \times 8 \text{ (working hours in a day)}}$$

Now we put your information in the formula:

$$\text{Overtime} = \frac{20,000 \times 2 \times 30}{26 \times 8} = \text{PKR } 5769$$

Similarly, you can calculate your overtime payments by incorporating 1.25 in place of 2, if you are a railway worker.

### Does the law provide for rest intervals?

Yes, your employer has to give you a rest interval of an hour after every six hours of work. A worker can't be compelled to work more than five hours before rest interval of

at least half an hour. If your employer wants you to work more than eight and a half hours, you must be given at least two intervals each of half an hour.

### **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)

# 03/13 ANNUAL LEAVE & HOLIDAYS

## **ILO Conventions**

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.**

### *Summary of Provisions under ILO Conventions*

An employee is entitled to at least 21 consecutive days of 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.

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

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



## 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)

# 04/13 EMPLOYMENT SECURITY

## ILO Conventions

Convention 158 (1982) on employment termination

**Pakistan has not ratified the Convention 158.**

### *Summary of Provisions under ILO Convention*

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.

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

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

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

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).

## **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

## ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981)  
Recommendation 165: Workers with Family Responsibilities (1981)

**Pakistan has not ratified the Conventions 156 & 165.**

### *Summary of Provisions under ILO Convention*

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) 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 the employers to look into the measures for improving general working conditions through flexible work arrangements.

## **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.

# 06/13 MATERNITY & WORK

## ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. 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.**

### *Summary of Provisions under ILO Convention*

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

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

The total maternity leave should last at least 14 weeks.

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

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

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

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

## 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)

## 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.



# 07/13 HEALTH & SAFETY

## **ILO Conventions**

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.**

### *Summary of Provisions under ILO Conventions*

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

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

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

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

## **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.

# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## ILO Conventions

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.**

### *Summary of Provisions under ILO Conventions*

A worker's 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, a worker 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). A worker must be entitled to paid sick leave.

During illness, a worker 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.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must 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.

## **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.

## **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 survivor grant of Rs. 200,000 under the Workmen Compensation Act, 1923 (Schedule IV)

# 09/13 SOCIAL SECURITY

## **ILO Conventions**

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.**

## *Summary of Provisions under ILO Conventions*

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.

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.

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 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.

## 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)

# 10/13 FAIR TREATMENT

## ILO Conventions

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.**

### *Summary of Provisions under ILO Conventions*

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.

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

An 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)

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



## 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 non-discrimination 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".

# 11/13 MINORS & YOUTH

## ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Pakistan has ratified both Conventions 138 & 182.**

### *Summary of Provisions under ILO Conventions*

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

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.

## 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 37of 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

## ILO Conventions

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.**

### *Summary of Provisions under ILO Conventions*

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

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

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

## **Regulations on forced labour:**

- The Constitution of Pakistan, 1973 (amended in 2012)
- The Bonded Labour System (Abolition) Act, 1992

## **Prohibition on Forced and Compulsory Labour**

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.

# 13/13 TRADE UNION

## ILO Conventions

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.**

### *Summary of Provisions under ILO Conventions*

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.

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).

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.

## **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).

# DECENT WORK QUESTIONNAIRE



# 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".

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 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<br><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

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- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 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

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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 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

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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 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

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- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 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

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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

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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

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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"/>

# DECENTWORKCHECK.ORG

## 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.