

Lecture 8: Labour Code/Law Pakistan

Course: Health Safety & Environment

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BUITEMS – DEPARTMENT OF MECHANICAL
ENGINEERING



LABOUR/EMPLOYMENT LAW

- ❖ Labour/Employment law mediates the relationship between workers, employing entities, trade unions and government. Collective labour law relates to the tripartite relationship between employee, employer and union.

HISTORY

- ❖ Labour law arose in parallel with the Industrial Revolution as the relationship between worker and employer changed from small-scale production studios to large-scale factories.
- ❖ As England was the first country to industrialize, it was also the first to face consequences of capitalistic exploitation in a totally unregulated economic framework.

Labour Protection

- ❖ Labour protection covers the following areas:
 - ❖ Basic rights
 - ❖ Working conditions
 - ❖ Working environment
 - ❖ Social security
 - ❖ Living environment

LABOUR LEGISLATION

- ❖ Pakistan's Labour laws inherited from India at the time of partition of the Indo-Pak subcontinent.

The laws have evolved through a continuous process of:

- ❖ trial to meet the socio-economic conditions,
- ❖ state of industrial development,
- ❖ population and labour force explosion,
- ❖ growth of trade unions,
- ❖ level of literacy,
- ❖ Government commitment to development and
- ❖ social welfare.

LABOUR LEGISLATION

- ❖ Labour is regarded as a “concurrent subject “, which means that is the responsibility of both the Federal and Provincial Government.

- ❖ The total labour force of Pakistan is comprised of approximately 37.15 million people, with 47% within the agriculture sector, 10.50%in the manufacturing & mining sector and remaining 42.50% in various other profession.

PROVISIONS ON LABOUR RIGHTS

The Constitution of Pakistan contain a range of provisions with regard to labour rights:

- ❖ **Article 11:**

- prohibit all forms of slavery, forced labour
child labour.

- ❖ **Article 17:**

- to exercise the freedom of association & the right to form union.

- ❖ **Article 18:**

- any lawful profession or occupation
to conduct any lawful trade or business.

PROVISIONS ON LABOUR RIGHTS

- ❖ **Article 25:**

- Equality before the law.

- Prohibition of discrimination on the gender basis.

- ❖ **Article 27:**

- No one is promoted except Merit.

- ❖ **Article 37(e):**

- human conditions of work, ensuring that children and women are not employed.

- ❖ **Article 38:**

- well-being of the people

- ensuring equitable adjustment of rights.

FACTORIES ACT, 1934

- ❖ Factories act, 1934 extends to the whole of Pakistan and it enforced on the 1st day of January, 1935.
- ❖ Any premises, where on ten or more workers are working on any day of the preceding twelve months.
- ❖ The act was enacted to protect factory workers being subjected to attending long hours of work,
- ❖ To see that they work in healthy and sanitary conditions as far as possible.

FACTORIES ACT, 1934

PURPOSE AND OBJECTIVE

- ❖ The object of the act is to provide for health, safety and welfare of the workers and to regulate the employment of women and young persons employed in the factories.
- ❖ The law is meant for the welfare of the workers and as such the beneficial operation of the legislation should not be limited.
- ❖ The underlying spirit of the Act is to eliminate conditions which so often renders the job in the factory hazardous, unpleasant, monotonous, and even lacking in comfort.

MINIMUM AGE & PROTECTION OF YOUNG WORKER

- ❖ **Article 11(3):**

prohibit the employment of children below the age of fourteen years in any factory, mine or other hazardous employment.

- ❖ **The Factories Act, 1934:**

- ❖ Allow the employment of children between the age of 14 and 18 years provided that each adolescent obtain a certificate of fitness
- ❖ Restrict the employment of a child in a factory to five hours a day.
- ❖ Anyone who employs a child, is punishable by imprisonment from a term extending up to one year or may be fined up to 20,000 or subject to both.

EQUALITY and NON-DISCRIMINATION

- ❖ Article 25 and 27 :
 - ❖ Deal issues of equality and discrimination and prohibit discrimination.
 - ❖ Secure the well-being of the people, by ensuring equitable adjustment of rights between employers and employees.
 - ❖ Government is in the process of labour law reform Employment and Service Conditions Act has provisions on equal pay for work of equal value.

EQUALITY and NON-DISCRIMINATION

- ❖ **Steps Taken for Working Women:**
- ❖ Quota has been fixed for women in the public sector jobs(10%) and they can also on the remaining 90% seats.
- ❖ A new law to make provisions for protection of women against harassment at the workplace.
- ❖ All public and private organization, aimed to establishing a safe working environment for all working women.
- ❖ Imposing of fine, a part of which will be payable to the complaint.
- ❖ A person committing harassment can also be dismissed from service.

WORKING TIME & REST TIME

Under sec(34) Of Factory act 1934:

- ❖ Weekly Working Hour:
- ❖ Adult worker man or woman maximum working time weekly should not exceed more than 48 hours in week.
- ❖ In case seasonal factory 50 hours. In case any technical work 56 hours.

❖ Working Time For Women sec(45):

- ❖ Timing for women workers should be between 6A.M- 7P.M.
- ❖ In case of seasonal factory it should be 5A.M-7.30P.M

WORKING TIME & REST TIME

Under sec(36) Of Factory act 1934:

- ❖ Daily Working Hour:
 - ❖ Adult worker man or woman maximum working time daily should not exceed more than 9 hours a day.
 - ❖ In case seasonal factory 10 hours.
- ❖ **Working Time For Child sec(54):**
 - ❖ It should not exceed more tan 5 hours a day.
 - ❖ Timing for child worker should be between 6A.M-7P.M.

WORKING TIME & REST TIME

- ❖ Rest Time sec(37):
 - ❖ Working time should be fixed, so that no period shall exceed six hours.
 - ❖ No worker shall work for more than six hours before he has had an interval for rest of at least one hour.
- ❖ During Ramadan special reduce in working hours.

WORKING TIME & REST TIME

❖ Weekly Holiday sec(35):

No adult worker shall be allowed or required to work in a factory on a Sunday unless, he had or will have a holiday for a whole day on one of the three days immediately before or after that Sunday.

STRIKE AND LOCKOUT

- ❖ Under Industrial Relations Ordinance 2002 STRIKE [section 2(xxviii)]:

“Cessation of work by a body of persons employed in any establishment acting in combination or a concerted refusal or refusal under a common understanding of any number of persons who have been so employed to continue to work or to accept employment”

DECLARATION OF STRIKE AND LOCKOUT

Under sec 31(1) of IRO 2002:

- ❖ The workmen and employer have right to declare strike and lockout under following circumstances:
 - a) If settlement is not arrived.
 - b) If parties do not agree to refer the dispute or to arbitrator.

DECLARATION OF STRIKE AND LOCKOUT

- ❖ The workmen can go on strike and employer can adopt lockout if following time schedule is followed:
 - a) Workmen must give seven days notice.
 - b) Employer has to follow 15 days expiry period.

ILLEGAL STRIKE AND LOCKOUT

- ❖ Under sec 2(xv) of IRO 2002:

ILLEGAL STRIKE:

“strike declared, commenced or continued otherwise than in accordance with the provisions of this Ordinance.”

Collective Bargaining

“Collective Bargaining is a process in which the representatives of a labor organization & the representatives of a business organization meet and attempt to negotiate to a contract or agreement , which specifies the nature of employee- employer union relationship”.

Collective Bargaining Agreement

Written documents regarding working conditions and terms of employment

- ❖ Legally, a CBA binds only the parties to it
- ❖ Procedural agreements or substantive agreements

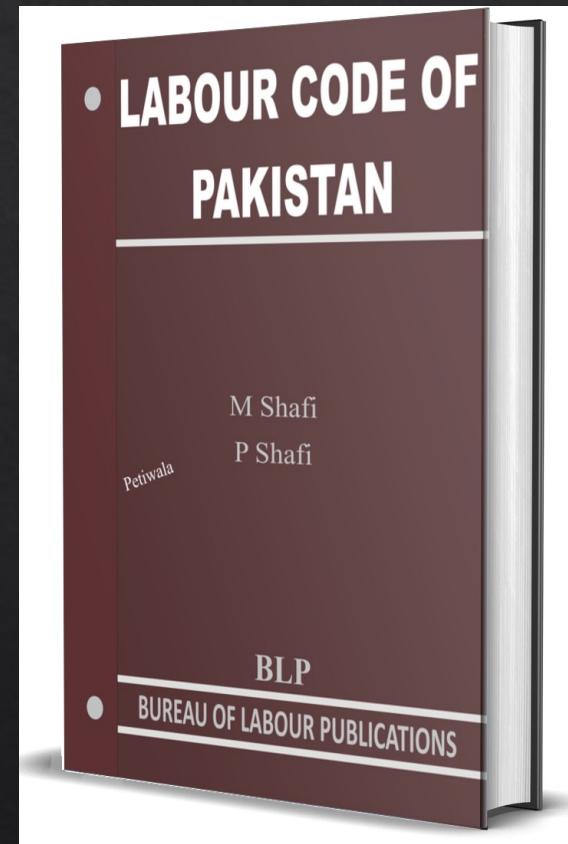
Compensation and Benefits

- ❖ Overtime and premium pay
- ❖ Wages rate and schedule
- ❖ Jury pay
- ❖ Lay off or severance pay
- ❖ Holidays
- ❖ Vacation
- ❖ Family care

Resources

**** FACTORIES LABOUR LEGISLATION ****

1. Sindh Factories Act, 2015
- 1a. Factories Act, 1934
2. Factories (Punjab Amendment) Act, 1940
3. Factories (North-West Frontier Province Amendment) Act, 1946
4. Sind Factories Rules, 1975
5. Punjab Factories Rules, 1978
6. Baluchistan Factories Rules, 1978
7. NWFP Factories Rules, 1975
8. Pakistan Ordnance Factories Board Ordinance, 1961
9. Karachi (Shelters in Factories) Rules, 1955
10. Sindh Factories (Adult Exemptions) Rules, 1989
11. Hazardous Occupations Rules, 1963
12. West Pak. Hazardous Occupations (Lead) Rules, 1963
13. West Pak. Hazardous Occupations (Miscellaneous) Rules, 1963
14. West Pak. Hazardous Occupations (Aerated Waters) Rules, 1963
15. West Pak. Hazardous Occupations (Rubber) Rules, 1963
16. West Pak. Hazardous Occupations (Chromium) Rules, 1963
17. West Pak. Hazardous Occupations (Celluliose Solution Spraying) Rules, 1963
18. West Pak. Hazardous Occupations (Sand Blasting) Rules, 1963
19. West Pak. Hazardous Occupation (Sodium and Potassium Bichromates) Rules, 1963
20. West Pak. Hazardous Occupation (Petrol Gas Generating Plant) Rules, 1963
21. West Pakistan Factories Canteens Rules, 1959
22. North-West Frontier Province Factories Canteens Rules, 1979
23. Punjab Fair Price Shops (Factories) Ordinance, 1971
24. Punjab Fair Price Shops (Factories) Rules, 1971
25. North-West Frontier Province Fair Price Shops (Factories) Ordinance, 1983
26. North-West Frontier Province Fair Price Shops (Factories) Rules, 1985



End of lecture!