

Harmonizing National Labour Laws with International Labour Standards

Why Harmonize?: International labour standards are conventions (and recommendations) the international community agreed upon. They are essential to the protection of basic worker rights. They enhance workers' job security, improve working conditions, productivity and terms of employment the world over. The standards aim to establish a worldwide minimum level of protection from inhumane labour practices through their adoption, ratification and implementation. They underscore the need for recognizing labour rights as basic human rights universal to humankind.

ILO Conventions and Recommendations:

International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) and setting out basic principles and rights at work. They are either *conventions*, which are legally binding international treaties once ratified by member states, or *recommendations*, which serve as non-binding guidelines. Ratifying countries commit themselves to applying the conventions in national law and practice. Reporting on its application is required at regular intervals.

The Government of Pakistan has ratified a total of 36 ILO Conventions (of which 33 are in force), including the 8 core conventions.¹ In South Asia, Pakistan is the second country that ratified all eight fundamental standards as enshrined in the ILO Declaration on Fundamental Principles and Rights at Work.

ILO's Fundamental conventions:

The ILO's eight "fundamental" conventions cover subjects that are considered as fundamental principles and rights at work. The eight fundamental conventions relate to:

- Freedom of Association and

Protection of the Right to Organise Convention, 1948 (No. 87)

- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

An Opportunity for Harmonizing National

Labour Laws with ILS: The 18 Amendment to the Constitution that makes labour a provincial subject has thrown up new opportunities for ILO and Government of Pakistan to engage on aligning national labour laws with International Labour Standards.

As labour legislation and its implementation now rests with provincial governments, the ILO has been working with provincial authorities in Pakistan to review and adapt federal laws for the provinces in consonance with international labour standards.

Creating conditions conducive for decent employment generation, poverty reduction and human resource development of late is receiving increasing attention in Pakistan. The ILO, through its National Decent Work Country Programme, is working with the Government of Pakistan to build consensus on national programmes and policies between the government, workers and employers in keeping with its Decent Work Agenda.

ILO's Decent Work Agenda: Productive employment and Decent Work are key elements to achieving a fair globalization and

¹

http://www.ilo.org/dyn/normlex/en/f?p=1000:1120:0:0::NO:11200:P11200_COUNTRY_ID:103166

Harmonizing National Labour Laws with International Labour Standards

the reduction of poverty. The ILO has developed an agenda for the community of work. Putting the Decent Work Agenda into practice is achieved through four strategic pillars: job creation, rights at work, social protection and social dialogue, with gender equality as a crosscutting objective. Decent Work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, safety in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.

In recent years, ILO's technical assistance to provincial governments has resulted in deliberations and recommendations expediting the enactment of new child labour laws, developing a set of amendments in the existing bonded labour law to make it more effective to eliminate bonded labour, application of labour laws to home-based workers, peasants, fishing communities and others in the informal sector by giving them the right to form unions.

Some examples of provincial legislations in line with ILO's International Labour Standards:

- The Sindh Industrial Relations Act 2013 extends protection of labour laws to fisheries and agriculture workers. Before the definition of worker' did not include these sectors. This has a massive implication since more than 70% of our workers are in agriculture, of which a large number are women.
- The Act has made it mandatory in the Sindh province that trade unions' boards (decision making bodies) must include women members, in at least the same proportion that are working in the factory. Previously, it was quite common to see factories employing 90

percent women, but the trade union board of directors being all men.

- In the north-western Khyber Pakhtunkhwa province, the government has issued a notification to complement its wage legislation saying women and men must be paid equal wages for work of equal value.
- The Khyber Pakhtunkhwa province has also passed new legislation regarding child labour and is moving to include domestic work as a hazardous occupation for children.
- Pakistan's Punjab province with the largest labour force has drafted legislation for home-based workers - currently not covered by labour laws - when passed by the cabinet it will give home-based workers the right to organize and register trade unions, earn minimum wages according to different skills, access state social protection schemes such as pension, health, education etc. The Sindh province is considering the same.
- All provincial labour departments have agreed to revise labour legislations regarding child and bonded labour. Moreover, the Ministry of Human Resource Development and Provincial Labour Departments have also agreed to improve reporting on ILO Conventions.

As the ILO, Government of Pakistan and employers' and workers' organizations engage to streamline and harmonize labour legislations with International Labour Standards, there is a realization that more amendments are needed to harmonize the provincial labour legislations in line with ILO conventions ratified by Pakistan.