Committee on the Application of Standards

Date: 20 May 2024

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 20 May 2024.

Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Pakistan (ratification: 2006)

Minimum Age Convention, 1973 (No. 138)

The Government has provided the following written information.

With the technical assistance of the ILO, the Labour and Human Resource Departments of the Governments of Punjab and Sindh are undertaking unprecedented and substantial labour law reforms.

These efforts involve rationalizing, consolidating and simplifying over two dozen labour laws into comprehensive Labour Codes.

This significant initiative is aimed at ensuring compliance with constitutional guarantees and international obligations while making the language of the labour laws clear, user-friendly, consistent and accessible for employers, workers, and labour inspectors alike.

The reform initiative represents a departure from mere consolidation towards a thorough overhaul of the existing labour framework.

This comprehensive revision aligns the legislation with ratified international labour standards, including issues raised in the recommendations of the Committee of Experts, highlighting our firm commitment to aligning provincial labour laws with international standards.

This alignment is particularly crucial for Pakistan's adherence to ILO Conventions on child labour, reflecting our dedication to eliminating child labour and protecting young workers.

The first drafts of the Labour Codes for Punjab and Sindh are now complete. These drafts were reviewed by the respective Provincial Labour Departments in April and May 2024 following extensive consultations held with the assistance of the ILO.

The consultative process involved a wide range of stakeholders, ensuring that the proposed reforms address the practical needs and concerns of all parties involved.

Both Labour Codes are drafted to include Part II, “Fundamental Principles and Rights at Work”, which will be applicable to all workers, employers, principals and occupiers at all workplaces in all sectors within these provinces. In both draft Labour Codes, Part II includes a comprehensive chapter on the “Elimination of Child Labour”.

In both the draft Punjab and Sindh Labour Codes, “child” is defined as “a person who is under 16 years of age”.

Furthermore, the minimum age of employment is clearly stated: “No child shall be employed or permitted to work in any occupation or process”.

This definition and prohibition are in strict compliance with the Convention, and are aligned with the specific recommendations provided by the Committee of Experts to Pakistan.

By setting a clear minimum age and prohibiting child labour in all forms, these provisions uphold international labour standards and demonstrate our commitment to protecting the rights and welfare of children.

The draft Labour Codes also include the List of Hazardous Works where the engagement of young persons is prohibited, which has been updated and presented in Schedule 2.

The lists include occupations connected with the transport of passengers, goods, or mail; any kind of catering services at railway stations, bus stands, or goods forwarding agencies involving movement from one platform to another or one place to another in moving transport/vehicles; and construction of railway stations or any other work done in close proximity to or between railway lines.

Schedule 2 also includes a list of 43 activities and processes where the engagement of young persons is prohibited, such as underground mines, power-driven machinery, live electrical wires, leather tanning, agrochemicals, sandblasting, toxic chemicals, cement and coal dust, fireworks, LPG/CNG filling, glass and metal furnaces, textiles, sewer pipelines, stone crushing, heavy lifting, carpet weaving, heights, scavenging, tobacco processing, commercial fishing, surgical instruments, boiler houses, cinemas, construction, brick kilns, restaurant cooking, dangerous animals, paint work, stone cutting, cotton ginning, and night work.

The draft Labour Codes include Chapter 6.7, Penalties, which proposes a new approach to defining the principles and criteria for imposing penalties.

Specifically, the drafts state that the court, while deciding the quantum of sentence and fine, may consider the size of the business of the employer being convicted, the gravity of the violation, the number of workers whose rights were violated, the repute of the employer and the history of previous violations.

The drafts also suggest a new system of penalties depending on the level of seriousness of the violations and propose increased penalties to make them substantially dissuasive.

The next phase involves discussing and reviewing the labour codes in tripartite settings scheduled for May and June 2024. These settings will bring together representatives from the Government, employers and workers to ensure a balanced and inclusive approach to labour law reform. Once the review process is complete, the revised draft Labour Codes will be submitted to the respective provincial assemblies for discussion and approval.

In addition, interprovincial exchanges will be facilitated in June and July 2024 to enable other Provincial Departments to adopt similar measures and ensure compliance with international labour standards and the recommendations of the Committee of Experts.

This collaborative approach will help standardize labour reforms across the country, reinforcing our commitment to eliminating child labour nationwide.

In its 2024 report, the Committee of Experts acknowledged Pakistan's participation in the Asia Regional Child Labour (ARC) ILO Project and encouraged continued collaboration to enhance protection against child exploitation.

The Government is also collaborating with the ILO on a project funded by INDITEX to enhance Fundamental Principles and Rights at Work (FPRW) in the lower tier of the agriculture sector supply chain in Punjab and Sindh, focusing on the elimination of child labour. The project has developed two scalable models to promote FPRW in the cotton supply chain.

Specifically, in Pakistan, the project has implemented a "bottom-up" community model, engaging directly with cotton-growing communities and collaborating with Labour Departments.

This initiative will be expanded nationwide in the near future through an additional three-year funding cycle by a Spanish brand. This expansion aims to strengthen labour standards, protect workers in the agriculture sector, organize and institutionalize support for them, and facilitate sector growth by enhancing farmers' capacity in sustainable cotton production.

The Better Work pilot programme, funded by the Government of Pakistan through the Export Development Fund under the Ministry of Commerce, in collaboration with the ILO Country Office, ILO Better Work Global, and the International Finance Corporation (IFC), aims to enhance business practices through financial support. This initiative promotes improved compliance and contributes to achieving sustainable development goals.

Better Work Pakistan's memorandum of understanding (MoU) was signed in March 2022, following formal agreements between the federal Ministry of Overseas Pakistanis and Human Resource Development, the provincial Governments of Sindh and Punjab, the ILO Country Office, and Better Work.

Better Work Pakistan aims to achieve measurable impacts both at the policy and factory levels. During its three-year pilot phase, the programme is implementing Better Work's factory engagement model in enterprises across Karachi and Punjab.

By improving fundamental principles and rights at work in the textile and garment sector, Better Work Pakistan aims to significantly contribute to the elimination of child labour.

This initiative will enhance conditions for workers and support compliance with international standards, benefiting the entire supply chain and aligning with Pakistan's commitments under international trade preferences such as the European Union's Generalized Scheme of Preferences.