



International
Labour
Organization

A Profile of Trade Unionism and Industrial Relations in Pakistan



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Author's Note

Pakistan has ratified 36 ILO Conventions – including eight fundamental conventions to better compliance and reporting of which, the GSP+¹ continuity is conditioned. Pakistan has also ratified C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and has a presence of basic infrastructure to promote Decent Work in the country.

As a result of 18th Constitutional amendment in 2010, the labour as a subject was devolved to the provinces. As a result, provincial governments have been empowered to legislate and deal with all matters related to Labour and Human Resource Development. Consequently, some analytical work was initially carried out to

understand the implications of devolution on relevant areas of concern to ILO tripartite constituents and to facilitate the continuity of the social dialogue at the national and provincial levels. It is important to note that the state of unionization in Pakistan has not been studied in the context of devolution-thus, neither the credible data nor its analysis was available on the subject. Contemporary data suggests that 6000 trade unions are registered against the corresponding bench mark of 55 trade unions registered in West Pakistan at the time of independence in 1947.

This paper looks at the trade unionism and industrial relations from historic perspective and updates the profiles of national and provincial level labour

1. The EU Special Incentive Arrangement for Sustainable Development and Good Governance

federations. This paper also maps the density of unionized workforce in Pakistan, both at the federal and provincial levels. It provides the profiles of leading Labour Federations, with their leading role determined not only from their declared membership, but also from credible data collected from registrars of trade unions in provinces and also the National Industrial Relations Commission (NIRC).

I hope this paper will stimulate healthy discussion in the country on the opportunities and challenges associated with promotion of freedom of association and collective

bargaining in line with the principles enshrined in C87 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and C98 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the subsequent national and provincial legislation on the subjects.

Last, but not the least, I offer my profound thanks to ILO for enabling me to produce this paper. A special vote of thanks to brother Abid Niaz Khan of ILO, who proof read and edited the document and helped bring it to its current form.

Fore note by the ILO Country Director

It is my great pleasure to present a paper titled “A Profile of Trade Unionism and Industrial Relations in Pakistan” researched by Mr. Zakaullah Khan Khalil, Registrar, National Industrial Relations Commission (NIRC), Islamabad duly published with the assistance of International Labour Organization Country Office for Pakistan. Indeed, trade unions play significant role in shaping the worker's life in Pakistan and lack of authentic statistics and analysis around the density of the trade unions in Pakistan remained a challenge for the stakeholders for evidence based policy formulation and implementation. Therefore, the subject study is very timely and

provides initial set of data in respect of registered unions, national level labour federations and its analysis for stakeholder's consumption. I would like to thank Mr. Zaka Ullah Khan Khalil, for his sheer hard work in collecting the required data and being able to prepare this report. Thanks should also go colleagues who have contributed to this study.

I hope this study will be updated regularly by the concerned institutions and stakeholders will find it useful.

Ingrid Christensen

Director
ILO Country Office for Pakistan

23 February, 2018

1

Workforce and Trade Union Density in Pakistan

As estimated by the Economic Survey of Pakistan (2014-15), Pakistan is the sixth most populous country of the world comprising of about 193 million persons of which more than 50% are concentrated in the rural areas. The country's workforce is currently estimated to be 61 million whereas the number of employed persons increased from 56 million in 2013-14 to 57.42 million in 2014-15. A total of 9.092 million (27.43%) workers are estimated to be engaged in the formal economy and 24.06 million (72.57%) in the informal economy. The agriculture sector, which is mostly informal, employs 42.27% of the workforce, followed by services (35%) and manufacturing

(22.61%). The informal sector employs 72.6% of non-agriculture workforce while only 27.4% are engaged in formal settings. Women workers constitute 28% of the total workforce.

Table No. 1

| Workforce Distribution | | |
|------------------------|----------|--------|
| | Millions | % |
| Labour Force | 61.04 | 100.00 |
| Unemployed | 3.62 | 5.94 |
| Employed | 57.42 | 94.06 |
| Agriculture | 24.27 | 42.27 |
| Non-Agriculture | 33.15 | 57.73 |
| Formal | 9.092 | 27.43 |
| Informal | 24.06 | 72.57 |

Source: Economic survey of Pakistan (2014 – 2015)

The Labour Force Survey (2014-15) establishes employment distribution in different sectors along with their respective shares in the GDP. Agriculture employs 42.27% of the total workforce and contributes 21% to the GDP. Mining has a relatively smaller share in employment that contributes 3% to the GDP. Construction engages 7.31% of the total employed persons with 2.44% share in GDP. The table below shows sector-wise distribution of Employment and GDP share.

Table No. 2
Sector-Wise Distribution of Employment and GDP Share

| Sector | Male Employment (Million) | Female Employment (Million) | Total Employment (Million) | Sectoral Share in GDP (%) |
|--|---------------------------|-----------------------------|----------------------------|---------------------------|
| Agriculture/Forestry & Fishing | 14.58 | 9.70 | 24.28 | 20.88 |
| Mining & Quarrying | 0.09 | 0.00 | 0.09 | 2.92 |
| Manufacturing | 6.93 | 1.88 | 8.81 | 13.27 |
| Electricity & Gas | 0.23 | 0.00 | 0.23 | 1.67 |
| Construction | 4.17 | 0.03 | 4.20 | 2.44 |
| Wholesale & Trade | 8.22 | 0.18 | 8.40 | 18.26 |
| Transport, Storage & Information Communication | 3.09 | 0.01 | 3.10 | 13.36 |
| Financial & Insurance | 0.32 | 0.01 | 0.33 | 3.14 |
| Others | 6.45 | 1.53 | 7.98 | 24.06 |

Source: Labour Force survey (2014 – 2015)

Derived from the most recent Labour Force Survey (2014-15), the following table illustrates provincial distribution and labour

force participation with regards to the total population and workforce of Pakistan.

Table No. 3
Provincial Distribution of Population & Workforce
Source: Labour Force Survey 2014-15

| S.# | Area | Population | Labour Participation | Participation Rate |
|-----|--------------------|-------------|----------------------|--------------------|
| 1 | Pakistan | 193,190,000 | 61,051,613 | 32.27% |
| 2 | Punjab | 104,410,837 | 36,919,671 | 35.36% |
| 3 | Sindh | 46,808,231 | 14,313,957 | 30.58% |
| 4 | Khyber Pukhtunkhwa | 26,367,389 | 6,602,394 | 25.04% |
| 5 | Baluchistan | 11,603,545 | 3,207,219 | 27.64% |

Source: Labour Force survey (2014 – 2015)

Organized Workforce:

Notwithstanding the recent efforts to organize workers in the informal sectors including but not limited to agriculture and domestic, unionization in the informal economy as a whole remains minimal. Most of the organized workers are found in the formal economy with a major share in public enterprises. The following table depicts a gradual growth in the number and membership of registered trade unions over the past seven decades.

Table No. 4
Number of Unions and Total Membership (1951 – 2016)

| Year | Number of Unions | Membership |
|------------|------------------|------------|
| 1951 | 209 | 393,137 |
| 1960 | 708 | 350,604 |
| 1970 | 2,522 | 735,620 |
| 1980 | 6,551 | 869,128 |
| 1990 | 7,080 | 952,488 |
| 2001 | 7,004 | 1,040,303 |
| 2016 (Dec) | 7,096 | 1,414,160 |

The above data establishes that trade unions have experienced gradual yet steady growth since the creation of Pakistan. In the year 1951, there were 209 registered trade unions with 393,137 members. This number went up to 7,204 trade unions with over a million members in year 2000(3% of the total workforce at that time).

The most recent data of December 2016 depicts further improvement, both in terms of unions and their membership, as the total unionized workforce at the end of 2016 stood at **1,414,160**. However, this might still be less than the actual figure because it pertains to the number of members declared at the time of union registration, and as members grow with time, Provincial Labour

Departments and NIRC do not tend to update their records, when unions submit their Annual Returns and the genuine reported rise in the membership. According to worker representative organizations, an estimated unionized workforce is around or more than two million which would constitute around 3% of the total workforce of the country.

The following table shows the total number of unions including collective bargaining agents registered either at the national level with NIRC (based on the trans-provincial clause) under the National Industrial Relations Act 2012, or with the provincial labour departments registered under their respective Provincial Industrial Relations Acts.

Table No. 5**Unions; CBA Unions; Membership; at Federal and Provincial level (Dec. 2016)**

| Province | Total No. of Unions | CBA Unions | Non-CBA Unions | Total Membership |
|---|---------------------|--------------|----------------|------------------|
| Federal level (Registered with NIRC) | 401 | 233 | 168 | 350,196 |
| Punjab | 2,342 | 674 | 1,668 | 502,546 |
| KPK | 366 | 71 | 295 | 51,225 |
| Sindh | 3,924 | 379 | 3,545 | 494,417 |
| Balochistan | 63 | 33 | 30 | 15,776 |
| Total | 7,096 | 1,390 | 5,706 | 1,414,160 |

Source: Authors' Compiled data

The above table shows that as of December 2016, the number of trade unions registered in Pakistan were 7,096 out of which **1,390** were collective bargaining agents. The total membership of unionized workforce was **1,414,160**. As for non-CBA unions, it must be noted that this remains a grey area because usually after the secret ballot is held for determination of a CBA, the loosing union/s tend to become inactive and sometime even cease to exist because their members automatically become members of

the unions that wins the CBA referendum.

The following table gives percentage of unionized workers vis-à-vis formal and informal workforce. It establishes that **2.32%** is the unionized workforce in regards to the total 61 million workforce, both for formal and informal sector. Since it is not possible to apply the Industrial Relations Law to the informal sector, unions exist only in the formal sector and therefore union density to the formal sector employment stands at **15.55%**.

Table No. 6
Percentage of Unionized Workforce

| S. No. | Description | Workforce | Unionized Workforce | Percentage of Unionized Workforce |
|--------|---|------------|---------------------|-----------------------------------|
| 1 | Workforce both for formal & Informal | 61,051,613 | 1,414,160 | 2.32% |
| 2 | Workforce for the Formal Sector | 9,092,000 | 1414160 | 15.55% |

Source: Authors' Compiled data

The distribution of this percentage for both formal and informal

workforce in regards to the provinces is as under:

Table No. 7
Percentage of Province Wise unionized Membership

| Province | Workforce | Unionized Workforce | Percentage of Unionized Workforce |
|-------------|-----------|---------------------|-----------------------------------|
| Punjab | 36919671 | 502,546 | 1.37% |
| Sindh | 14313957 | 494,417 | 3.45% |
| KPK | 6602394 | 51,225 | 0.80% |
| Balochistan | 3207219 | 15,776 | 0.49% |

Source: Authors' Compiled data

The 350,196 unionized workforce at the national level registered with NIRC on trans-provincial basis is excluded from the above table as it also falls in the provinces but its enrolment takes place at the

Federal level with NIRC.

The disaggregated data at provincial level indicates that majority of the trade unions are in the Punjab province, however its

ratio with the working population remains low (1.37%). The unionized workforce in Sindh province in comparison to its working population is higher (3.45%). For KPK, it stands at 0.80%, while Balochistan is the lowest in (0.49%). The Balochistan maintains a list of 232 unions out of which their own record shows that 169 are dormant unions liable for cancellation in line with Balochistan Industrial Relations Act. The membership of the remaining 63 unions (CBA and Non-CBA) has been calculated in table 5 above.

Although number of registered unions and their membership has grown over the past five decades, the proportion of union membership in the non-agriculture workforce has remained low at 6% for most of this period, and has in fact declined to 5.5 % during the recent past. This low proportion of union membership remains a challenge for the trade union movement of Pakistan. While legal restrictions as well as anti-union practices of employers are the main impediment, this issue is analyzed in greater detail at the end of Chapter 4.

2

Profile of Labour Federations in Pakistan

Under the Industrial Relations Acts (Federal and Provincial), any four or more registered trade unions can, if their respective general bodies so resolve, constitute a Federation at the national level by executing an instrument of federation and then apply for registration. The requirement for registration of a sectoral federation is two registered unions.

Position of the Labour Federations:

Reliance on official data makes this discussion paper authentic and reliable. Information about registered federations, both

industrial and national, was obtained from the National Industrial Relations Commission as well as the provincial labour departments. For the purposes of selecting three national level federations for detailed discussion paper of their history as well as their declared and verified membership only those key federations at the national level were selected, which had at least 2% (28,280) or more of the total 1,414,160 unionized workforce.

Consequently, the three selected federations were Pakistan

Workers Federation (PWF), Mutahida Labour Federation (MLF) and National Labour Federation (NLF).

In order to have the latest data about these federations, a detailed questionnaire was developed. The selected federations were informed about their status as per records/ data of NIRC and provincial labour departments. The federations were then requested to furnish the latest information of their own, so that the same could be used to update their profiles. These federations were told in clear terms that they should furnish the names of their affiliated unions, their membership

and other relevant details and in case latest information was not furnished, information available through NIRC records would be used in the discussion paper. It is encouraging to note that these three leading federations of the country affirmatively responded. An effort was also made to collect necessary information of the other federations below the qualified membership of 2% (28,280) of the total unionized membership.

In order to cross check the authenticity of information

furnished by these three national level federations about the number of their affiliated unions and membership, list of active unions and their membership was also obtained from all the four provincial labour departments.. The following table shows the latest number of affiliated unions and their membership as per the record of NIRC and the figures of affiliated unions and their membership as supplied by these three federations. The two sets of figures and information are given in the following table.

Table No. 8
Membership of Leading Three Labour Federations

| S. No. | Name of Federation | No. of Declared Membership and Affiliated Unions of the Federations | | No. of Affiliated Unions and Registered Membership as per records of National Industrial Relations Commission | |
|--------|-----------------------------------|---|------------|---|------------|
| | | No. of Unions | Membership | No. of Unions | Membership |
| 1. | Pakistan Workers Federation (PWF) | 396 | 840,570 | 341 | 510,280 |
| 2. | Mutahida Labour Federation (MLF) | 204 | 140,200 | 134 | 44,537 |
| 3. | National Labour Federation (NLF) | 200 | 132,500 | 130 | 42,210 |

Source: Authors' Compiled data

The above table shows that Pakistan Workers Federation (PWF) is the largest and most representative organization of workers in Pakistan. **PWF** registered membership with **NIRC** stands at **510,280** as compare to the combined registered membership of **147,828** with **NIRC** of the above two leading federations (table 8) and all other federations (details at table 9).

Detailed Information Regarding Three Leading Federations:

Pakistan Workers Federation (PWF). This federation was formed in 2005 as a result of merger of three leading national level federations. PWF attained its registration in the same year. One constituent federation of this newly merged federation, namely, All Pakistan Federation of Labour (APFOL) came into being in 1948, soon after independence. Other constituent federations of PWF, namely, All Pakistan Federation of Trade Unions (APFTU) and Pakistan National Federation of Trade Unions (PNFTU) were formed in the sixties. Therefore, in terms of period spent in servicing

workers, PWF is the oldest federation of the country. It is an independent and non-political organization. The affiliated unions of this federation represent workers from various sectors of the economy including water and power, telecommunication, irrigation, textile, garments, leather, transport, gas, engineering, local bodies, banking, insurance, media, newspaper hawkers, mines, minerals, Development Authorities, works departments, sports & surgical goods, fertilizer, automobile, sugar, cement, chemicals, pharmaceutical, hotels, and metals etc. The total staff and volunteers looking after day-to-day affairs of the federation at its head office and the eight regional branches counts 32 people. It has a representative character in all the four provinces of Pakistan. At the international level, this federation is affiliated with International Trade Union Confederation (ITUC). Its previous and founding leadership pertained to Chaudhry Talib Nawaz, President; Mr. Khurshid Ahmad, General Secretary; Mr. Mohammad Ahmad, Chairman whereas the current new leadership consists of Mr. Ajab

Khan, President; Mr. M. Zahoor Awan, General Secretary, and Mr. Syed Hadi Hussain Shah, Chairman. The current General Secretary Mr. Zahoor Awan is also a Member of ITUC and ILO Governing Bodies.

Mutahida Labour Federation

(MLF): This federation with its present name was formed also as a result of merger of some local/regional federations in 1988. This federation is non-political. Many constituent federations of MLF were present in early sixties. It got its registration with National Industrial Relations Commission in 2003 after the promulgation of IRO 2002. MLF is regarded as the second most important federation of the country and has membership in all provinces of Pakistan. The sectors, its affiliated unions represent, include mines, fertilizer, cement, textiles, oil, engineering and other industries. It has 12 full time volunteers and staff working at its head office and in the four provinces. This federation is not affiliated with any workers bodies at the international level. The current leadership includes Mr. Gul Rahman,

President; Mr. Qamoos Gul Khattak, General Secretary; Mr. Mohammad Yaqoob, Chairman.

National Labour Federation

Pakistan (NLF): This is the third important labour federation of the country. It was formed in 1969 and registered with NIRC in 2003. It is based on Islamic ideology and is widely recognized as a labour wing of the rightist political party namely, Jamaat-e-Islami. The economic sectors represented by this federation include telecommunication, shipyard, municipal and local bodies, transport, rice mills, metal, glass bangles, fertilizer, sugar, beverages, wood and engineering etc. The day-to-day affairs of this federation are managed by ten fulltime staff members and volunteers. This federation has no affiliation with any workers bodies at the international level. The previous leadership comprised of veteran labour leader Professor Shafi Malik. The current leadership includes Mr. Rana Mehmood Ali Khan, President and Hafiz Suleman Butt as General Secretary.

Other National Level Labour Federations: The other national level labour federations registered

with NIRC having membership lower than 28,000 (2% of unionized workforce) are as under.

Table No. 9
Other Labour Federations Registered with NIRC

| S. No. | Name of Federation | i) President & ii) General Secretary | Membership |
|--------------|--|--|---------------|
| 1. | Watan Dost Mazdoor Federation (WDMF) | i) M. Shafique Qureshi ii) Abdul Aziz Abbasi | 12680 |
| 2. | National Trade Union Federation (NTUF) | (i) Rafique Baloch (ii) Ghani Zaman Awan | 7200 |
| 3. | All Pakistan Trade Union Federation (APTUF) | i) Fazl-e-Wahid ii) Rubina Jamil (disputed in election) | 6032 |
| 4. | Pakistan Trade Union Federation (PTUF) | i) Kaneez Fatima ii) Safdar Sandhu | 5466 |
| 5. | All Pakistan Trade Union Congress (APTUC) | i) Hamayun Shakir ii) Shaukat Ali | 5418 |
| 6. | United Labour Federation (ULF) | i) Baqir Hussain ii) S. Iftikhar Ali | 4700 |
| 7. | All Pakistan Trade Union Organization (APTUO) | (i)Habib Junaidi (ii)Bashir Ahmed | 4556 |
| 8. | Quaid-I-Azam Labour Federation of Pakistan(QLF) | i) Syed Faqir Hussain Bukhari ii) Malik Shabir Ahmed | 4280 |
| 9. | People Labour Federation (PLF) | (i)Qamar Raza (ii)Farrukh Zahoor Butt | 3700 |
| 10. | All Pakistan Federation of United Trade Unions (APFUTU) | i) Ch. R. Ahmed ii) Syed Imtiaz Ali | 3280 |
| 11. | Pakistan Labour Federation (PLF) | (i)Asif Verdeg (ii)Haji Saeed Araiceen | 3380 |
| 12. | All Pakistan Labour Federation (APLF) | (i)Sultan Muhammad Khan (ii)Abdul Sattar | 396 |
| Total | | | 61,081 |

Source: Authors' Compiled data

The federations in the above table appear in descending order of their membership strength. Those federations which are still registered with NIRC and who's Annual Returns have not been received since over ten years, have been excluded, at the behest of their being inactive.

Industrial and Sectoral Federations:

In addition to the above

mentioned national level labour federations, there are numerous active industrial/sectoral federations registered with NIRC. Most of the unions forming these industrial/sectoral federations, particularly the collective bargaining agent unions are affiliated with and are part of national level federations cited in tables 8 and 9 above. The list of these industrial/sectoral federations is as under.

Table No. 11
Industrial Federation (Sectorial Federation)

| S. No. | Name of Federation | Name of President | Name of General Secretary | Calculated Membership |
|--------|---|----------------------------|---------------------------|-----------------------|
| 1 | Pakistan Mines & Industrial Trade Union Federation | Haji Abdul Karim | Haji Mehrban Shah | 11280 |
| 2 | Pakistan Federation of Building & Wood Workers | Ch. Muhammad Yasin | Muhammad Aslam Adil | 9600 |
| 3 | All Pakistan Local Govt. Workers Federation | Malik Muhammad Haseeb Khan | Qari Taj Bux Shahani | 6700 |
| 4 | Pakistan Mines Workers Federation | Noor Muhammad | Sarzamin Afghani | 4600 |
| 5 | All Pakistan Baldiyati Workers & Staff Federation | Mirza Muhammad Aisa | Mazhar Iqbal Randhwa | 3900 |
| 6 | Pakistan sugar Mills Workers Federation Trade Union | Gul Rehman | Bashir Ahmed | 3809 |

| | | | | |
|----|---|--------------------------|----------------------|------|
| 7 | Habib Bank Limited Employees Federation | Ch. Muhammed Shabbir | Syed Muhammad Hadi | 3600 |
| 8 | State Life Insurance Corporation Employees Federation | Shahid Waheed | Naced Ali | 3500 |
| 9 | Ittehad Labour Federation Carpet Industries Pakistan | Daud Khan | Ilyas Khan | 3500 |
| 10 | All Pakistan Agriculture Produces Trade Federation | Malik Muhammad Ali Sohni | All Bux Khan | 3500 |
| 11 | All Pakistan United Irrigation Employees Federation | Ch. Abdul Rehman Aasi | Muhammad Akram Butt | 3000 |
| 12 | Pakistan National Textile Leather Garments & General Workers Federation | Saeed Ahsan-ulHaq Shah | Malik Muhammad Rafiq | 2500 |
| 13 | Pakistan Textile Workers Federation | Haji Abdul Jabbar | Osama Tariq | 2300 |
| 14 | Uni-Liver Employees Federation | Teaser Dar | Masoob Tariq | 2100 |
| 15 | All Pakistan Pharmaceutical Chemical and General Federation | Farman Ali Khan | Ain-ul-Huda | 2100 |
| 16 | Progressive Workers Federation of Pakistan | Malik Shabbir Ahmed | Syed Fazal Abbas | 1800 |
| 17 | Pakistan Banking Employees Federation | Ch. Noor Afsar | Ch. Muhammad Hussain | 1800 |

| | | | | |
|--------|---|-----------------------------|----------------------|--------|
| 18 | National Federation of Foods, Beverage and Tobacco Workers | S. Nazar Hussain Shah | Said Zaman Khan | 1700 |
| 19 | Textile Power Looms & Garments Workers Federation Pakistan | Mian Abdul Qayyum | Niaz Khan | 1500 |
| 20 | Pakistan Hotel Restaurant Club Tourism Catering & Allied Workers Federation | Nasir Aman Sindhoo | Malik Ghulam Mehboob | 1490 |
| 21 | Punjab Irrigation Employee Federation | Ch. Khushi Muhammed Khokhar | -- | 1400 |
| 22 | Pakistan PWD Workers Federation | Nazir Ahmed | Khurshid Ahmed | 1280 |
| 23 | PTCL Trade Union Federation | Muhammad Ishaq | Haji Pervaiz | 1200 |
| 24 | Pak PWD Inqalab Employees Federation | M. J. Sahil Romani | Mehtab Khan | 800 |
| 25 | Democratic Workers Federation State Bank of Pakistan & SBP BSC (Bank) | Ahmed Kamal Pasha | Liaquat Ali Sahi | 756 |
| 26 | All Pakistan PMDC Employees Workers & Mines Federation | Mehr Jaffar Ali Jaffary | Arshad Mehmood | 350 |
| 27 | ABL Workers Federation of Pakistan | Muhammad Ajmal Khan | Syed Abuzar Bukhari | 300 |
| 28 | Pakistan Central Mines Labour Federation | Bukht Nawaz Yousafzai | Sultan Muhammad Khan | 199 |
| Total: | | | | 80,564 |

Source: Authors' Compiled data

The industrial/sectoral federations in the above table appear in descending order of their membership strength.

Representation of International Confederations in Pakistan:

There are two international confederations of trade unions at the global level. The International Trade Union Confederation (**ITUC**) which was formerly known as ICFTU is based in Brussels (Belgium) and the World Federation of Trade Unions (**WFTU**) is based in Athens (Greece). Both of these international confederations have registered membership in Pakistan, with the following details:

1. **ITUC:** It has two affiliated federations in Pakistan and its total registered membership with National Industrial Relations Commission is **515,728**. The individual membership of both of these affiliated federations is as under:

- (a) Pakistan Workers Federation (**PWF**) : **510,280**

- (b) All Pakistan Trade Union Congress (**APTUC**) : **5,418**
Total: 515,728

2. **WFTU:** The WFTU has following affiliated federations registered with the National Industrial Relations Commission (NIRC). The total membership of WFTU is **23,110**.

- (a) All Pakistan Trade Union Federation (**APTUF**): 6,032
 - (b) Pakistan Trade Union Federation (**PTUF**): 5,466
 - (c) All Pakistan Trade Union Organization (**APTUO**) : 4,556
 - (d) Pakistan Labour Federation (**PLF**): 3,380
 - (e) All Pakistan Federation of United Trade Unions (APFUTU): 3,280
 - (f) All Pakistan Labour Federation (**APLF**): 396
- Total: 23,110**

There are certain other labour federations reported to be affiliated with WFTU but these federations are neither legally registered nor do they have significant role on the scene of labour movement and thus their names are considered insignificant.

Global Unions Federation (GUF)

A **global union federation (GUF)** is an international federation of national trade unions, organizing in specific industrial sector or occupational group. **International trade**

secretariat (ITS) deals with GUFs.

Many unions are members of one or more global union federations, relevant to their pertinent sector or occupational group. Such unions may also be affiliated to a **national trade union federation**, which in turn can be affiliated to the International Trade Union Confederation (ITUC) or the World Federation of Trade Unions (WFTU).

Pakistan situation on GUFs and its affiliates registered with NIRC are as under:-

**Table No. 12
Industrial Federation(Sectoral Federation)**

| S. No. | Name of Federation | Calculated Membership | Affiliation with GUFs |
|--------|--|-----------------------|---|
| 1 | Pakistan Mines & Industrial Trade Union Federation | 11280 | No Affiliation |
| 2 | Pakistan Federation of Building & Wood Workers | 9600 | Building Wood Workers International (BWI) |
| 3 | All Pakistan Local Govt. Workers Federation | 6700 | No Affiliation |
| 4 | Pakistan Mines Workers Federation | 4600 | No Affiliation |
| 5 | All Pakistan Baldiyati Workers & Staff Federation | 3900 | No Affiliation |

| | | | |
|----|---|------|-----------------------------|
| 6 | Pakistan sugar Mills Workers Federation Trade Union | 3809 | No Affiliation |
| 7 | Habib Bank Limited Employees Federation | 3600 | No Affiliation |
| 8 | State Life Insurance Corporation Employees Federation | 3500 | Union Network International |
| 9 | Ittehad Labour Federation Carpet Industries Pakistan | 3500 | IndustriAll |
| 10 | All Pakistan Agriculture Produces Trade Federation | 3500 | No Affiliation |
| 11 | All Pakistan United Irrigation Employees Federation | 3000 | No Affiliation |
| 12 | Pakistan National Textile Leather Garments & General Workers Federation | 2500 | IndustriAll |
| 13 | Pakistan Textile Workers Federation | 2300 | IndustriAll |
| 14 | Uni-Liver Employees Federation | 2100 | No Affiliation |
| 15 | All Pakistan Pharmaceutical Chemical and General Federation | 2100 | No Affiliation |
| 16 | Progressive Workers Federation of Pakistan | 1800 | No Affiliation |
| 17 | Pakistan Banking Employees Federation | 1800 | Union Network International |
| 18 | National Federation of Foods, Beverage and Tobacco Workers | 1700 | IUF |
| 19 | Textile Power Looms & Garments Workers Federation Pakistan | 1500 | No Affiliation |
| 20 | Pakistan Hotel Restaurant Club Tourism Catering & Allied Workers Federation | 1490 | IUF |
| 21 | Punjab Irrigation Employee Federation | 1400 | PSI |
| 22 | Pakistan PWD Workers Federation | 1280 | No Affiliation |

| | | | |
|---------------|---|------|----------------|
| 23 | PTCL Trade Union Federation | 1200 | No Affiliation |
| 24 | Pak PWD Inqalab Employees Federation | 800 | No Affiliation |
| 25 | Democratic Workers Federation State Bank of Pakistan & SBP BSC (Bank) | 756 | No Affiliation |
| 26 | All Pakistan PMDC Employees Workers & Mines Federation | 350 | No Affiliation |
| 27 | ABL Workers Federation of Pakistan | 300 | No Affiliation |
| 28 | Pakistan Central Mines Labour Federation | 199 | IndustriAll |
| Total: | | | 80,564 |

Source: Authors' Compiled data

It is known that all the following GUFs have their presence in Pakistan:-

- Building and Wood Workers' International (BWI)
- Education International (EI)
- IndustriALL Global Union
- International Federation of Journalists (IFJ)
- International Transport Workers' Federation (ITF)
- International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF)

- Public Services International (PSI)
- UNI global union (UNI)

However, the table 12 has all those national unions which are legally registered under Industrial Law and if any of the affiliate of above mentioned GUFs in Pakistan is not listed will mean that either they are registered at the provincial level or they act as unregistered union. They may also be dormant despite their registration with National Industrial Relations Commission (NIRC).

3

History of Trade Union Movement in Pakistan

Background

A less known aspect of the life of Quaid-e-Azam Mohammad Ali Jinnah (father of the nation) is that he was also a labour leader and supporter of workers' cause. He was elected President of the All India Postal Staff Union in 1925. This union had a membership of 70,000. As a member of the Indian Legislative Assembly for over thirty-five years, he played a key role in the enactment of the Trade Union Act, 1926, which provided legal cover to the formation of unions. He attended the founding session of the All India Trade

Union Congress in October 1920. He had personal relationship with the Labour Leaders of that time, including Lala Lajpat Rai, Dewan Chaman Lal, MM Alvi and Subas Chanderbos.

The trade union movement in Pakistan can be traced back to this pre-independence period. The wage earning class that emerged in the sub-continent due to the introduction of railways and agriculture plantation was the beginning of the trade union movement.

The establishment in 1919 of the International Labour Organisation (ILO) greatly influenced the growth and development of trade union movement throughout the world. The arbitrary selection of delegates for the first session of ILO by the Government of India was greatly resented by the trade unions and they organised a convention, where it was decided to form a central organisation of workers namely, All India Trade Union Congress (AITUC). Quaid-e Azam Mohammad Ali Jinnah attended the founding conference

of AITUC held on 30 October, 1920 in Bombay. The passing of the Indian Trade Union Act, 1926 and Trade Dispute Act, 1929 gave formal recognition to the workers' right to organise and settle disputes between parties. The adoption of Convention 87 on right of association and Convention 98 on right of collective bargaining by ILO and the ratification of these important ILO Conventions by Pakistan in the earlier years after independence, paved the way for adoption of legislation favouring workers' right of association and collective bargaining. The enactment of the Industrial Relations Ordinance, 1969 was a landmark for trade union movement in the country.

Trade union movement was initially opposed by the employers, because most employers at that time (early fifties) were composed of the government (bureaucrats), particularly in sectors like railways, telecommunications, power and industries established by the Pakistan Industrial Development Corporation (PIDC). They followed the authoritarian tradition

of colonial arena, against the participatory approach envisaged in modern industrial Relations. The employers in private enterprises also followed similar approach as that of public sector bureaucrats, and generally were not in favour of trade unions. The formation of trade unions was resisted and obstructions were created by a variety of methods, such as not recognising the trade unions, creating rival trade unions at the same plant and victimisation of trade union officials. There were, however, exceptions too. For instance, as early as in 1951, a foreign company recognised the union and accepted all her legitimate demands. In return the union agreed to double the productivity. The company was able to attain human productivity comparable to its European plant by 1955. All foreign companies were however not alike. A foreign bank issued a written warning to its employees for joining trade unions.

During sixties the conditions somewhat improved. The employers realised the importance of workers' productivity and

offered better deals. The workers attitude also improved and they adjusted to the industrial order. Labour laws enacted during the period also helped in bringing about this change. The attitude of the employers also changed , mainly due to the struggle of workers and enactment of new legislation like the Industrial Relations Ordinance, 1969 replacing the earlier Trade union Act of 1926. The recognition of trade union was made obligatory by law. The employers also realised the importance of stable and contended workforce. Many family concerns were converted into public limited companies run by management boards elected by shareholders. The relationships were getting more impersonalised. The employers started taking interest in labour welfare, which led to reduction in hostility and antagonism towards trade unions.

By late sixties the bureaucrat as employer were less visible. However, with the 1972 nationalisation of key industries the composition again changed as most industrial units went again

under the management of bureaucrats. Professionals were also included in the management of public sector enterprises. This trend continued till eighties when government started a policy of dis-investment. Both public and private sector enterprises started inducting professionals as managers. Their approach towards unions was also growing accommodative.

Federations at the National Level:

At the time of the creation of Pakistan, there were two organizations of workers i.e. the communist All Indian Trade Union Congress (AITUC) and the reformist Indian Federation of Labour (IFL). After independence these were reconstituted as the Pakistan Trade Union Federation (PTUF) and the All Pakistan Labour Federation. These two federations had only 115,000 members: PTUF with 20,000 members in 38 affiliated unions (1948), concentrated in the railways and APFOL with 95,000 members in 49 unions (1949) was present in many other sectors, particularly,

the port workers.

The trade union movement in Pakistan had been associated with two international federations viz., the World Federation of Trade Unions (WFTU) formed in 1946 and the International Confederation of Free Trade Unions (ICFTU) now ITUC set up in the year 1949. The PTUF was close to the communist party and maintained close relations with the WFTU. The notable leaders of this Federation were Mirza Mohammad Ibrahim, Faiz Ahmad Faiz and Fazal Ilahi Qurban. The avowed object of this Federation was the establishment of workers' rule in the country. This Federation soon came under the wrath of the government. President Mirza Mohammad Ibrahim was arrested in 1948 and Faiz Ahmad Faiz was charged with conspiracy, three years later. Mr. Fazal Elahi Qurban fled to Moscow. Other members of this Federation were harassed and discouraged from undertaking union activities. When the Communist Party was banned in 1954, the PTUF no longer remained an effective organization.

It became dormant and managed to re-emerge in 1970.

However, due to above developments, APFOL received recognition and encouragement and with other mergers it emerged as All Pakistan Confederation of Labour (APCOL). The leadership of this Federation was in the hands of such veteran labour leaders as Dr. A. M. Malik, M. A. Khatib, Bashir Ahmad Khan Bakhtiar, Chaudry Rehmatullah, Faiz Mohammad and Aftab Ali. It was a two winged federation i.e. East Pakistan Federation of Labour and West Pakistan Federation of Labour. At the national level, Dr. A. M. Malik was the President of this Federation. He became Labour Minister in 1951 and Governor of East Pakistan in 1971. M. A. Khatib was General Secretary of the Federation. The leadership of the eastern wing of the Federation was in the hands of Aftab Ali and Faiz Mohammad, while the western wing of the Federation was in the hands of Bashir Ahmad Khan Bakhtiar and Chaudry Rehmatullah.

Led by Dr. A. M. Malik, the APCOL had 209 affiliates with 393,000 members (1951) and joined the ICFTU presently the ITUC. By the mid-1950s, APCOL was recognised as the sole representative trade union federation by the government and in 1958 it claimed 375,000 members.

Martial law of 1958-61 ended most trade union activity. The government initiated free market capitalism. APCOL started disintegrating at this stage. In 1962, dissatisfied APCOL affiliates, notably the Petroleum Workers' Federation and the Cigarette Labour Union broke with the confederation to form the Pakistan National Federation of Trade Unions (PNFTU). This Federation was led by Mohammad Sharif and Rashid Mohammad.

Further splits in APCOL led to the loss of ICFTU affiliation. In the meantime PNFTU applied and joined ICFTU in November 1964. Each one of APCOL's fragments claimed to be a 'National Federation' or 'All Pakistan

Federation'. One more faction adopted the name – 'All Pakistan Federation of Trade Unions' (APFTU) and affiliated with the ICFTU in 1974. The leadership of this faction was in the hands of Bashir Ahmad Khan Bakhtiar and Khurshid Ahmad. The third faction emerged with its earlier name – 'All Pakistan Federation of Labour' (APFOL) and was affiliated with ICFTU in 1966. The leadership of this faction was in the hands of Rehmatullah Durrani and Chaudry Rehmatullah and later in the hands of Chaudry Talib Nawaz and M. Zahoor Awan.

Islamic unionism also emerged. The small Pakistan Federation of Labour, created in 1960, became the National Labour Federation (NLF) in 1964 and introduced trade unionism based on fundamentalist Islamic themes. Professor Shafi Malik was its founding leader. The leadership of this Federation is presently in the hands of Hafiz Suleman Butt and Mehmood Ali Khan.

In 1972, the victory of Zulfikar Ali Bhutto's PPP party brought major

labour unrest. Dozens of factories were occupied, self-management committees were established but there was also extensive trade union fragmentation resulting in multiplicity of trade unions. Employers were reluctantly obliged to recognize unions. However, Bhutto also created his own trade union, the Peoples' Labour Bureau. By 1977 trade union membership reached a record one million figure.

Attempt at National Level Unity:

There is a strong urge among Pakistani workers and some of its leadership to bring about unity in the rank of the workers and bring the workers on one platform, so they can have parliamentary representation for effectively advocating their issues. This urge has manifested itself through many efforts to form one national level organization. One successful effort was made in 1988, when five small labour federations merged and formed the present Muttahida Labour Federation. The leadership of this Federation was earlier in the hands of Nabi Ahmad and Gul

Rahman. Presently, the leadership of this Federation is in the hands of Qamoos Gul Khattak and Chaudry M. Yaqub.

In 1994, the leadership of the three ICFTU (present ITUC) affiliates in Pakistan i.e. All Pakistan Federation of Labour (APFOL), All Pakistan Federation of Trade Union (APFTU) and Pakistan National Federation of Trade Union (PNFTU) assembled at Abbottabad and signed 'Abbottabad Declaration' with the intent to complete the process of merger of the three national level federations within a period of ten years. The three federations were able to complete the merger process and formation of Pakistan Workers Federation (PWF) within the stipulated time. The founding Convention of Pakistan Workers Federation was held in Islamabad on 7 September, 2005. This Convention was largely attended and besides Government, employers and workers representatives, it was attended by 40 delegates from abroad including Mr. Guy Ryder (ILO's serving Director General), ex-officio

Secretary General of ITUC. This newly formed Federation represents 70 per cent of the unionized workers of the country and thus stood the most representative organization of workers in Pakistan. This

organization was previously led by Mr. Khurshid Ahmed a Veteran and senior most labour leader of this country. Mr. Khurshid Ahmed also led a representative of nationwide WAPDA Electricity Union for more than five decades.

4

Evolution of Industrial Relations and Labour Policies in Pakistan

The need to set a framework of industrial relations was first felt at the time when economic and political liberalism was leading ideologies in Western Europe. These relations were built on the basic principle of employers' and workers' freedom to set the wages and working conditions. Both parties were left free to organise and mutually bargain on common issues. An important step in this direction was taken with the appointment of the Commission on International Labour Legislation by Paris Peace Conference in 1919. The

Commission established a Labour Charter, containing the following principles:

Labour should:

- i) not be regarded as a commodity or article of commerce;
- ii) have the right of association;
- iii) receive an adequate wage to maintain a reasonable standard of living;
- iv) have an eight-hour day or a 48 hour week;
- v) have a weekly rest of at least one day;
- vi) have equal pay for equal work;
- vii) have equitable economic treatment of all workers in a country (i.e. for immigrants as well as nationals); and
- viii) have an inspection system to ensure the enforcement of the laws for workers protection and abolition of child labour.

The policy during the 1920-30 period was aimed at improving the condition of work at the workplaces and providing certain social benefits for employment injuries and maternity benefits.

However, the most important development was the enactment of the Workmen's Compensation Act, 1923, the Trade Union Act, 1926 and the Trade Dispute Act, 1929.

The Royal Commission on Labour, which was appointed in 1929, made a comprehensive survey of labour problems in India and made a variety of suggestions on all aspects of labour. Consequent upon these recommendations, a new Factories Act was enacted in 1934. The Payment of Wages Act, 1936 was introduced for the speedy recovery of denied or delayed wages of the workers.

Under the Government of India Act, 1935, the subject of 'labour' was placed on the concurrent Legislative List. Several provinces therefore enacted laws providing for maternity benefits, regulating the conditions of work in shops and commercial establishments, and governing the settlement of industrial disputes. Certain provinces also enacted laws whose object was to protect workers against indebtedness and the evil consequences thereof. Some provinces extended the statutory

protection relating to conditions of work etc. to the hitherto unregulated industries with a view to preventing exploitation of labour in small-scale industries. However, the central government continued to introduce enactments, for example, the Children (Pledging of Labour) Act, 1933; the Employment of Children Act, 1938 and the Dock Labour Act, 1934.

The Second World War (1939-45) led a new spurt of activities in the field of labour. The Atlantic Charter proclaimed the Four Freedoms. The International Labour Conference proclaimed at Montreal in 1944 that 'poverty anywhere constitutes a danger to prosperity everywhere'. The faith-shaking phenomenon of the Second World War led to the substitution of the old by a new order of society with a new resolve to conquer poverty, ignorance and disease. The impact of this new ideology was also felt in the sub-continent.

At a conference of the provincial labour ministers in 1946, it was agreed that in the interest of rapid

and uniform legislation, aiming at the improvement of health, efficiency, working conditions and standards of living of the workers, labour legislation as far as possible be undertaken by the then central government. With a view to base labour legislation upon adequate and accurate data, the central government established the Labour Bureau in 1946. In the same year (1946), the Industrial Employment (Standing Orders) Act was passed with a view to define conditions of recruitment, discharge, disciplinary action, holidays etc. so that friction between management and labour in industrial undertakings could be minimised. This statute can be stated to be the parent law for our present Standing Orders Ordinance, 1968.

There was no well-defined labour policy in Pakistan until 1955. This would be attributed to the fact that Pakistan had very little industry in the beginning and the government was pre-occupied with numerous problems that it had inherited including the creation of employment opportunities through

rapid industrialization. Naturally, in these circumstances, labour problems were ignored and did not receive due attention. On the other hand, with industrialization the trade unions were gaining strength and there was demand for labour reform.

For effective functioning of any industrial relations system, the important condition however, is the relative strength of the parties. Ideally, both parties need to be sufficiently strong to bargain at equal footings. Another important condition for smooth functioning of the system is the consensus between all parties on important issues. These conditions can enhance the industrial peace and harmony, level of mutual understanding and respect for productive industrial relations.

The Government of Pakistan after independence adopted the Trade Union Act, 1926, Industrial Disputes Act, 1947 and host of other labour laws on the statute in India. Prior to the partition of India, a five-year programme of action was drafted (October 1946) at a labour conference which

unanimously stipulated detailed legislative and administrative measures to improve working and living conditions of the labour force.

First Labour Policy 1949:

Pakistan's first Tripartite Labour Conference (8-9 February 1949) approved this programme with only minor modifications. Some authors consider this five year programme as the first labour policy of the country for the period 1949-54. The programme comprised legislative and administrative measures by Federal and Provincial Governments such as amendments to the Workmen's Compensation Act, 1923; Factories Act, 1934, and the Mines Act, 1923 along with new legislation on minimum wages, social security, plantations, shops, commercial establishments, transport services, streamlining machinery of inspection, conciliation and adjudication, provisions of medical and housing services, training organisation, establishing such institutions as employment exchanges and the labour bureau, and the workmen's state insurance.

2nd Labour Policy:

After an upsurge of protest by workers, a formal Industrial Relations Policy for Pakistan was elaborated in August 1955. It contained policy objectives, namely: i) to encourage the growth of genuine and healthy trade unions in order to promote healthy collective bargaining on the part of labour, and ii) to raise living standards. It recognized that sound and healthy relationship between employer and employees was a prerequisite of increased productivity and efficiency. Economic progress demanded industrial peace. In a country where industrialisation was in its early stages, Government was cautiously perusing a tradeoff between worker welfare and industrial growth. Government, therefore, believed in promoting the settlement of disputes between employers and employees in the interest of industrial peace through constitutional means, such as, joint consultation, mediation, conciliation and arbitration which must be speedy and effective. In all such cases awards and decisions were enforced. For this purpose

Government desired that genuine trade unionism be recognised. At the same time, however, Government stressed that trade unionism was not exploited for political purposes. Government was cautious that labour was not victimized for legitimate trade union activities. It was also the aim of the Government to prevent exploitation of labour and increasingly to promote its welfare. The policy stated that Government would endeavour in particular to:

- i) Raise the standard of living and working conditions of workers and ensure them a reasonable return for their labour;
- ii) Provide social security for all workers by means of social insurance or otherwise to the extent the economic conditions permit;
- iii) Ensure that factories have proper standing orders and the system of works committees in the interest of efficiency and production is introduced;
- iv) Assure that workers are properly fed, clothed and housed, better educated, given technical training and provided with adequate

amenities; and

- v) Encourage healthy trade unionism and collective bargaining.

However, in 1959, the Industrial Dispute Ordinance was promulgated to replace the Industrial Dispute Act of 1947. Under the new law, workers were banned to strike in public utility services and employers were given the right to fire the workers. Even the trade union representatives had no immunity from termination under the Ordinance. On top of that, workers were not provided any forum to redress their grievances; however employers were given the right to refer industrial disputes raised by workers for adjudication.

Third Labour Policy 1959:

Martial law was imposed in Pakistan in October 1958. In February 1959, the military Government announced a new industrial relations policy with following provisions:

- i) Policy in the field of labour will be based on ratified ILO Conventions and Recommendations.

- ii) The growth of healthy trade unionism is essential for a stable social structure, with industrial and social peace ensuring greater production and equitable distribution of wealth.
- iii) A sound and healthy employer and employee relationship is a prerequisite of increased productivity.
- iv) The industrial peace is essential for economic progress. It discourages agitation and tension in industrial and commercial undertaking and other fields of human endeavour and believes in the settlement of disputes between management and labour through constitutional means, such as: joint consultation, voluntary arbitration, conciliation, mediation and adjudication.
- v) Simultaneously with the stepping up of production, suitable measures should be adopted for providing social amenities to workers of all categories, calculated to meet as far as possible their requirements of health, education, recreation, housing, wages and similar other needs.
- vi) Suitable measures will be taken for reducing unemployment in the country.
- vii) Continuation of non-fee employment agencies and a programme of employment information.
- viii) Due importance will be given to research and collection of statistics concerning workers' working and living conditions; encouraging the same by private enterprises.
- ix) Proper employment of seamen inside and outside the country will be ensured with regular employment, fair wages and social amenities.
- x) Social welfare is not solely a state responsibility. Private industries and organizations should also pool their resources in a co-operative manner to provide for social amenities; possible imposition of welfare taxes on commercial, industrial and other private establishments to raise adequate funds to organize welfare measures for employees.
- xi) Scientific and technical

assistance in the labour and employment fields from friendly countries will be welcomed.

As in the past, this industrial relations policy also suffered from lack of proper follow up. Key exceptions were the enactment of the Road Transport Workers Ordinance, 1961; the Minimum Wages Ordinance, 1961; the Apprenticeship Ordinance, 1962; the Provincial Employees' Social Security Ordinance, 1965; the Excise Duty on Minerals (Labour Welfare) Act, 1967; the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 and the Companies Profits (Workers' Participation) Act, 1968. Apart from these legislative developments, there was no progress in other areas. The government failed to develop appropriate enforcement machinery despite special stress on "strict enforcement of all the labour laws" mentioned in the policy.

Fourth Labour Policy 1969:

Pakistan returned to martial law

for a second time in 1969. At a tripartite labour conference in May 1969, the Government admitted past failures and subsequently announced a new industrial relations policy on 05 July, 1969. The policy mentioned that **“the Government was aware that the previous labour policies had failed because adequate machinery for their implementation had not existed. Every step would therefore be taken to ensure that this Policy was supported by the necessary machinery for its implementation”**. The objective of the policy was to create an environment in which both the employers and the workers could work together to achieve greater productivity. It further attempted to allow the free exercise of freedom of association for all workers and to encourage the growth of trade unions. Specific measures concerning trade unions, conciliation and arbitration, settlement of disputes, industrial relations, collective bargaining in the public sector, minimum wages, workers' welfare fund, workers' housing,

occupational health and safety, and similar matters were stressed in the implementation steps.

The 1969 Labour Policy included the usual lofty principles. It aimed at overcoming past obstacles. The labour policy's progressive targets for realizing a "fair share in the economic gains of the country" and "equitable distribution" were never realized. Once more, the policy failed because of inadequate enforcement. A negative, but perhaps intended result of this policy was an explosion in the number of registered trade unions which grew from 1,500 in 1969 to 8,600 seven years later. Membership in the labour movement, however, did not expand at the same rate and the workers became increasingly fragmented and powerless.

The important achievements of this regime were the promulgation of the Industrial Relations Ordinance, 1969 on 23 November, 1969 and the provision of Rs. 100 million for workers' housing.

The military regime collapsed in December 1971 with the civil war

in East Pakistan that led to a split of Pakistan and the emergence of Bangladesh, as an independent country.

Fifth Labour Policy 1972:

Zulfiqar Ali Bhutto assumed power as a civilian Martial Law ruler in December 1971. His Pakistan's Peoples Party (PPP) had emerged as the majority party in West Pakistan on a pro-labour manifesto. Bhutto announced another ambitious new industrial relations policy on 10 February 1972 including following twenty-two specific points:

- (i) Workers participation in management of industry.
- (ii) Auditors appointment by workers in factories.
- (iii) Increase in workers' share in profits from 2.5% to 4% and later to 5% under Companies Profits (Workers' Participation) Act, 1968.
- (IV) Shop stewards in each factory department.
- (v) Labour Court decisions in 20 days for individual cases.
- (vi) Works Council to deal with all matters that can go before Labour Courts.
- (vii) Either workers or employers

- permitted to take matters to the Labour Court.
- (viii) Three day strike notice to be considered sufficient.
 - (ix) Lower supervisory levels in banks to be included in the definition of 'workman'.
 - (x) Every retrenchment and termination order to state reasons in writing.
 - (xi) Bonus payments to be compulsory and linked to profits.
 - (xii) Payment of Wages Act, 1936 and West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 made applicable to all contractors.
 - (xiii) Providing funds for workers' housing through the Workers' Welfare Fund Ordinance, 1971.
 - (xiv) Free education up to matriculation for one child per-worker by the employer.
 - (xv) Workers' 2% social security scheme contribution dropped, employers' contribution raised from 4% to 6%.
 - (xvi) Introduction of old age pension for workers.
 - (xvii) Compulsory group insurance against death and injury for off-duty workers.
 - (xviii) Extension of social security to domestic servants.
 - (xix) Revision of safety measures and workmen's' compensation against death and injury laws.
 - (xx) Introduction of group incentive scheme.
 - (xxi) Creating a quasi-judicial body (NIRC) to promote genuine trade unionism to help in formation of unions and federations (industry-wise and at the national level) and to deal with victimization cases and unfair labour practices.
 - (xxii) Eventual linking of wages to prices but no immediate increase in cash wages.

Draft Labour Policy 1981:

During Zia-ul-Haq, Military Regime a draft Labour Policy was presented in the tripartite Labour Conference November 1981 but workers Group rejected the Labour Policy, because, besides others anti worker clauses, the policy vested absolute right to employer to hire and fire. The same was not ultimately officially announced.

Sixth Labour Policy 2002 (Musharaf Regime) -The Labour Policy 2002 is anchored in the rights-based framework of the Constitution of Pakistan and International Labour Standards as enunciated by the ILO Conventions ratified by Pakistan and contains a plan of action based on the policy principles, aims and objectives.

The Labour Policy 2002 reflects the government's firm resolve to end gender discrimination and promote gender balance in all fields in line with our constitutional obligations as well as under international instruments. To facilitate the participation of women in the job market through improvement in the work environment, the Ministry of Labour has collaborated with the Ministry of Women Development towards development of a code of conduct for gender justice at the work place. Active collaboration was also planned with all stakeholders to help implement the ILO Convention 100 on Equal Remuneration for Work of Equal Value for Men and Women

Workers, which Pakistan ratified in October 2001.

The role of human resource development in the policy effectively addressed the importance of human resource development in the context of skill development of workers through revamping of worker training and re-skilling programmes. For better provision of need-based vocational training, decentralization of vocational training to provinces and restructuring of the National Training Bureau was a major policy initiative. The promotion of public-private sector cooperation through employer-led skill development councils in all the provinces was also supported and encouraged.

The foremost policy principle was to increase the effectiveness of institutions responsible for social protection and labour welfare through strengthening of the tripartite character of their management boards, decentralization of the Workers Welfare Fund and introduction of Self-Assessment Scheme in Employees Old Age Benefit

Institution (EOBI) and Social Security Institutions (SSIs) to remove irritants for employees and encourage registration of new establishments and workers' organizations.

The process of consolidation, simplification and rationalization of labour laws into six categories — industrial relations, employment conditions, wages, human resource development, occupational safety and health and labour welfare and social safety net — was a major plank of the new labour policy. The first law — the Industrial Relations Ordinance 2002 — was promulgated in October 2002. The simplification and consolidation of the other laws was initiated in consultation with all the stakeholders.

The National Industrial Relations Commission (NIRC) was restructured and its role to promote healthy trade unionism was strengthened. Its functions were revamped to address the allegations of misuse of powers in the context of unfair labour practices on the part of employers. The Labour Policy aimed at

promoting and sustaining social dialogue between the Labourers and the employers by facilitating and nurturing bilateral mechanisms for negotiations and mutual cooperation. The creation of WEBCOP (Workers and Employers Bilateral Council of Pakistan) by the enlightened employers and labour leaders was a pioneering effort, and a positive development in this respect. The policy fully supported this initiative and provided for strengthening of such efforts. The policy envisaged the role of the government basically as a facilitator. Its role as regulatory authority would be required when bilateral mechanisms were demonstrably unable to resolve conflicts and issues between workers and the employers.

The Policy provided for the government to persuade and encourage workers' and employers' organizations to evolve bilateral codes of conduct at the level of enterprise and industry which should lay emphasis on respect for reciprocal rights and obligations of both the parties, provide for

communication between the management and the CBA, and enhance confidence in unions to play a positive role in organizational performance.

The Labour Policy also recognized the need for improvement in the working conditions of mine workers. It was envisaged that the Mines Act of 1923 would be reviewed and revised and issues of occupational safety and health as well as social protection of mine workers would be addressed in a comprehensive manner.

Seventh Labour Policy 2010:

This policy was announced by Prime Minister of Pakistan with the aim of Social and economic well-being of the people which was one of the principal objectives of the Peoples Party Government of that time. Labour Policy, like policies in other fields, should also aim in attaining the objectives in a manner best suited to the resources of the country and the contemporary state of economy. There was thus an urgent need to revitalize the economy that would require sustained efforts to increase the level of productivity,

promotion of investment and maximization of employment. The policy sought alignment of workers and employers to the national objectives stated above. At the same time, the Government recognized that workers and employers must enjoy reasonable benefits as can be sustained by the economy without suffering setbacks. Keeping these priorities in view, the Government considered that a balanced labour policy should be based on the following objectives:

- 1- Workers' right to form unions and unions should be protected and an institutional framework be made available to foster close cooperation between workers and employers at establishment level.
- 2- Equitable adjustment of rights between workers and employers should be ensured in an atmosphere of harmony, mutually beneficial to the workers and the management.
- 3- Consultations between workers and employers on matters of interest to the establishment and welfare of workers should be made more effective.
- 4- Adequate security of jobs should be available to the workers

and there should be expeditious settlement of their grievances.

5- Conditions should be created that workers and employers are committed in enhancing the labour productivity.

6- Promotion to higher jobs be ensured at all levels based on suitability and merit and for this purpose arrangements should be made for in-service training facilities.

7- Facilities for proper matching of job opportunities and the job seekers be strengthened and standard procedures be streamlined.

8- Social insurance schemes to be further strengthened.

9- - Just and humane conditions of work be guaranteed to all workers.

10- Forced labour in all its forms to be eliminated.

11- Provisions relating to the employment of children to be strictly adhered to and be enforced. The Labour Policy was accordingly divided into four parts, i.e. i) Legal Frame Work; ii) Advocacy: Rights of Workers and Employers; iii) Skill Development and Employment; iv) Manpower Export.

Industrial Relations after 18th Constitutional Amendment (Devolution):

Devolution has significantly affected effective labour market governance in Pakistan. The Constitution (Eighteenth Amendment) Act, 2010, hereafter "the 18th Amendment"; substantially changed the roles and responsibilities of the federal and provincial governments, with several functions previously performed by the federal Government devolving to the provinces.

In the post-18th Amendment period, labour has become a provincial matter, with the responsibility for legislating as well as administering labour laws transferred to the provincial governments.

The provincial departments of labour (DOLs) now deal with all these provisions. At the federal level, responsibility for reporting to the CEACR on Pakistan's progress in the application of international Conventions/labour standards now rests with the Ministry of Overseas Pakistanis and Human

Resource Development (MoOPHRD). Following devolution, MoOPHRD is also responsible for coordinating labour legislation implementation. Additionally, the National Industrial Relations Commission (NIRC), Islamabad, acts to consolidate formation of trans-provincial trade unions and improvement of relations between employers and workers in trans-provincial establishments and industry.

Post-devolution provincial governments have had to address a wide range of complex issues, including the enactment of laws that complies both with the national constitution and the international commitments/ ILO's Labour Standards. Each of the province has enacted the Industrial Relations Acts for registration and promotion of unions in their geographical ambit, while at the Federal level the Federal Industrial Relations Act for coverage to more than one province (trans-provincial) is in place.

Position of ILO Convention 87 & 98 (Right to Organize and

Collective Bargaining:

The laws on Industrial Relations (Federal and Provincial levels) that have so far been enacted, have been unable to produce charismatic results in terms of compliance of ILO Convention 87 (freedom of association) and ILO Convention 98 (Collective Bargaining), both ratified by Pakistan. Alongside this system the Federal and Provincial Essential Services (Maintenance) Acts also operate counter-productively through restrictive and obstructive conditions. These issues have also been agitated by the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR).

Resultantly the Trade Union Movement in Pakistan is still not strong and effective.. Many segments of the industry and many employing departments and establishments remain excluded from the law concerning formation of trade unions and collective bargaining. The workers organizations complain of constant interference of public authorities and of employers in trade union affairs. Definition of

worker and workman is so narrowed that a great majority of employees is unable to seek legal remedy and exercise fundamental rights such as freedom of association. A culture of social dialogue lacks among the national and industry level unions and so is the collective bargaining. Agriculture being the biggest employment sector practically remained excluded from the law on trade unions and collective bargaining framed by Federal Government. Following the devolution, the Sindh and Baluchistan Governments have expressly extended the application of their Industrial Relation Acts to agriculture and fisheries sectors. However, ambiguity still prevails about regulating unionization for such informal sectors. The concept of participative management is yet to actualize. Bi-partite bodies if formed remain dormant. The provisions of unfair labour practices on the part of employers and workers are used against each other without establishing the proof thereof and so litigation continues

purposelessly. Those who are elected office bearers of the unions are unable to follow the cause of workers during office time as the same on their part amounts to unfair labour practice. Despite this apparent state of affairs no serious thought is given to the serious issue of and need for restructuring of trade unions and industrial relations to make the system viable in the light of ILO Core Conventions 87 and 98. Coverage under **Industrial Relations Law** is denied to workers of agriculture in three provinces (Punjab, Khyber Pakhtunkhwa and Gilgit Baltistan) and the state of Azad Jammu and Kashmir. Islamabad Capital Territory being mostly urban, may also think of extending its IRA to agriculture workers in the peripheral areas of Islamabad. Since 1993, the ILO Committee on Application of Standards noted the lack of improvement in the right to organize and join trade unions. The following sectors were cited in which this right is either banned or not provided for in law:

Table 12
Sectors excluded from Unionism under Industrial

| Sectors |
|---|
| Government Services (Provincial) |
| Federal Government |
| Defense Lines Pakistan Railways |
| Agriculture (forestry, hunting, and Fishing) |
| Self-employed Persons |
| Hospitals and Clinics |
| Education Institutions |
| Export Processing Zones and specific public sector enterprises falling into this category |
| Pakistan Security Papers |
| Pakistan Security Printing Corporation |
| Wah Ordinance Factory |
| Pakistan Council of Scientific and Industrial Research |
| Defense Housing Authority, Karachi |
| National Logistic Cell |
| Civilians of the Defense Services |
| Watch and Ward, Security or Fire Service of Oil, Gas, Seaport or Airport |

The right to collective bargaining is not available to:

- all of the above
- banks and financial institutions
- Employment declared as "essential services" by the **Essential Services (Maintenance) Act, 1952 (ESMA, 1952)**. To further control workers and their trade unions, the government

frequently subjects selected establishments to essential service restrictions. This occurred, for example, in Karachi in mid-1992 when the Port Trust, Karachi Electric Supply Corporation and Water and Sewerage Board all were placed under strict **ESMA, 1952** controls. Even a construction project of Daewoo Motorway was put

under such Act.

Systematic, artificial promotions of workers into management grades are used by both private sector employers and government to undermine the trade unions. In 1990, the ICFTU and FIET filed a complaint with the ILO (Case No. 1534, April 1990) against the

Government of Pakistan alleging that multinational corporations and foreign banks operating in Pakistan as trying to undermine union membership by offering "promotions" to union members without actually giving them managerial responsibilities.

5

Conclusion/ Recommendations

1. Pakistan has acquired European Union's GSP+ status since 2014. Such status is conditioned to better compliance of the eight core ILO conventions as part of the 27 UN conventions. Conventions NO. 87 and 98 are among the core ILO conventions, but, regrettably, there has been small progress (limited to enactment of Industrial Relations Laws by Provinces) on removing restrictions and barriers for effective realisation of freedom of association for workers. This discussion paper provides not only the quantitative information on the size of the organised workforce in the country, but it also profiles trade unionism in Pakistan. This quantitative information can provide baseline information for trending the growth in labour force and trade unionism in the years to come, this is thus important in the GSP+ perspective as well.
2. The total unionized workforce presently stood at around 1.4 million. However, this might still be less than the actual figure because it pertains to the number of members declared at the time of union registration, and as members grow with time, Provincial Labour Departments and NIRC do not tend to update their records especially when unions submit their Annual Returns and the genuine reported rise in the membership. According to worker representative organizations, an estimated unionized workforce is around or more than two million which would constitute around

3% of the total workforce of the country. Further, the Gender based data of union membership is not available, neither with the Government Labour Departments /NIRC nor with the unions and federations. It is therefore recommended: -

- a) The Labour departments at provincial levels and National Industrial Relations Commission (NIRC) at the Federal level are required to update their official record of union membership when unions submit Annual Returns, or when a union is declared collective bargaining agent with increase enrolled paid membership.
 - b) Gender-wise membership record is important but unfortunately it is not maintained in the registration sections of the concerned departments. The Industrial Relations Acts and their rules need to be amended for encouraging the Labour Department /NIRC to record and get gender-segregated membership data.
3. The performance of provinces varies given their autonomy at the behest of devolution. Provinces can improve the work place compliance by accurately mapping the workplaces, work force, trade unions and trade federations. Provinces can improve the compliance through improved inspection and more frequent involvement of trade unions and trade federations in promoting decent work.
 4. Armed forces and police etc are barred from forming unions. The federal and provincial authorities need to ensure guarantees to all categories of workers, including those who are excluded in the application of industrial relations acts (IRAs). All workers without any discrimination should have the

- right to establish and join unions and organizations of their own choosing as enshrined in the ILO Conventions 87 & 98 ratified by Pakistan.
5. The authorities need to remove all anomalies and inconsistencies by reforming the federal and provincial IRAs:
- i. for ensuring and promoting the scope of Industrial Relations Laws (IRAs) applications in agriculture and informal economy including tribal areas of Balochistan/KPK, and removing variations through uniform application and entitlements of labour laws irrespective of occupations, wage ceiling, employees' strength, profit motives, nature of establishment or industry;
 - a. By removing bar on registration of additional unions having less than 20% membership of the employed workers
 - b. By removing the condition of having at least 1/3rd of the employees as its members for qualifying as collective bargaining agent in case of a single union in an enterprise
 - c. By removing ambiguities in the national and provincial IRAs about forming of executive body. IRAs stipulate that 25% of the members of the executive body of trade union should not be employed in the establishment where the trade union is formed;
 - d. By removing restrictions to the right to strike; such as the IRA of Balochistan province introduced a concept of company arbitration which violates workers' basic right to strike.
 - ii. By adding enabling clauses for the formation of a

- general trade union in a Group of establishments of the same industry;
- iii. By vesting powers to the registrar trade unions to dissolve or suspend the trade union organizations without recourse to normal judicial channels. This will rationalize and make genuine the trade unions and registered workforce in Pakistan.
 - iv. By stopping undue interference in the internal financial and functional matters of trade unions;
- 6 a) A comprehensive definition of the industry should be formulated and the workers of all other sectors including those associated with agriculture should be included in it. The current definition of “industry” in the Industrial Relations Acts should be replaced with the following definition:
- “Industry” means any business, trade, manufacture, calling, service, employment or occupation including agriculture, fishery, mining, extraction, exploration, processing, provision, harvesting, print and electronic media, production of goods and services, provision of services towards any private, public, formal or informal sector of economy”
- b) Similarly the current definition of “worker” or “workman” in the Industrial Relations Acts should also be redefined as:
“worker” and “workman” means any and all persons not falling within the definition of employer who is employed to render services for remuneration or reward in any form and on any basis including wages, or produce shares in any establishment or group of establishments or industry either directly or through a contractor,

whether the terms of employment be expressed or implied, and for the purpose of any proceedings under this ordinance in relation to an industrial dispute, includes a person who has been dismissed, discharged, retrenched, laid-off or removed from employment in connection with, or as a consequence of, that dispute or whose dismissal, discharge, retrenchment or lay-off or removal has led to that dispute, but does not include any person who is employed mainly in a managerial or administrative capacity”

- 7 To remove anti-union discrimination by enacting necessary legislations to repeal section 27-B of the Banking Companies Ordinance of 1997. The Banking Companies Ordinance has severely decimated unions' strength in the sector to exercise collective bargaining when a section No

27-B was included in the law in 1997. The government has not been able to retract the infamous section despite committing to do so with ILO since 2010.

- 8 Enacting employment and service conditions rules and right of unionism in the Export Processing Zones through necessary reformation. There are eight Export Processing Zones with 300 units employing 40,000 workers of which 70 percent are women. EPZs are managed by Export Processing Zone Authority (EPZA), a federal government autonomous body. Under the provisions of EPZA laws, the IRAs are not applicable in these zones. Thus, the formation of labour unions, collective bargaining and strikes are forbidden by the EPZ law". The EPZA itself administers working conditions including its wage setting which is considerably lower than the statutory minimum wage. The

- government in the past communicated its commitment to ILO for amending the law to ensure compliance with the rights of association and collective bargaining. This has not happened yet. The criticality of GSP+ has stimulated the government to rethink industrial relations at EPZs.
- 9 For increasing the strength of trade unions, effective enforcement of the clause 2-A of the Standing Orders regarding issuing of appointment letters to all workers; is required. Effective administrative mechanisms are needed for enforcing the status of employment of permanent workers, of workers who are contracted-temporary and daily wage workers against jobs of permanent nature;
 - 10 Ensuring effective legal measures and administrative mechanisms for providing full protection and free legal aid to members of trade unions who suffer because of trade union membership and participation in trade union activities;
 - 11 Holding provincial and national tripartite labour conferences on annual basis;
 - 12 Establishment of the effective Tripartite Standing Committees at the national and provincial levels;
 - 13 To adopt legislations to enable voluntary transfer of employees in the group of establishments under the same owner(s) where employees can keep at least the same pay scale and benefits earned before such transfer;
 - a) The system of collective bargaining should be made comprehensive and all impediments to the legitimate right to strike should be done away with to make collective bargaining more effective.
 - b) The process of unions' registration should be made simple and effective and workers should be provided full legal

- protection from harassment in the process of registration.
- c) Labour judiciary system should be improved to ensure speedy trial of cases and the judges should be bound to award their judgments particularly on Freedom of Association cases within 30 days. Permanent members of the judiciary should be made members of the National Industrial Relations Commission. Facilities for the labour court judges should be enhanced. Specified benches should be established in High Courts to hear appeals against labour cases. Reforming labour adjudications will require an increase in the number of labour courts across provinces, with a specialized cadre of labour judges appointed by provincial High Courts. Labour Court judges needs specialized courses nationally on ILO Core Conventions and Internationally with ILO Turin Center.
14. In the context of the 18th Amendment, there exists broad consensus among all stakeholders, including federal and provincial governments, on implementing the recommendations of Justice Shafi-ur-Rehman's Commission Report regarding consolidating all labour laws. Additionally, labour laws need to be transformed into clear and comprehensible language, with constant research and evolution, besides ensuring compulsory and meaningful consultations with the representative tripartite stakeholders.
- 15) The timely updating of the membership of record of workers is equally important for determining their truly and duly representative status. Workers representatives are not only part of the collective bargaining dialogue at the work place level, they are an essential part of the tripartite

system. It is their democratic credentials and status that will enable the authorities to appoint the true representatives of workers at the tripartite forums and bodies provincial, national and international levels.

16) In the International Workers Organizations, the ITUC has a strong base of registered membership for the formal sector workforce standing at 515,728 as compare to WFTU affiliates as 23,110. However, the Global Union Federations (GUFs) situation seems not encouraging. Certain credible membership (table 12 of the discussion paper) reveals that some sectoral organizations are still not part of the GUFs. This discussion paper is also an important information to the GUFs to properly assess the representation status of local unions for the affiliation purposes. Their tasks can be greatly helped if concerned authorities improve the overall labour market information system including the record of

union memberships such as conducted in this discussion paper through support of ILO.

17. Last but not the least, the Provincial Labour Departments and NIRC should:

- a) Ensure that membership of the Unions and especially the paid membership of collective bargaining Unions is regularly and periodically updated;
- b) Ensure that gender disaggregated data of trade unions is maintained.
- c) Take actions against the dormant unions and cancel such unions. During the discussion paper, it is earnestly felt that several unions in Balochistan as well as other provinces and NIRC have become dormant/in active but still exist in their records. For this purpose a separate

- section in the office of Registrar Trade Unions be established to scrutinize redundant unions and de-register them.
- d) The process of unions' registration should be made simple and effective and workers should be provided full legal protection from illegal harassment in the process of registration.
18. The law in the first instance need to be made in full conformity with ILO Conventions 87 and 98 with zero interference by each of workers and employers in the affairs of each other and also public authorities' role must be minimized and confined to the role as facilitator and not as interventionist. Room may be provided for the development of mutual relationship based on trust and for resolution of labour disputes through social dialogue. Unions must be recognized as an essential entity capable of performing coordinating role at national and industrial level.
19. It may be appropriate to replace the term 'worker' by the term 'employee' to promote employees relations and HRM policies.
20. Unwarranted exemptions as provided under the legal system in Pakistan are contrary to the provisions of the Conventions based on democratic principles. Such exemptions need to be gradually removed.
21. Promotions and transfers done in bad faith to deprive employees of their legitimate right to trade union formation and exercise of the right of collective bargaining should have no legal effect.
22. Difficulties in the registration of trade unions in certain industrial towns are reported. Unregistered unions are not immune from civil and criminal actions. There is no provision of such insecurity in ILO Convention 87. It clearly states that a trade union can

- be formed without previous authorization. Further public authorities have no sanction to interfere in the affairs of a trade union.
- 23. Workers are of the view that the definition of 'worker/workman' should be broadened to leave least scope for any legitimate employee of being deprived of trade union membership on promotion. All other necessary measures should also be taken that any action in this regard is not based on mala fides. In this regard a clause/amendment should be made in the relevant section to check it.
 - 24. Time off should be given at least to some of the officers of CBA to pursue the cases of workers before a court or authority during working hours so that if it is done genuinely, they are not checked for violation of the relevant law.
 - 25. In order to arrest the process of growth of trans-provincial trade unions and to effectively deal with the issue of trans-provincial provision being misused by employers for registering pocket unions, it is desirable that explanation to Section 5 of Industrial Relations Act 2012 be added in the following manner:

Explanation: An application for registration of a trans-provincial establishment or industry, shall only be considered if it has applied in such trans-provincial establishment which has at least 25% workers employed in other province or provinces.



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