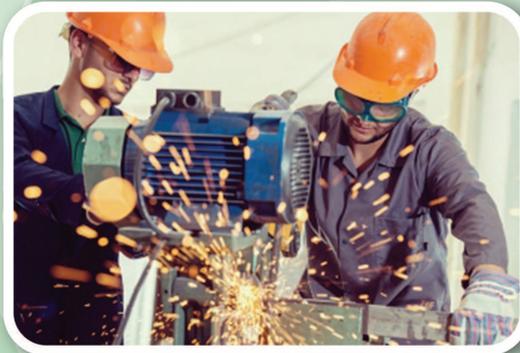


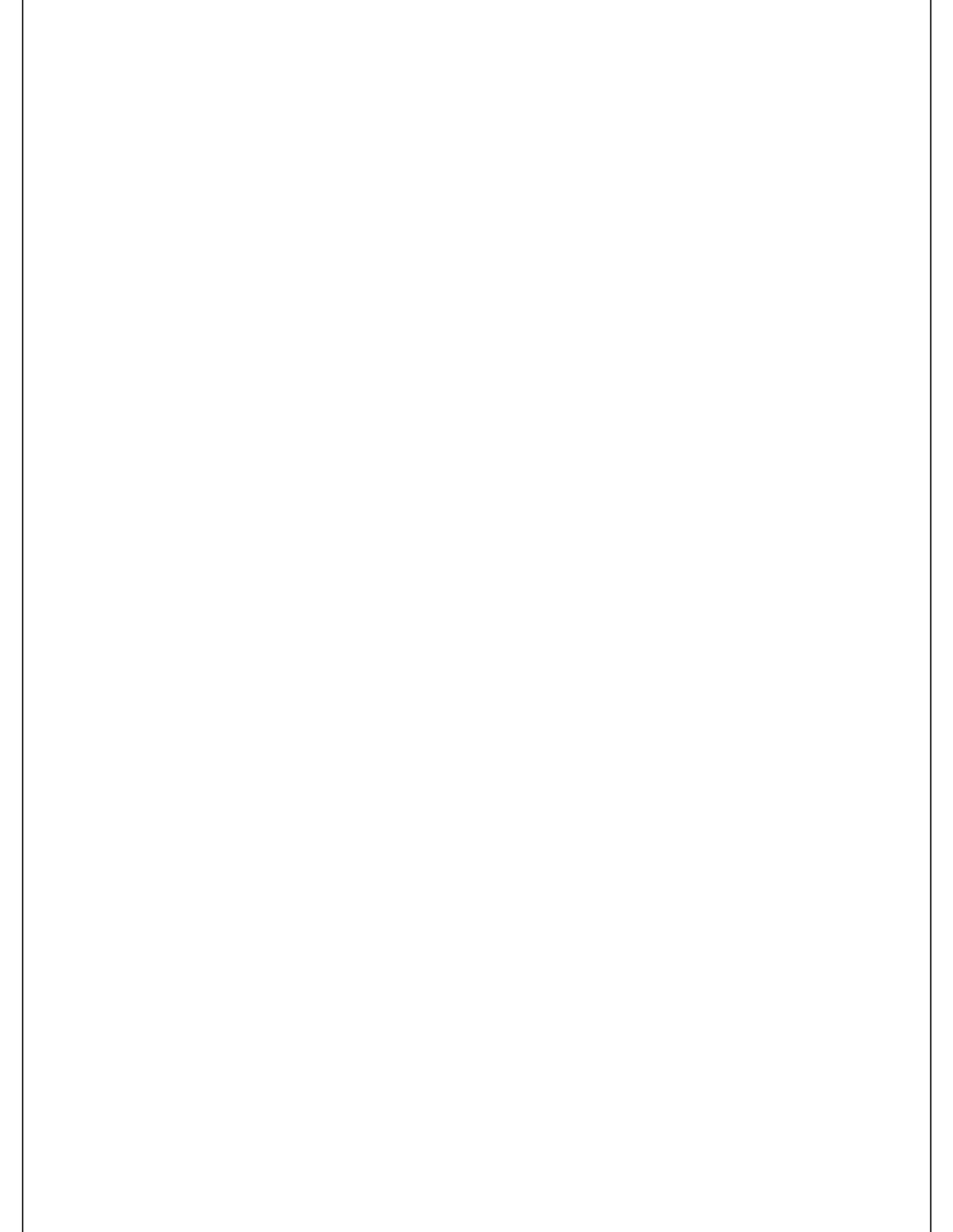


1st Sindh Labour Policy 2018

“A Frame Work of Industrial Relations,
Social and Economic Well-Being
of the People of Sindh”



Labour & Human Resource Department
Government of Sindh





**1ST SINDH LABOUR POLICY 2018
"A FRAME WORK OF
INDUSTRIAL RELATIONS,
SOCIAL AND ECONOMIC
WELL-BEING OF THE PEOPLES OF SINDH"**

**LABOUR & H.R. DEPARTMENT
GOVERNMENT OF SINDH**

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PREFACE

Though certain Labour Policies were existing in the country but the Labour Policy of 1972 announced by Shaheed Zulfikar Ali Bhutto was the most progressive & complete in respects, which reformed the labour laws and set out new benchmarks including new administrative infrastructure to manage the workers' welfare.

2. After Eighteenth (18th) Amendment in the Constitution of Islamic Republic of Pakistan, the Federal Concurrent Legislative List has been abolished and all the subjects enumerated in the said list have been devolved to the Provinces by virtue of Article 142(c). The devolution of the subject of labour and industrial relations to the provinces has required provincialization of labour laws and Rules. Accordingly, the Government of Sindh has enacted following labour laws after tripartite consultation:

1. Sindh Industrial Relations Act 2013
2. Sindh Workers Welfare Fund Management Act 2015
3. Sindh Employees Old Age Benefits Institution Act, 2014
4. Sindh Employees Social Security Act 2015
5. Sindh Labour Bonded (Abolition) Act 2015
6. Sindh Factories Act 2015
7. Sindh Shops & Commercial Establishment Act 2015
8. Sindh Terms & Conditions of Employment Act 2015
9. Sindh Workers Compensation Act 2015
10. Sindh Payment of Minimum Wages Act 2015
11. Sindh Companies Profits (Workers Participation) Act 2015
12. Sindh Payment of Wages Act 2015
13. Sindh Prohibition of Employment of Children Act 2015
14. Sindh Occupational Safety & Health Act 2015

Furthermore, Home Based Workers Policy has been approved and notified on 23-05-2017.

3. It is the priority of the Government of Sindh to create conducive environment for the investors (local as well international) to attract them for investment and to ensue rights of workers in accordance with the Constitution of the Islamic Republic of Pakistan. In order to fulfil the obligations under the Constitution as well as under the International Covenants with regard to well being and socio-economic protection of the workers, the announcement of the new policy of the Government has become inevitable.

4. It is necessary to mention that Labour & Human Resources Department, Government of Sindh organized "1st Sindh Labour Tripartite Conference" on 11th December 2017, wherein the Honourable Chief Minister, Sindh was the Chief Guest and he very kindly announced for the constitution of "Tripartite Labour Standing Committee" for the implementation of suggestions/recommendations presented in the said Conference. Accordingly, "**Tripartite Labour Standing Committee**" was notified & draft Sindh Labour Policy was formulated in the meeting held on 29-01-2018, wherein, all the stakeholders furnished their view points. Accordingly, the said draft Sindh Labour Policy was placed before the Tripartite Labour Standing Committee meeting held on 9th February, 2018, where all stakeholders unanimously approved draft of the Sindh Labour Policy, 2018. After seeking approval from Honourable Chief Minister, Sindh, the 1st Sindh Labour Policy was announced on 10th February, 2018 under the Chairmanship of Senior Minister for Parliamentary Affairs & Food, Mr. Nisar Ahmed Khuhro, wherein all prominent industrialists as well as labour leaders and Country Director of ILO, Islamabad were present.

5. The major focus of the 1st Sindh Labour Policy, 2018 is to ensure health and safety of workers at work place with guaranteeing living wages for all. Labourers in the agriculture and mining industries will also be brought under the labour legislation and provided the same protection & status as other workers. As, Labour laws are mostly male-centric, but this policy will address women labour issues, which include equal opportunities and equal remuneration in line with the International Labour Organization (ILO) Conventions. Under this policy, the law regarding prohibition of employment of children under the age of 14 will be extended to domestic and home-based workers. The labour policy 2018 will ensure that children get the minimum wage along with access to education and training tailored for them. Bonded labour will be abolished in all its forms. All restrictive provisions on trade union formation will be removed in accordance with the ILO Conventions 87 and 98.

6. The Government of Sindh also plans to strengthen the Sindh Minimum Wages Board so that with the help of the existing tripartite, it can protect minimum wages. The policy also looks to extend the scope and coverage of Sindh Employees' Social Security Act 2015 and Sindh Workers' Welfare Fund Act 2015 to all formal, informal, contract, piece-rate, home-based and seasonal workers in all sectors of the economy. The Hospitals/Dispensaries will be upgraded with the latest equipments.

7. In the end, I am thankful to the Secretary, Labour & HR department, Government of Sindh & his team, all employers, all labour leaders & other stakeholders for their hard work and dedication in finalizing the draft Labour Policy. I am confident that all

stakeholders will cooperate and contribute for implementation of this policy, so as this policy may be more useful & beneficial to workers as well as the employers in order to boost up economic activities in the Province.

**SYED NASIR HUSSAIN SHAH
MINISTER FOR LABOUR & HR,
SINDH**

1. INTRODUCTION

Social and economic well-being of the people of Sindh is one of the principal objectives of the Government of Sindh. The over-riding goal, herewith, is to create a society that is free from exploitation and ensures the welfare of all and an economy where assets and incomes are distributed equitably. It needs to be realized that the state cannot sustain itself without a strong economy. At the same time, employers need to note that their 'comparative advantage' in today's world does not lie in exploiting cheap (and, therefore, weak) labour, but in a skilled, competitive, contented and strong work force.

The purpose of all policies, including Labour Policy, is to achieve the above aims in a manner best suited to the resources of the country and the province. There is an urgent need to revitalize the economy and reduce unemployment and poverty in the shortest possible time. This would require a conducive investment and industrial relations climate that is fair to employees and employers. The Government of Sindh recognizes the imperative of providing an enabling legal and institutional environment to achieve the above ends.

2. LABOUR LEGISLATION

All laws - including labour laws - enacted by the British Colonial Government, were adopted by the Government of Pakistan upon independence under Governor General's Order No. I of 1947. Thereafter, the business of legislation was conducted in accordance with the Federal Legislative and Concurrent Legislative Lists, provided in the Constitutions of 1956, 1962, and 1973. Further, the Government of Pakistan has at different times articulated its commitments to labour by the expression of labour policies that were announced by different Governments in 1955, 1959, 1969, 1972, 2002, and 2010.

It may be pertinent to mention here that the labour legislation enacted by the Colonial Government - Mines Act 1923, Workmen's Compensation Act 1923, Trade Union Act 1926 (spear-headed by Quaid-e-Azam Mohammed Ali Jinnah), Factories Act 1934, and Industrial Disputes Act 1947 - provided for greater rights and freedoms to workers than post-independence legislation. Significantly, the legislation recognized the right of every citizen, except uniformed Armed Forces personnel, to freely exercise the right of association. Post-independence, much of the workers' rights and freedoms were curtailed, particularly under military regimes.

The process of the erosion of labour rights and freedom was arrested by the PPP Government by Shaheed Zulfiqar Ali Bhutto, the then Prime Minister of Islamic Republic of Pakistan with the announcement of the historic Labour Policy of 1972, which restored and expanded on many aspects of labour rights and welfare **(Annexure-I)**.

After 18th Constitutional Amendment Act, 2010, Federal Concurrent Legislative List has been abolished; whereby, the labour among other subjects became an exclusive provincial subject. The devolution of the subject of labour and industrial relations to the provinces has required provincialization of labour laws and Rules.

Herewith, it will be ensured that in this process labour rights are not curtailed and the body of laws continues to adhere to constitutional provisions and international obligations and, more importantly, to the values and principles of socio-economic uplift of all. All existing laws related to labour will be brought in conformity with the Constitution and core ILO Conventions and UN Covenants and new laws and Rules enacted accordingly. All labour laws will be made applicable to all areas of the province, irrespective of any part being declared as 'special economic zone', 'export processing zone' 'free trade zone', etc. All labour laws will be made applicable to formal, informal, contractual, home-based, domestic, seasonal, etc., workers. All restrictions in respect of exercise of labour rights will be removed, except in cases of official security agencies personnel.

The Labour Policy of 1972, a testimony of wisdom of Shaheed Zulfiqar Ali Bhutto, emphasized a fair deal to labour and resulted in a sequence of reforms in the labour field. An outcome thereof was the creation of new institutional infrastructures of far-reaching consequences. Bodies such as National Industrial Relations Commission, Workers Welfare Board and Employees Old Age Benefit Institution were established that rendered services of considerable impact for the uplift of the labouring class. All aspects of the Labour Policy will be framed in accordance with the principles and precepts of the Labour Policy 1972.

3. HIGHLIGHTS OF LABOUR POLICY

This Labour Policy of Sindh is postulated as

1. Labour and industry-friendly.
2. Rights-based, participatory and inclusive.
3. Minimizing areas of friction and enabling employees and employers to participate effectively at sectoral, industry and enterprise levels as organized parties in bipartite and tripartite forums for harmonious and peaceful resolution of conflicts.

4. Building a relationship of trust and cooperation between employees and employers, creating a framework of freedom of speech and association, promoting social dialogue to resolve conflict, and ensuring employment security, decent work practices, social protection, and welfare of the toiling classes.
5. Providing an enabling environment to promote economic growth, foster investment, enhance productivity, expand employment at fair living wages, and raise the real income of workers.
6. Guaranteeing a living wage for all workers.
7. Ensuring health and safety at work places.

The Government of Sindh will ensure that all existing laws relating to labour will be brought in conformity with the Constitution, ILO Conventions, UN Covenants and provisions of the Universal Declaration of Human Rights and other international Conventions. Special attention will be accorded to the rights of association, including in agriculture (Convention 87 and 11) and the right to bargain collectively (Convention 98).

Current set of labour laws largely cover industrial and commercial sectors. Additional legislation will be carried out/updated to cover all sectors of the economy crop agriculture, horticulture, livestock, forestry, fisheries, mining, construction, transport, trade, and education, health and other services, and informal sectors.

The European Union's "Generalised Scheme of Preferences" (GSP) allows developing countries to pay less or no duties on their exports to the EU. This gives them vital access to EU markets and contributes to their economic growth. Pakistan has been granted the GSP Plus facility which will allow almost 20 per cent of Pakistani exports to enter the EU market at zero tariff and 70 per cent at preferential rates. The GSP plus facility is conditional upon mandatory compliance with 27 international conventions/covenants, including 8 Core ILO Conventions. The GSP Plus facility adds an additional dimension to the imperative of establishing a cooperative industrial relations system, based on the recognition and implementation of labour standards. The Government of Sindh will ensure adherence to all GSP Plus requirements in this regard.

4. PROTECTION OF VULNERABLE SECTIONS OF THE WORKING CLASS

i) Mine Workers

The majority of workers in Sindh's mining industry are employed on a contract basis, often through a somewhat complicated system of sub-contracting, making it difficult

to identify the actual employer. Currently, mine workers are covered by special legislation that places them outside mainstream labour legislation.

Mine workers, whether contract or permanent, will be brought under the ambit of labour legislation and provided with same protection as other workers. They will benefit from minimum wage payments, access to social security, and improved safety and health in their workplaces.

ii) Women

Labour laws are almost entirely male-centric, with gender aspects largely addressing issues relating to maternity benefits. There are ILO Conventions that are specific to women

- Underground Work (Women) Convention 1935 (C-45)
- Night Work (Women) Convention 1948 (C-89)
- Equal Remuneration Convention 1951 (C-100)
- Discrimination (Employment and Occupation) Convention 1958 (C-111)
- Workers with Family Responsibilities Convention 1981 (C-156)
- Maternity Protection Convention 2000 (C-183).

Legislation will be enacted/ strengthened to enforce the above Conventions and ensure

- Equal opportunities, equal wages and other benefits for work of equal value; with work of equal value defined to mean same work or work of a similar nature that requires the same skill, effort, and responsibility when performed in similar conditions by either man or woman.
- Prohibition of women, particularly pregnant women, from engaging in hazardous operations that expose them to serious risk of bodily injury, poisoning or disease.
- Women worker's job security during and after pregnancy and maternity leave.
- Provision of special facilities - enclosed latrines, a room for minor children, etc. for women workers.
- Right to unionization in formal and informal sectors and encouragement for women's participation in union activities, including being part of decision making bodies.

iii) Child Labour

The Government of Sindh will take legal as well as other measures to regulate and

control the employment of children in certain occupations and processes considered hazardous and injurious to their health.

Employment of children under the age of 14 has been prohibited in all industrial sectors and will be extended to the Domestic & Home Based Workers. Children between the ages of 16 and 18 years will not be engaged in hazardous working conditions/working environments, i.e., boilers, mining, tanneries, brick kilns, glass bangles, dyeing, chemical and electronics sectors, etc., that adversely affect their physical and intellectual development. Payment of minimum wage will also be ensured to the young workers. They will be provided greater access to education and training, tailored to identify labour market needs.

iv) Bonded Labour

Bonded labour will be abolished in all its forms and appropriate amendments will be made in laws to make it more stringent and to implement the laws to safeguard the interest of the workers who have hitherto remained under forced labour.

v) Special Persons

A quota for employment of disabled persons in all establishments in private as well as public sector will be established. It will be ensured that discrimination in any case is not being practiced in appointments and/or promotions of persons with disabilities. Equal status and equal opportunities will be provided to all handicapped persons.

The rights and welfare of transgender persons will be ensured, particularly with respect to civil and political rights, education, employment, inheritance, etc.

5 . SPECIFIC MEASURES

ii) Trade Unions

All restrictive provisions on trade union formation will be removed, with relevant laws brought into conformity with ILO Convention 87 and 98 and the Trade Union Act 1926 (piloted by Quaid-e-Azam Mohammed Ali Jinnah). Workers will be enabled to form Trade Unions of their own volition, draft their own constitutions and rules, and conduct their activities without external approval/disapproval, interference or pressures. Definition of 'worker' will be made uniform in all labour laws and all labour laws will be consolidated into one law.

The institutions of Shop Stewards, Work Councils and Joint Management Boards will be reactivated for improving labour-management relations at plant level.

Trade unions will be engaged in identifying training priorities and needs.

6. DISPUTE RESOLUTION MECHANISMS

The Framework aims to formulate the industrial relations regime on democratic principles, where the constitution, composition and functioning of dispute resolutions institutions and forums ensure effective participation of employees and employers through transparent and accountable means. The system of tripartite consultation has remained a strategic approach throughout and is proposed to remain so as this is essential to create a conducive environment and increases economic activity. The law of conciliation and arbitration will be strengthened. Arbitration in all cases may be voluntary; however, in case of an industrial dispute pertaining to a public utility service or an industry, arbitration may be made compulsory.

Related institutional arrangements will be made to ensure that labour laws are implemented and a cooperative environment exists to resolve employee-employer disputes through mutual negotiations in a peaceful and democratic manner. An effective mechanism for dispute resolution will be put in place. To this end:

- a. The Labour Department will be strengthened and adequately funded.
- b. Operational capacity of Labour Department's officers will be improved and they will be provided logistical support to carry out their tasks efficiently.
- c. The Labour Judiciary will be upgraded to function on permanent instead of ad hoc basis to ensure effective and speedy justice, and
- d. A modern functional labour inspection system will be instituted to implement workplace health and safety provisions. To this end, a 'Standing Industrial Relations Committee' with equal representation of employees, employers and Government of Sindh may be set up.

The jurisdiction of Labour Courts will be extended to informal, contractual, home-based, domestic, seasonal, etc., workers in crop agriculture, horticulture, livestock, forestry, fisheries, ship-building, mining, construction, finance, transport, trade, and services sectors.

7. WAGE DETERMINATION

The institution of minimum wage is a fundamental element of labour protection, and is proposed to continue with the existing tripartite minimum wage determination arrangements. Necessary measures will be taken to strengthen the existing Minimum Wage Board in this regard.

8. OCCUPATIONAL, SAFETY & HEALTH

The Government of Sindh, in collaboration with ILO, and representatives of employers and labour, has developed a programme of short to medium term actions to promote health and safety in workplaces under the Joint Action Plan for Promoting Safety and Health at Workplace in Sindh.

A tripartite (Employee-Employer-Government of Sindh) Provincial Health & Safety Council will be set up to facilitate and monitor implementation of health and safety laws, with powers to inspect premises and report level of compliance.

'Tripartite Monitoring Committees' will be set up at District level to monitor implementation of Labour Laws, particularly with reference to payment of wages, working environment, etc.

9. SOCIAL PROTECTION

Social protection is a basic human right and it is imperative to commit to strengthening and expanding the scope of universal social protection. To this end, SESSI, SEOBI and WWF, capacity will be enhanced to enable them to register all workers and employees, including self-employed, domestic and home-based workers, and to be able to provide all benefits and services that together constitute a credible package of social protection.

The scope and coverage of Sindh Employees' Social Security Act 2015 will be extended to all formal, informal, contract, piece-rate, home-based, seasonal, etc., Sindh-domiciled workers - including retired workers - in all sectors of the economy.

The scope of Sindh Workers' Welfare Fund Act 2015 will be extended to all informal, contractual, home-based, domestic, seasonal, etc., Sindh-domiciled workers in crop agriculture, horticulture, livestock, forestry, fisheries, mining, construction, finance, transport, trade, and services sectors.

Employees old age benefits and medical facilities will be extended to all formal, informal, contract, piece-rate, home-based, seasonal, etc., Sindh-domiciled retired workers in all sectors of the economy

The coverage of Sindh Workmen's Compensation Act, 2015 will be extended to provide compensation in case of injury as well as death to all types of workers engaged in informal sector including agriculture, fisheries and home based workers.

The Social Security Hospitals shall be strengthened and wherever treatment facilities are not available the worker will be referred to any public/private hospital and the respective Social Security Institution will bear all costs of treatment.

The industrial apprenticeship schemes will be revitalized.

The entitlement condition for seasonal labour will be improved.

Allotment process of plots/flats to workers will be made transparent.

A one window arrangement will be instituted for all social protections related payments by employers.

10. INSTITUTIONAL REFORMS

All enterprises located in Sindh and all workers/employees employed in Sindh will be subject to labour laws and regulations of the province, irrespective of location of enterprise branches/offices in other parts of the country. The issue of term 'trans provincial' will be settled as per constitutional provisions.

Employees/Workers, employers and Government of Sindh representation on all labour-related bodies will be in the ratio of 40: 40: 20, respectively.

A Labour Market Information System will be established within Directorate of Labour, Sindh.

A tripartite (Employee-Employer-Government of Sindh) Productivity Council will be set up to analyse factors in low productivity and propose sector/industry wise measures for enhancement of productivity.

Annexure-I

Salient features of Labour Policy announced by
Shaheed Zulfiqar Ali Bhutto
President of Pakistan on February 10th, 1972

I am happy to announce today ... a new Labour Policy which will guarantee to workers their fundamental rights consistent with the requirements of industrial development of the State ... We are not so naive as to think that a mere new set of laws will transform overnight national economic life ... The iniquitous economic system that has prevailed for so long cannot be changed in a day, but we are making a determined beginning in the highest interests of the workers ... We are facing a crisis in production. This crisis must be surmounted to increase national wealth and national welfare of the laboring classes and of our society as a whole. I would like to emphasize that our economic salvation lies in making a determined effort to increase production.

The Labour Policy was aimed to enhance production, strengthen the growth of trade union movement, promote genuine trade unionism and ensure representative character of unions, and to set up federations of unions industry-wise and at the national level.

The salient features of the Policy were as follows

11. WORKERS PARTICIPATION

- Workers will be given effective participation in the management of industry. Workers representatives will be associated with the management to the extent of 20% at factory level. This will be done at a prescribed level of industrial unit and under certain spelled out stipulation.
- The share of workers in annual profits under the existing Companies' Profit Workers Participation Act of 1968 will be raised from 2.5% to 4%; with additional 10% of additional profits if the workers increase productivity.
- Workers will have the authority to appoint an auditor with powers to inspect any account, records, premises or stores of a factory. The auditor will be paid by the management of concerned prescribed unit.

12. DISPUTE RESOLUTION

- A system of shop stewards will be introduced at the lowest production level of prescribed industrial units. Each shop or department in such a factory will have a shop steward who will be elected by secret ballot by the workers of the shop among themselves. He will represent their interests and point of view in the management of that shop and will act as a link between the workers and management of prescribed units. A worker himself or through his shop steward will be able to bring his grievances to the notice of management and if no redresses is given within a prescribed period the matter may be taken to the labour union or the labour court. In such cases the labour court will give its decision within twenty days and not sixty days.
- With regard to settlement of collective disputes, Works Councils will be strengthened and the scope of their function widened to include all matters which can go before labour courts. Instead of referral of collective disputes only to management, workers will have the option to refer collective disputes for bilateral settlement to the Works Council in which both they and management will be represented.
- Instead of the 21 day waiting period for serving a strike notice; a notice may be served in three days, if management does not respond favourably or there is failure of bilateral negotiations in the Works Council.
- It will be made obligatory for unions to hold a secret ballot before resorting to strikes in order to ensure that strikes do not take place without the consent or against the interest of the general body of workers.
- Instead of labour and management, labour or management will be able to take a dispute to court; while at the same time, retaining their right to strike. The court's awards will now be given within 30 days and not 60 days.
- The right of clerical staff of banks to collective bargaining will be restored and in this connection lower supervisory levels will be included in the definition of workman.

13. PROTECTION OF LABOUR RIGHTS

- Protection will be provided to workers against arbitrary retrenchment and termination of services by making it necessary for every order of retrenchment and termination of service to state reasons explicitly in writing.
- A quasi-judicial authority will be set up to deal with the cases of victimization

of office bearers of trade unions and unfair labour practices on the part of employers as well as trade unions.

- Infringement in certain provisions such as payment of compensation in case of death or injury, payment of overtime wages, provision of canteens on premises or other such facilities will be treated as cognizable, though bailable, offenses.

14. SOCIAL SECURITY SCHEMES

- The levy of 2% of a workers wages for providing him with medical facilities will be abolished and the existing 4% contribution made by the employer will be raised to 6%. In due course appropriate steps will be taken to ensure provision of further medical facilities to workers.
- Provision for old age pension will be made for all workers at a certain age.
- Compulsory group insurance for workers against death and injury off duty will be introduced.
- Existing laws regarding safety measures will be strengthened and workers compensation rates in the event of death and injury will be increased.
- Group benefit schemes will be introduced as incentive to workers to increase production and efficiency in each plant.
- The social security scheme will be extended to cover domestic servants.
- Measures will be taken to see as far as possible equitable distribution of employers' contribution between workers and capital intensive and labour intensive undertakings.

15. BENEFITS TO WORKERS

- Payment of bonus to employees either in cash or NIT shares at the option of the workers will be made compulsory. The amount of bonus will be linked with profits so that increase in production and the prosperity of workers go hand in hand.
- The application of Payment of Wages Act 1936 and Industrial Relations Standing Ordinance 1968 will be extended to labour under contractors to ensure regular payments, overtime pay and proper rates of payments to them.

- The workers welfare fund for housing and other major facilities will be strengthened by setting up representative committees with nominees of workers, management and provincial Government of Sindh to look into financial and other circumstances of each undertaking in the area and decide what further contribution over and the above minimum laid down by the law should be made by employers for these facilities.
- Employers will provide free education up to matric to one child of every worker, while other children will progressively be looked after by the State.

16. MINIMUM WAGES

- It was acknowledged that the increase of minimum wage has not accrued corresponding benefits to wage earners nor has it increased their purchasing power; instead the ensuing serious price spiral has eroded the wage increase. Thus, increase in minimum wages was withheld pending stabilization of prices. Instead, measures relating to participation and profit, housing, education and the abolition of 2% levy under the social security scheme were expected to increase the workers' real income. It was intended to peg wages to prices; subject to normalization of the economic situation and increase in production.

Annexure-II

17. CONSTITUTIONAL AND LEGAL CONTEXT OF LABOUR LEGISLATION.

ii) National Obligations

The Constitution of the Islamic Republic of Pakistan addresses the subject of labour rights as under

Article 3 The State shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability, to each according to his work.

Article 11(2) All forms of forced labour and traffic in human beings are prohibited.

Article 11(3) No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.

Article 17 (1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

Article 25 (1) All citizens are equal before law and are entitled to equal protection of law.

(2) There shall be no discrimination on the basis of sex.

(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

Article 37(e) make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment;

Article 38 (a) secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants.

(b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;

(c) provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means

(d) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;

Annexure-III

18. UNIVERSAL OBLIGATIONS

The Universal Declaration Human Rights adopted by the United Nations and to which Pakistan is a signatory, in Article 23 states:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family and existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Annexure-IV

19. INTERNATIONAL OBLIGATIONS

The International Conventions and Covenants include:

- (1) International Covenant on Civil and Political Rights (ICCPR)
- (2) International Covenant on Economic, Social and Cultural Rights (ICESCR)
- (3) Convention on the Rights of the Child (CRC)
- (4) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts
- (5) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery
- (6) Convention for the Suppression of the Traffic in Persons.
- (7) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Annexure-V

20. CONVENTIONS OF THE INTERNATIONAL LABOUR ORGANIZATION

Pakistan is a member country of the International Labour Organization (ILO) and has ratified 36 ILO Conventions, including 8 Core Labour Rights Conventions:

The ILO Declaration states

Whereas economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the ILO to promote strong social policies, justice and democratic institutions.

The ILO Declaration lists four Most Basic Human Rights as under

1. Freedom of association and right to organize and the effective recognition of the right to collective bargaining.
2. Elimination of all forms of forced or compulsory labour.
3. Effective abolition of child labour.
4. Elimination of discrimination in respect of employment and occupation.

Following 8 Core Labour Rights Conventions include:

- (i) **Convention 29** Forced Labour 1930 (ratified on 23 December 1957)
- (ii) **Convention 87** Freedom of Association and Protection of the Right to Organize 1948 (ratified on 14 February 1951).
- (iii) **Convention 98** Right to Organize and Collective Bargaining 1949 (ratified on 26 May 1952).
- (iv) **Convention 100** Equal Remuneration 1951 (ratified on 11 October 2001)
- (v) **Convention 105** Abolition of Forced Labour 1957 (ratified on 15 February 1960)

- (vi) **Convention 111** Discrimination (Employment and Occupation) 1958 (ratified on 24 January 1961).
- (vii) **Convention 138** Minimum Age 1973 (ratified on 6 July 2006)
- (viii) **Convention 182** Worst Forms of Child Labour 1999 (ratified on 11 October 2001)

Other important Conventions include

Convention 11 Right of Association (Agriculture) 1921

Convention 45 Underground Work (Women) 1935

Convention 89 Night Work (Women) 1948

Convention 102 Social Security (Minimum Standards) 1952

Convention 122 Employment Policy 1964

Convention 155 Occupational Health and Safety 1981

Convention 156 Workers with Family Responsibilities 1981

Convention 175 Part-time Work 1994

Convention 176 Safety and Health in Mines 1995

Convention 177 Home Work 1996

Convention 182 Worst Forms of Child Labour 1999

Convention 184 Safety and Health in Agriculture 2001

Convention 188 Work in Fishing Convention 2007.

Convention 189 Domestic workers 2011.

21. OBJECTIVES AND ACTION FRAMEWORK OF LABOUR POLICY

Seeking guidance from the above commitment, principles and covenants, the Government of Sindh announces the following action framework for achieving the objectives of the Sindh Labour Policy 2018 -

i. All labour laws will be brought in conformity with the Constitution of Pakistan and the ratified International Labour Conventions.

ii. A Code of Conduct will be adopted at the enterprise level containing commitment of employers, and workers of the enterprise through 'Collective Bargaining Agent', where they exist, to respect the rights and duties of the workers and employers as provided in Sindh Industrial Relations Act, 2103 and to promote Social Dialogue for resolution of disputes and conflicts.

iii. The existing labour legislation will be consolidated and simplified into the following six basic laws relating to;

- a. Terms and Conditions of Employment
- b. Wages and working hours
- c. Occupational Safety & Health & Working Conditions
- d. Industrial Relations
- e. Employees Welfare and Social Protection
- f. Training and Human Resource Development

iv. Introduce uniform definition for terms such as worker, employer, wages, employee, establishments etc under in Labour Laws.

v. An environment for growth of healthy and responsible trade unionism will be created by encouraging responsible and representative trade unions.

vi. Provisions and incentives will be provided in labour laws to promote enterprise productivity, increase enterprise efficiency and performance, link wages with performance and productivity, improve work place discipline and ensure implementation of labour laws in letter & spirit to achieve the objectives of promoting industrialization and employment generation.

vii. Benefits of companies' profits through companies profit workers participation law and workers welfare fund law should directly transcend to the workers of the establishments earning profit.

- viii. One Window Framework will be provided for administration and dispensation of labour and welfare laws so that employers and workers have to deal with minimum agencies and institutions while implementing and complying with labour laws.
- ix. Employer's contribution will be supplemented with Government of Sindh workers contribution in welfare scheme such a Social Security, Old age Benefits etc to help strengthen and enhance benefit under these schemes.
- x. Effective and efficient labour administration mechanism through properly trained and equipped, better paid labour inspectors and reform oriented transparent labour inspection system, free of corruption, coercion and gratification should be put in place.
- xi. Separate cadre of labour judiciary and replacement of appellate tribunal providing direct access from labour courts to high courts and alternative dispute resolution mechanism may be developed for smooth, efficient prompt and transparent administration of justice to the workers and employers.
- xii. Development of sustainable social protection floor by greater expenditure allocation for social development extending wider coverage of the social safety net to the informal sector, agriculture, fisheries, ship breaking industry, home based workers, contractual workers, working rural women and domestic workers.
- xiii. The best practices in industrial relation by employers and workers federations / unions will be recognized at the provincial level for wider dissemination and imitation.
- xiv. Rights of immigrant workers will be protected through our embassy / consulate labour attaches in the countries of destination with the consultation of workers and employers' federations.
- xv. Labour laws will be included in the academic curriculum of law colleges and business schools so that appropriate judicial mind-set can be developed in the academic phase.
- xvi. Awareness creation initiatives among peasants and "harris" (farmers) will be taken to enable them to timely adapt and prepare for the adversities emanating from climate change.
- xvii. Short, mid and long-term strategies will be evolved for building the resilience of farmers and reducing the probability of occurrence of emergencies through mitigation interventions at community and provincial levels.

xviii. Social protection of the vulnerable communities will be ensured through risk transfer, micro insurance and effective financial inclusion.

xix. Investment in infra-structure (community and area levels will be under taken to reduce the risk from anticipated disasters.

xx. Alternative skills training will be provided to youth and women to help rehabilitate them self in case of natural disaster.

xxi. Integration of the work of various organizations like Global Change Impact Study Centre, Academia, Disaster Management Authorities, UN and Civil Society, Media and the Government of Sindh will ensure to collectively access the risks and evolve integrated coping strategies with respect to climate change.

22. GUIDELINES FOR 1ST SINDH LABOUR POLICY

While formulating and implementing the action frame work, the following policy guidelines will be taken into consideration;

1. The Government of Sindh will develop a system in collaboration with private sector employers to provide training opportunities to skilled, unskilled, semi-skilled labour force to achieve meaningful improvement in productivity, competency and understanding of Labour Standards.

2. The Government of Sindh will adopt special measures to create more employment opportunities in the private sector in rural and urban areas.

3. The Government of Sindh will establish Industrial Support Centres for the establishment of industries in the rural area to create more employment opportunities to the unemployed labour force and to strengthen the rural economy & to uplift the social condition of the local community.

4. The Government of Sindh will create more favourable social environment for encouraging more employment opportunities for women workers free from harassment at the work place with guaranteed equal remuneration.

5. All attached offices of Labour department , Government of Sindh will be directed to notify 'Enquiry Committees', as required under Protection Against Harassment of Women at the Workplace Act, 2010.

6. The Government of Sindh will collect actual data of the child labour to streamline these children into schools and disengagement from work with economic assistance and social support.
7. Workers' right to form and join Trade Unions as guaranteed under Article 17 of the Constitution of Pakistan and ILO Conventions 87 and 98 will be provided at the establishment as well as industry level.
8. Necessary Amendments will be made in the labour laws to establish industry wise Trade Unions.
9. Labour laws will be made consistent with International Conventions and ILO.
10. Contract Labour system will be regulated in the light of existing Labour Laws and in line with the orders of Superior Courts.
11. Sindh Home Based Workers Board will be established to monitor the rights and duties of home based workers and to collect the data of these workers.
12. Legislation will be made for workers engaged in Agricultural Sector to ensure freedom of association to create an atmosphere of recognition of their rights by landlords.
13. Employment laws will be legislated and institutions as per requirement will be established for Agricultural workers.
14. Social Security and Old Age Pension Benefits will be enhanced to every industrial and commercial worker.
15. Social Security and Old Age Pension Benefits will also be provided to agriculture, mining and home-based workers.
16. Social Security and E.O.B.I will be made universal.
17. The dependents of the deceased workman entitled to the compensation or Social Security benefits will be registered under Benazir Income Support Programme.
18. Amendments will be made in the Sindh Employees Old Age Benefit Institution (SEOBI) Act, 2015 to declare the pension of the parents/ dependents of deceased workmen for life instead of five years.

19. Amendments will be made in the Sindh Workers Welfare Act, 2015 to allot flats/houses to the dependents of deceased workmen (natural or accidental death during service) and price of the flats/houses will be paid from the Sindh Workers Welfare Fund.
20. Minimum Wages will be replaced by the Real Wages; and in this regard, 'Minimum Wages Council' will be established to determine Minimum Wages for skilled, un-skilled semi-skilled, piece rated, intellectual workers and other workers on the actual basis.
21. The decision / award Labour Courts and Labour Appellate Tribunal will be made within 60 days.
22. Labour Welfare Schemes will be extended to ensure distribution of 5% to all workers under the Sindh Companies Profits (Workers Participation) Act, 2015.
23. Workers already in employment fulfilling educational qualification against quota fixed for the purpose will be provided the opportunity to be appointed on managerial posts in the factories, industries and commercial establishments.
24. The role of Federation of Trade Union will be legalized in industrial dispute settlements and Collective Bargaining.
25. The Government of Sindh will make efforts to simplify, clear and make the existing labour laws consistent and beneficial for the employers and workers.
26. The Government of Sindh will carry out the survey to legislate terms and conditions and ensure the right to organize under the law for the workers working in the informal sector of employment. In this regard, the Government of Sindh will take effective measures and an online registration of all workers, factories, industries as well as shops & establishments will be established.
27. In order to elevate poverty and uplift the living standards of the workers of Sindh, preference will be given to the local people for employments in industrial and commercial establishments as well as in big malls and other commercial establishments.
28. National Institute for Labour Administration & Training (NILAT) will be upgraded with the latest equipments and facilities as "state of the art".
29. Sindh Labour Policy will create investment, environmental friendly atmosphere, which will facilitate the industrialists for boosting the economic activities in the province

in order to attract local & international investors.

30. The basic rights of the workers as granted in the Constitution, existing labours laws in order International Commitments will be ensured and to improve their welfare by providing health, housing, education and monetary benefits.

31. "Tripartite Committees" will be established in all Industrial Zones to redress the grievances of the workers & employers.

32. "Facilitation Desks" will be established in the offices of Commissioner (SESSI), Directorate of Labour, Secretary, Workers Welfare Board, Sindh and Assistant Commissioner, Mines Labour Welfare Organization to facilitate the industrialists and to redress the grievances of the workers.

33. Complete eradication of Child Labour and Bonded Labour from Sindh Province.

34. Efforts will be made for the capacity building of the officers of Labour & H R department for effective labour inspection.

35. Inspection of Factories and other commercial establishments will be made more effective & transparent to ensure decent, safe and healthy working environment to the workers at work places.

36. Automation in SESSI and Directorate of Labour.

37. "Tripartite Committees" will be established for monitoring of all Hospitals and Dispensaries of SESSI and also all schools of Workers Welfare Board, Sindh.

38. Awareness campaigns amongst the workers/employers for their rights, facilities & duties, as guaranteed by Labour Laws.

39. "The Tripartite Labour Standing Committee" will monitor the implementation status of this policy.



**GOVERNMENT OF SINDH
LABOUR & HUMAN RESOURCES
DEPARTMENT**

Karachi, dated the February, 2018

SAY NO TO CORRUPTION

NOTIFICATION

No.L-II-2-3/2018: With the approval of the Honourable Chief Minister, Sindh, the Labour & H. R. department, Govt. of Sindh is hereby pleased to notify "**1st SINDH LABOUR POLICY-2018**" to frame work of Industrial Relations, Social and Economic Well- being of the people of Sindh province.

ABDUL RASHEED SOLANGI
SECRETARY TO GOVT. OF SINDH

No.L-II-2-3/2018

Karachi, dated the ____ February, 2018.

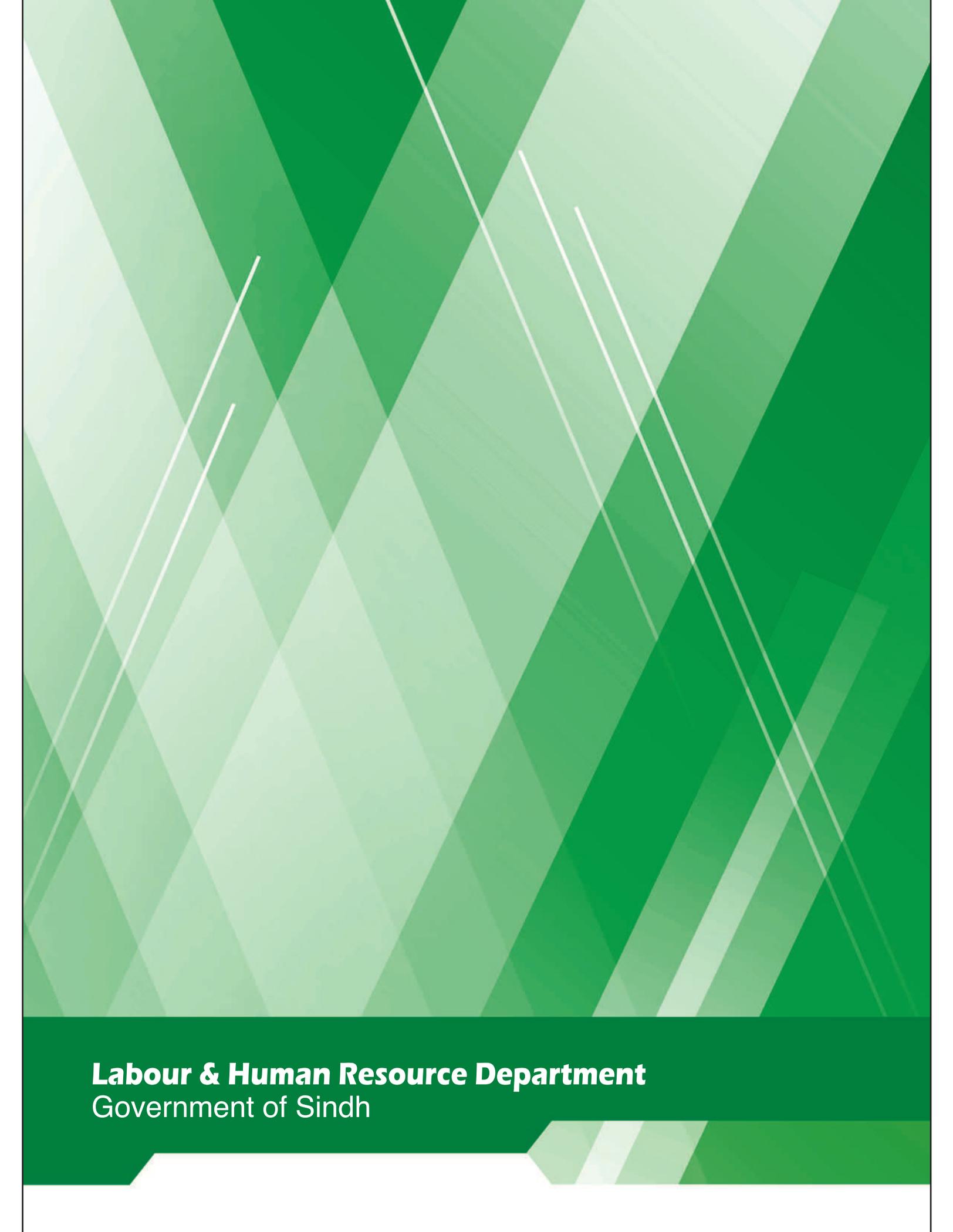
A copy is forwarded for information and necessary action to:

1. The Principal Secretary to Governor Sindh, Karachi.
2. The Principal Secretary to Chief Minister, Sindh, Karachi.
3. The Secretary, Ministry of Overseas Pakistanis & Human Resource Development, Government of Pakistan, Islamabad.
4. All Administrative Secretaries of Government of Sindh _____
5. The Secretary to Provincial Ombudsman, Sindh, Karachi.
6. The Secretary (I.T) Sindh, Karachi with the request to kindly upload on the website of Sindh Government (Labour & HR department).
7. All Divisional Commissioners in Sindh.
8. The Commissioner (SESSI), Karachi.
9. All Deputy Commissioner in Sindh.
10. The Director Labour, Karachi.
11. The Secretary, Workers Welfare Board, Sindh, Karachi.
12. The Country Director (ILO), Pakistan, Islamabad.
13. P.S. to all Provincial Ministers/CS/ACS, Govt. of Sindh.
14. The Superintendent, Sindh Government Printing Press, Karachi for publication in the next issue of official gazette.
15. All Stakeholders _____
16. Office Order file.

(MUHAMMAD YAMIN ANSARI)
SECTION OFFICER (L-II)



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Labour & Human Resource Department
Government of Sindh