

Application of Labour Laws in Pakistan

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Objectives of Labour Laws

Social Justice is the best way to ensure sustainable Peace and eradicate poverty and I believe in people coming together organizing, joining forces, making their voices heard.

- ❑ Promote and realize standards and fundamental principles and rights at Work
- ❑ Create greater opportunities for women and men to secure decent employment and income

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- ❑ Enhance the coverage and effectiveness of social protection for all
 - ❑ Strengthen tripartism and social dialogue

Labour Legislation in Pakistan

- ❑ Pakistan's labour laws trace their origination to legislation inherited from India at the time of partition of the Indo-Pak subcontinent. The laws have evolved through a continuous process of trial to meet the socio-economic conditions, state of industrial development, population and labour force explosion, growth of trade unions, level of literacy, Government's commitment to development and social welfare.

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- ❑ To meet the said objectives, the government of the Islamic Republic of Pakistan has introduced a number of labour policies, since its independence to mirror the shifts in governance from martial law to democratic governance. Under the Constitution labour is regarded as a 'concurrent subject', which means that it is the responsibility of both the Federal and Provincial Governments.

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- However, for the sake of uniformity, laws are enacted by the Federal Government, stipulating that Provincial Governments may make rules and regulations of their own according to the conditions prevailing in or for the specific requirements of the Provinces. The total labour force of Pakistan is comprised of approximately 37.15 million people, with 47% within the agriculture sector, 10.50% in the manufacturing & mining sector and remaining 42.50% in various Other professions.

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- ❑ Earlier the Labour Laws were regulated by the ordinary law of master and servant.
 - ❑ After realizing to legislate the Labour Laws, the Industrial Disputes Act 1947 a central Pre-partition Act was legislated.
 - ❑ The same was repealed by the industrial disputes Ordinance 1959 and subsequently repealed by the west Pakistan industrial dispute Ordinance 1968.

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- ❑ Ultimately Industrial Relations Ordinance 1969 was framed, the same was amended in 2002.
 - ❑ Furthermore, Industrial Relations Act was legislated in 2008.
 - ❑ However, the constitution of Pakistan contains a range of provisions with regards to labour rights found in Part II: Fundamental rights and Principles of Policy

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- ❑ **Article 11** of the constitution prohibits all forms of slavery, forced labour & child labour;
 - ❑ **Article 17** provides for a fundamental right to exercise the freedom of associated form unions;
 - ❑ **Article 18** proscribes the right of its citizens to enter upon any lawful profession or occupation and to conduct any lawful trade or business;

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- ❑ **Article 25** lays down the right to equality before the law and prohibition of discrimination on the grounds of sex alone;
 - ❑ **Article 37(e)** makes 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 & for maternity benefits for women in employment

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Industrial Relation Act 2008

- ❑ **Objects:** i) Formation of Trade Unions
- ii) Regulation of relations between employers & workmen.
- iii) Avoidance & settlement of any difference arising between them or
- iv) matters connected therewith & ancillary thereto

Trade Unions & Freedom of Association

- ❑ Workers without distinction shall have the right to form trade unions
- ❑ Employers without any distinction shall have the right to establish association of employees
- ❑ Trade Unions and employers associations shall have the right to draw their constitutions

Registration of Trade Unions

- ❑ Registration of trade unions
- ❑ Certificate of collective bargaining agent

Collective Labour Disputes/Industrial Disputes

- ❑ Dispute/differences between the employers and trade unions regarding employment/non-employment or condition of work

Settlement of Dispute

- Bilateral negotiations
- Conciliation
- Arbitration

In Case Failure of Settlement

- Strikes
- Lock outs

Redressal of Individual Grievance

- ❑ Grievance Notice to employer regarding enforcement of any guaranteed right under any law award or settlement
- ❑ Grievance petition to the labour court
- ❑ Enforcement of right by the labour court
- ❑ Implementation of the decision of labour court

Unfair Labour Practices

- Unfair Labour practices on part of the employers
- Unfair Labour practice on part of the workers

The Industrial & Commercial Employment Standing Orders ordinance 1968

- ❑ Object: An Ordinance to amend and consolidate the law relating to Industrial employment in the Provinces

- ❑ Industrial establishment
- ❑ Commercial establishment
- ❑ Employer
- ❑ Worker
- ❑ Penalties & procedures
- ❑ Classification of workers
- ❑ Terms & conditions of service
- ❑ Group Incentive Schemes

Contd...

- Compulsory group insurance

- Payment of bonus
- Stoppage of work
- Closures of establishment
- Termination of employment
- Payment of gratuity
- Retrenchment
- Misconduct
- Charge sheet & Inquiry