



INTERNATIONAL LABOUR ORGANISATION



LABOUR & HUMAN RESOURCE DEPARTMENT
GOVERNMENT OF PUNJAB

Tripartite Workshop on International Labour Standards:

Obligations & Opportunities

Report of Workshop held on

13-14 December, 2006

Remarks By Raja Faizul Hassan Faiz Central Labour Advisor, Labour & Manpower Division, Government of Pakistan

It is a matter of great pleasure for me to welcome you all to this Tripartite Workshop on International Labour Standards: Obligations and Opportunities. Let me, first of all, thank Rana Muahammad Qasim Noon the Minister for Labour and Human Resource Punjab for sparing some of his precious time to grace the



1

event. His presence is indeed a source of encouragement for us. My sincere thanks are also due to the organizers of the Workshop, more specifically Mr. Saeed Awan, Director IRI, for making painstaking arrangements for the workshop. The main objective of the Workshop is to enhance understanding of International Labour Standards among the stakeholders with a view to building their capacity to contribute to the promotion and enforcement of these standards in the country.

Today's world is characterized by ever-emerging challenges. May those be of globalization and social linkages at the international front; or creation of job opportunities, provision of social safety nets to the workers, improving occupational safety and health conditions, and human resource development at the national front. Globalization, as a major challenge, has given rise to prospects as well as constraints for the developing countries. The challenges of globalization as such need to be taken up. We have to prepare ourselves to meet these challenges in the field of labour so as to reap the benefits of globalization and to avert its disadvantages. It is need of the hour to protect the rights of workers and to uphold workplace standards as guaranteed by the Constitution and the international covenants.

The Government is fully committed to enforce the international norms and standards in the field of labour; and to fulfill this commitment we are striving

to keep our national objectives in conformity with the principles of the International Labour Standards. This is reflected in the fact that Pakistan has ratified 35 ILO Conventions out of which 33 are in force. These ratified conventions include all the 8 Core Conventions as enshrined in the ILO Declaration. The core standards relate to the fundamental human rights to be observed at the work place. They cover the important areas of labour standards like freedom of association, collective bargaining, abolition of forced labour, elimination of worst forms of child labour, and equal remuneration. The international labour standards are being implemented through labour laws, labour policy and institutional set-up which aim at promotion of labour relations/industrial relations, occupational safety and health, social security, employment, skills and vocational training, workers education, women workers rights, equality and non discrimination at the workplace, elimination of child labour and prevention and elimination of bonded labour etc.

But to achieve the objective we have to work even harder. As the enforcement of international labour standards can only be ensured through active involvement of all the stakeholders, it is important to strengthen their capacity in this regard. Today's workshop is being organized with this objective in view. I hope it would prove to be effective in imparting necessary know-how to the participants on the subject. I once again thank you all for sparing your valuable time and energies for the Workshop.

Remarks by Mr. Gagan Rajbhandari, Senior Analyst, ILO Office Pakistan

3

It is an honour and pleasure to be amongst you. Today I am particularly delighted because we have all assembled here for a discussion on a subject which is very dear and relevant to all of us: the International Labour



Standards. We are grateful that, Minister sahib has found time to grace this occasion, despite his busy schedule. This is a demonstration of Government's commitment towards ILS. On behalf of ILO Director in Pakistan Mr. Donglin Li, I would like to thank Secretary Labour and Industrial Relations Institute for the initiative.

At heart, what the ILO is about is what we can do together to strengthen democratic institutions, expand economic opportunity, advance political freedom and promote human dignity. For ILO the primary goal today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. ILO's Decent Work Agenda sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.

Ladies and Gentlemen, many of you may know that ILO is a unique institution. At the ILO, governments, business and workers come together around a table of shared values. We understand that labour standards and work are two sides of the same coin. Without workers, there are no enterprises. Without work, there are no worker rights. So an enabling environment for investment and enterprise creation is an essential part of the ILO equation.

The ILO has a powerful legislative capacity. We translate the social objectives of our Constitution into international Conventions. These Conventions, once ratified by national parliaments, enter into national law and are subject to national judicial systems and enforcement procedures. In this way, the ILO translates international commitments into binding national action through a voluntary procedure. In so doing, countries accept that their legislation will be monitored for conformity with ratified conventions. International complaints procedures—particularly on Freedom of Association—can be activated by workers and employers. Most labour legislation in the world has its roots in the Conventions of the ILO.

4

Together with the tripartite constituents, we decided the single overriding goal of the organization must be to promote opportunities for decent work for families worldwide.

We have reorganized the ILO around that goal—through four strategic objectives: rights at work, employment, social protection and social dialogue or labour-management cooperation. We have combined the traditional ILO agenda of rights at work and social protection with a 21st century development agenda for investment, sustainable growth, and jobs. We call it the ILO Decent Work Agenda.

Perhaps there is no issue that better tests the need to combine economic and social development than the challenge of globalization, trade and labour standards. These are real and interrelated issues. And they are not entirely new, the ILO Constitution of 1919 state that “The failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which decide to improve the conditions in their own country.” The Copenhagen Social Summit in 1995 made an important breakthrough. It defined the social floor for the global economy as encompassing core ILO Conventions: freedom of association and collective bargaining; freedom from forced labour; freedom from discrimination; and the abolition of child labour.

These rights are not about applying the same minimum wages or unemployment benefits currently enjoyed by developed countries to developing countries today--although that is a legitimate aspiration for workers on the path to development. The consensus, rather, was on enabling rights which allow people to organize themselves, to claim their fair share of the wealth they have helped to create according to the economic possibilities of each society. And it was part of a development agenda that included poverty eradication, job creation, gender equality, and strong international support. The ILO embodied the Copenhagen consensus in a Declaration on Fundamental Principles and Rights at Work. In adopting the Declaration in 1998, countries pledged as a condition of their membership to uphold these principles and rights. With the financial support from member states we are working in many countries on child labour, freedom of association, forced labour and workplace discrimination.

Today, the challenge is about finding the best policies to pursue innovation and entrepreneurship in open societies and open economies. How to promote decent work opportunities—fundamental worker rights—social safety nets. How to balance the economic with the social and the environmental in a world that is growing more interdependent but less integrated. For this we need dialogue. We need to listen to each other—understand one another. We need to think together—work together—act together. We are built on the notion of interdependence and dialogue.

In Pakistan ILO has been implementing its Decent Work Country Programme in collaboration and cooperation of our constituents. We have been working in partnership with the Government, workers and Employers on many important initiatives. We are fighting unemployment and poverty, we are creating employment for women and men, we are fighting child labour, we are helping the victims of last years devastating earthquake. These are only few examples. In the coming days we will continue to work very closely to make further improvements in the world of work in Pakistan.

Last year ILO had organized a tripartite training programme in Islamabad on ILS. It was also attended by other line ministries. The training workshop recommended that this training should be replicated for capacity building of tripartite constituents in the country. We then planned for a series of training in all four provinces. The first was organized in NWFP, this is the second one, and two more will be organized in Sindh and Balochistan.

I thank you once again for providing me with this opportunity to interact with all of you.

Once again, on behalf of my Director Mr. Li our gratitude to Secretary Tarar Who has been a source of inspiration for us in discharging our mandate in Punjab. Thank you sir. Industrial Relations Institute has been a wonderful partner in many initiatives, including OSH related programme. Special thanks to Mr. Awan for his energies.

I would also like to thank Mr. Faizul Hasan Faiz for his valuable inputs in this workshop, and his continued involvement for the improvements in world of work in Pakistan.

My colleague Mr. Coen Kompier is the main resource person for the workshop. I am sure we all have many things to gain from him with his rich experience. Thank you being there when needed.

All the best

Remarks by Mr. Iftikhar Mahmood Randhawa Employers Federation of Pakistan

On behalf of the employers of Pakistan I would like to assure all our stakeholders specially workers and the government that the employers and their representative organizations in Pakistan are fully committed to implements the international labour standards. In fact no business can prosper without abiding by the principles of International Labour Standards. In fact these standards are as much in the favour of employers as they are for the workers.



7

The present age is of competitiveness in which the role of employer and workers is equally important. They have to work like a team and make the business a success. Employers also have to respect and fundamental rights of workers who are the key factor in making the business a success or a failure. The Webcop Pakistan is a joint initiative of the workers and employers and provided a unique forum to evolve a common agenda for both stakeholders and discuss all important issue bilaterally.

Remarks by Mr. Khurshid Ahmed

General Secretary, Workers Federation of Pakistan

On behalf of the workers of Pakistan I would like to thank the Labour Department and ILO for organizing this capacity building workshop on International Labour Standards. I would like to urge the Government of Pakistan as well as the employers to follow the ILO Conventions ratified by Pakistan. These Conventions provide a path and framework for establishing a society based on fairplay and social justice. We also demand that the forums like this one should be held more widely to meet the challenges of globalization and unemployment.

8

At present a number of laws and policies adopted by the government do not conform to the international labour standards. We would request that the government and all stakeholders may review the implications of these laws as they are neither in the interest of the country or the employers. I would suggest that more such sessions be held by the Labour Department for government functionaries and other stakeholders so that the employers and workers in Pakistan can work together for achieving maximum economic progress and all the rights and responsibilities are understood and implemented.



Address by Mr. Hassan Nawaz Tarar

Secretary Labour and Human Resource department, Government of the Punjab

I welcome all invited guests, participants of workshops representatives of employers, trade unions NGOs and media on the inauguration of this important workshop on International Labour Standards: Obligations and opportunities. We are thankful to the ILO and Ministry of Labour for choosing our institution namely CIWCE and IRI for holding this important workshop.



9

International Labour Standards provide the backbone for creating social justice and decent work in the society, without which no social or economic progress can be made. These standards cover the whole spectrum of social and economic interactions between workers, employers, government and address such diverse issues as freedom of association, occupational health and safety, forced and bonded labour, child labour, social security, labour inspection, tripartite consultation, vocational guidance, employment policy, non discrimination, wages, work duration and maternity.

In today's globalised world these standards are the only hope for the marginalized workers as well as countries, to ensure a fair globalization without adverse effects on the workers and workplaces. I am sure Mr. Coen Kompier who has traveled from New Delhi and Raja Faizul Hassan Faiz Central Labour Advisor of Ministry of Labour will build the capacity of the trainees of this workshop so they can play leading role within their organizations to promote international labour standards.

International Labour Standards are at the heart of labour policies and laws in Pakistan. Pakistan has ratified all the 8 core conventions of ILO which reflect the commitment of government to abide these standards. Labour Department in Punjab through its various components is providing services facilities and legal protection as envisaged in the International labour Standards. We play a key role in maintaining harmonious industrial relations, freedom of association, labour administration and inspection. We have started major initiatives to combat bonded labour in Punjab. The brick kiln workers are being facilitated to acquire national ID cards, schools for the children of brick kiln workers will be opened with the collaboration of Literacy department. We are providing quality healthcare facilities to workers through Social Security Institution. Through the Workers' Welfare Board we have opened quality schools in all parts of the province for the workers' children. The workers are also provided grants on the occasion of the marriages of their daughters.

Already the work of CIWCE is known globally for the Award it has received for designing ergonomic loom. We intend to make this institution the hub of training and capacity building activities and request the strong support of ILO and Ministry of Labour to utilize the full potential of human and material resources available at this institution. ILO and the Ministry are welcome to hold their events at this institution. In fact this Centre can be made a regional focal centre for training and research activities on occupational health and safety, child and bonded labour and women's employment concerns. I am thankful to all the participants and invitees for sparing their time for attending this event.

Address by the Chief Guest Rana Muhammad Qasim Noon

Minister for Labour and Human Resource Punjab

11

It is indeed a pleasure for me to inaugurate this two days tripartite workshop on “International Labour Standards: Obligations & Opportunities”. I am thankful to the Ministry of Labour which has taken this initiative to build the capacity of important stakeholders on international labour standards. I also appreciate ILO for providing technical inputs including expertise for conducting this workshop. I think this workshop will go a long way in achieving the objective of decent work for all.



The challenges of globalization pose unprecedented threats to the workers and employers particularly in the developing countries. With the opening up of the world trade there is a likelihood of increased competition of quality and pricing and those enterprises, which cannot meet these challenges are being wiped out.

Globalization has created opportunities and benefits for many, yet at the same time millions of workers and employers in Pakistan and are facing new challenges. The globalized economy is rapidly displacing capital and workers. Despite the rosy pictures painted earlier, globalization has not brought an era of prosperity for all. A large number of workers are living below or at the poverty line. In 2001 it was estimated that virtually half of the world's

population survived on US\$2 or less per day, while some 1.1 billion people, or 21% of the world's population, were living on US\$1 or less per day.

Ladies & Gentlemen

According to the UN Secretary General Mr. Kofi Annan, "We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights". In today's globalized economy, international labour standards are an essential component in the international framework for ensuring that the growth of the global economy provides benefits to all. Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.

Ladies & Gentlemen

12

The adherence to social norms and human rights standards is becoming very important for the industry to compete in international market. Already a number of social and environmental standards pertaining to the working conditions in the industry and commercial sector are being implemented on voluntary basis by certain industries. Most of these standards have their origin in the "Core Conventions of ILO", which define the fundamental human rights at workplaces. Pakistan has ratified 35 Conventions of ILO, and most of our labour laws are framed in compliance with these Conventions. ILO's Declaration on Fundamental Principles and Rights at Work is an expression of commitment by governments, employers' and workers' organizations to uphold basic human values - values that are vital to the social and economic lives of individuals and the nations.

Ladies & Gentlemen

Labour and Human Resource Department Punjab is the focal government agency spearheading the efforts to secure rights of workers, to promote harmonious industrial relations and to provide basic facilities to the workers in the province. The Labour Department through its various wings, implements labour laws and provides social security benefits to the workers. Also housing schemes and educational facilities are provided to the workers in all parts of the province.

The regulatory bodies like Labour Department and the district governments as well as the employers and workers' representatives and NGOs need to focus more on the protection of the rights of workers in changing global scenario. There is an urgent need to enhance their capacity to understand the issues covered by International labour Standards including the Core Conventions of ILO.

I hope the present workshop will prepare all these key partners to play more effective role in understanding and promoting the international labour standards. In the end I would like to thank all the participants and invitees for sparing their valuable time to attend this event.

Introduction to International Labour Standards

**Mr. Coen Kompier
Senior Specialist ILS
ILO Sub-Regional Office New Delhi**

14

The International Labour Organisation (ILO) is the oldest UN agency. It was established in 1919. The primary reason for its creation was to promote global peace and harmony by promoting social justice. The preamble to the constitution of ILO states that “*Universal and lasting peace can be established only if it is based upon social justice*”. Since its inception, the ILO has maintained and developed a system of international labour standards aimed at promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and dignity. According to the UN Secretary General Mr. Kofi Annan, “We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights”. In today's globalized economy, international labour standards are an essential component in the international framework for ensuring that the growth of the global economy provides benefits to all. Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.

Decent work should be at the heart of global, national and local strategies for economic and social progress. It is central to efforts to reduce poverty, and a means for achieving equitable, inclusive and sustainable development. The ILO works to promote decent work through its work on employment, social protection, standards and fundamental principles and rights at work and social dialogue. In each of these areas, people throughout the world face deficits, gaps and exclusions in the form of unemployment and underemployment, poor quality and unproductive jobs, unsafe work and insecure income, rights which are denied, gender inequality, migrant workers who are exploited, lack of representation and voice, and inadequate protection and solidarity in the face of disease, disability and old age. ILO

programmes aim to find solutions to these problems. In today's globalized economy, international labour standards are an essential component in the international framework for ensuring that the growth of the global economy provides benefits to all. Globalization has created opportunities and benefits for many, yet at the same time millions of workers and employers worldwide have had to face new challenges. The globalized economy has displaced workers and enterprises to new locations, resulted in the sudden accumulation or flight of capital, and caused financial instability in certain regions. Despite initial optimism, globalization has not ushered in an era of prosperity for all. In 2001 it was estimated that virtually half of the world's population survived on US\$2 or less per day, while some 1.1 billion people, or 21% of the world's population, were living on US\$1 or less per day.

Inequality within many countries and between the world's richest and poorest nations has also grown exponentially over the last few decades. In 1960 the income gap between the wealthiest and the poorest fifth of the world's population was 30 to 1. By 1999, it had increased to 74 to 1.

15

The continued development of the global economy in this direction is neither sustainable nor desirable. Inequality not only leads to a decline in productivity but also breeds poverty, social instability and even conflict. In view of this, the international community has recognized the need to establish some basic rules of the game to ensure that globalization offers a fair chance at prosperity for everyone.

The Decent Work Agenda of ILO aims to achieve decent work for all by promoting social dialogue, social protection and employment creation, as well as respect for international labour standards. The standards have grown into a comprehensive system of instruments on work and social policy, backed by a supervisory system designed to address all sorts of problems in their application at the national level. They are the legal component in the ILO's strategy for governing globalization, promoting sustainable development, eradicating poverty, and ensuring that people can work in dignity and safety. The challenges of globalization have made international labour standards more relevant than ever. What benefits do they provide today?

International labour standards are first and foremost about the development of people as human beings. In the ILO's Declaration of Philadelphia of 1944, the international community recognized that "labour is not a commodity". Indeed, labour is not like an apple or a television set, an inanimate product

that can be negotiated for the highest profit or the lowest price. Work is part of everyone's daily life and is crucial to a person's dignity, well-being and development as a human being. Economic development should include the creation of jobs and working conditions in which people can work in freedom, safety and dignity. In short, economic development is not undertaken for its own sake but to improve the lives of human beings; international labour standards are there to ensure that it remains focused on improving human life and dignity.

Achieving the goal of decent work in the globalized economy requires action at the international level. The world community is responding to this challenge in part by developing international legal instruments on trade, finance, environment, human rights and labour. The ILO contributes to this legal framework by elaborating and promoting international labour standards aimed at making sure that economic growth and development go along with the creation of decent work. The ILO's unique tripartite structure ensures that these standards are backed by governments, employers, and workers alike. International labour standards therefore lay down the basic minimum social standards agreed upon by all players in the global economy.

16

An international legal framework on social standards ensures a level playing field in the global economy. It helps governments and employers to avoid the temptation of lowering labour standards in the belief that this could give them a greater comparative advantage in international trade. In the long run such practices do not benefit anyone. Lowering labour standards can encourage the spread of low-wage, low-skill, and high-turnover industries and prevent a country from developing more stable high-skilled employment, while at the same time making it more difficult for trading partners to develop their economies upwards. Because international labour standards are minimum standards adopted by governments and the social partners, it is in everyone's interest to see these rules applied across the board, so that those who do not put them into practice do not undermine the efforts of those who do.

International labour standards are sometimes perceived as entailing significant costs and thus hindering economic development. A growing body of research indicates, however, that compliance with international labour standards often accompanies improvements in productivity and economic performance. The beneficial effects of labour standards do not go unnoticed by foreign investors. Studies have shown that in their criteria for choosing countries in which to invest, foreign investors rank workforce quality and

political and social stability above low labour costs. At the same time, there is little evidence that countries which do not respect labour standards are more competitive in the global economy.

International labour standards are the result of discussions among governments, employers and workers, in consultation with experts from around the world. They represent the international consensus on how a particular labour problem could be tackled at the global level and reflect knowledge and experience from all corners of the world. Governments, employers' and workers' organizations, international institutions, multinational companies and non-governmental organizations can benefit from this knowledge by incorporating the standards in their policies, operational objectives and day-to-day action. The standards' legal character allows them to be used in the legal system and administration at the national level, and as part of the corpus of international law which can bring about greater integration of the international community.

Conventions and Recommendations

17

International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) and setting out basic principles and rights at work. They are either *conventions*, which are legally binding international treaties that may be ratified by member states, or *recommendations*, which serve as non-binding guidelines. In many cases, a convention lays down the basic principles to be implemented by ratifying countries, while a related recommendation supplements the convention by providing more detailed guidelines on how it could be applied. Recommendations can also be autonomous, i.e. not linked to any convention. Conventions and recommendations are drawn up by representatives of governments, employers and workers and are adopted at the ILO's annual International Labour Conference. Once a standard is adopted, member states are required under the ILO Constitution to *submit* them to their competent authority (normally the parliament) for consideration. In the case of conventions, this means consideration for *ratification*. If it is ratified, a convention generally comes into force for that country one year after the date of ratification. Ratifying countries commit themselves to applying the convention in national law and practice and reporting on its application at regular intervals. The ILO provides technical assistance if necessary. In addition, representation and complaint procedures can be initiated against countries for violations of a convention they have ratified.

Fundamental Conventions

The ILO's Governing Body has identified eight conventions as "fundamental", covering subjects that are considered as fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. These principles are also covered in the ILO's Declaration on Fundamental Principles and Rights at Work (1998).

Priority Conventions

The ILO's Governing Body has also designated another four conventions as "priority" instruments, thereby encouraging member states to ratify them because of their importance for the functioning of the international labour standards system.

18

International labour standards evolve from a growing international concern that action needs to be taken on a particular issue, for example providing working women with maternity protection, or ensuring safe working conditions for agricultural workers. Developing international labour standards at the ILO is a unique legislative process involving representatives of governments, workers and employers from around the world. As a first step, the Governing Body agrees to put an issue on the agenda of a future International Labour Conference. The International Labour Office prepares a report that analyses the laws and practices of member states with regard to the issue at stake. The report is circulated to member states and to workers' and employers' organizations for comments and is discussed at the International Labour Conference. A second report is then prepared by the Office with a draft instrument for comments and submitted for discussion at the following Conference, where the draft is amended as necessary and proposed for adoption. This "double discussion" gives Conference participants sufficient time to examine the draft instrument and make comments on it. A two-third majority of votes is required for a standard to be adopted.

The ILO's supervisory bodies -- the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards -- regularly examine the application of International Labour Standards in ILO member States. Representation and complaint

procedures can also be initiated against states that fail to comply with conventions they have ratified.

Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four priority conventions they may have ratified; for all other conventions, reports must be submitted every five years, except for conventions that have been shelved (no longer supervised on a regular basis). Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO.

The Committee of Experts was set up in 1926 to examine the growing number of government reports on ratified conventions. Today it is composed of 20 eminent jurists appointed by the Governing Body for three-year terms. The Experts come from different geographic regions, legal systems and cultures. The Committee's role is to provide an impartial and technical evaluation of the state of application of international labour standards.

19

When examining the application of international labour standards the Committee of Experts makes two kinds of comments: observations and direct requests. Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned. Committee of Experts names countries violating their obligations in a report issued before every International Labour Conference. Inclusion in COE report means country will have to defend itself in the Conference Committee on Application of Standards (CAS).

The annual report of the Committee of Experts, usually adopted in December, is submitted to the International Labour Conference the following June, where it is examined by the Conference Committee on the Application of Standards. A standing committee of the Conference, the Conference Committee is made up of government, employer, and worker delegates. It examines the report in a tripartite setting and selects from it a number of observations for discussion. The governments referred to in these comments are invited to respond before the Conference Committee and to provide

information on the situation in question. In many cases the Conference Committee draws up conclusions recommending that governments take specific steps to remedy a problem or to invite ILO missions or technical assistance. The discussions and conclusions of the situations examined by the Conference Committee are published in its report. Situations of special concern are highlighted in special paragraphs of its General Report. Inclusion of country's name in special paragraph is considered very serious and can have serious repercussions on the image of that country.

Pakistan and the ILO

International Labour Office, Islamabad

This document has been prepared by the ILO in May 2006, and revised in December 2006. The document intends to keep the Provincial and local Governments and the social partners informed about the obligations and opportunities of Pakistan under the ILO Constitution and for the purpose of strengthening social dialogue in relation to international labour standards.

1. ILO programme in Pakistan

Presence and relations

Pakistan has been an important and active Member State of the ILO since its inception in 1947. Pakistan's Government, Employers, and Workers representatives have been elected Members of the ILO Governing Body repeatedly over the years. The ILO Office was established in Pakistan in 1970 which was first located in Karachi and later shifted to Islamabad when it became the national capital. Prior to that, the ILO had a Correspondence Office in Karachi with an ILO National Correspondent.

21

The ILO Office in Islamabad has its own building including an Auditorium. The land for the Office was donated by the government of Pakistan and construction was carried out by the ILO. The building is a symbol of ILO's stature in Pakistan and its permanence.

ILO Office maintains close relations with its tripartite constituents through systematic dialogue and consultation. In addition to its tripartite constituents, ILO being a sister agency of the United Nations system, works with the United Nations Development Assistance Framework (UNDAF) aiming to achieve the Millennium Development Goals (MDGs). ILO also proactively engages with international donors and the development Banks in Pakistan, particularly to inform the processes of their country assistance programmes. ILO is part of several coordination groups including those on poverty, education, HIV/AIDS, gender etc. Several civil society organisations are partners of the ILO operations in Pakistan.

A glance through history

The ILO has been providing technical assistance to Pakistan in various fields of its competence and concern such as implementation of international labour standards through national law development, labour policy formulation, labour administration, labour relations/industrial relations, occupational safety and health, social security, employment, skills and vocational training, workers education, women workers rights, equality and non discrimination at the workplace, elimination of child labour and prevention and elimination of bonded labour etc.

Over the years, a number of institutions were established and put into operation in Pakistan such as Vocational Training Centres throughout the country including Women's Training Centres; Centre for the Improvement of Working Conditions and Environment at Lahore; Mines Rescue and Safety Stations near Quetta and in Khushab; Occupational Safety and Health Centre at Karachi; Directorate of Workers Education, Skills Development Councils etc.

Similarly, a number of institutions were strengthened such as National Institute of Labour Administration Training, Karachi; Pakistan Institute of Management, Karachi; Pakistan Institute of Tourism and Hotel Management, Karachi; Employees Old Age Benefits Institution, Karachi; Sindh Employees Social Security Institution; Federal Ministry of Labour and Manpower; Pakistan Manpower Institute, Islamabad; provincial Directorates of Labour and Manpower; Central and provincial Inspectorates of Mines Safety, Industrial Relations Institute, Lahore, etc. This technical assistance included expert advisory services, training (both in country and at the ILO International Turin Centre), institutional capacity development, knowledge base development, demonstrational projects and equipment.

Recent and ongoing technical assistance

ILO has had the opportunity to comment on national policies such as 2005 Labour Protection and Labour Inspection policies which have now been approved by the Prime Minister. MOL has finalized its respective road-maps, ready for implementation soon. Assistance and inputs are provided continually in employment policy/strategy; vocational training policy; child labour policy, bonded labour policy, youth policy, macroeconomic and growth policies and the poverty reduction strategy. In addition, ILO has provided technical assistance towards the improvement of the national Labour Force Survey. In terms of knowledge base development, ILO assisted Pakistan in the conduct of major national surveys such as the 1996 Child

Labour Survey by the Federal Bureau of Statistics and the first ever compendium of rapid assessments on the situation of bonded labour in Pakistan 2003 by Government of Pakistan. Moreover major analytical studies pertaining to productivity in potential growth sectors, impact of regulation on growth of Small and Medium Enterprise (SME) sector, situation of women entrepreneurs etc. have contributed to the body of information both nationally and internationally. These studies have contributed towards the design of major national programmes.

In practical terms, the ILO is assisting victims of the Kashmir earthquake with livelihood assistance such as skill training initiatives and labour intensive infrastructure works.

23

Further collaboration between ILO and Pakistan is in the fields of elimination of child labour; prohibition of forced/bonded labour; promotion of employment and skills training for women and men. The majority of ILO technical cooperation projects are in the field of progressive elimination of child labour including providing non-formal education and social protection to working children through partial withdrawal from their work with the collaboration of their employers and assistance to parents for their income loss/alternate income through skills training and micro-credit. The focus of ILO child labour projects has been on export oriented industries such as soccer ball manufacturing, surgical instruments manufacturing and carpet weaving. Collaboration with ILO in these industries, particularly the soccer ball industry, has resulted in world acclaim leading to increase in their exports. Notwithstanding the export related industries, ILO child labour projects also cover the informal sector and the more invisible sectors. The other sectors include, Trafficking, Coal Mines in Punjab, Deep Sea Fishing in Gawadar in Baluchistan, Bangle making in Hyderabad in Sindh, Leather Tanneries in Kasur in Punjab, rag-pickers in Rawalpindi and Child Domestic Labour in Lahore and Rawalpindi. Other than rag-picking and domestic labour, the remaining occupations have been declared as hazardous occupations by the government under the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) ratified by Pakistan thereby calling for immediate withdrawal of the working children.

Until very recently, the ILO was implementing the national chapter of a sub regional programme for Preventing and Eliminating Bonded Labour in South Asia (PEBLISA). This path-breaking project assists government in implementing its National Policy for the elimination of Bonded Labour through institutional strengthening and assists 700 freed bonded labour

families in Sindh through an integrated rehabilitation package. The project has received the World Bank CGAP award in 2003 for being an innovative poverty reduction model for the most vulnerable populations in Pakistan. A new three year programme on bonded labour, PEBLIP, is currently being prepared for implementation, focussing among other on brick kilns in Punjab.

In the field of employment promotion/income generation, ILO is implementing three major initiatives. Training for Rural Economic Empowerment is being implemented in Districts Attock in Punjab and Mardan in NWFP. This project showcases the ILO Community Based Training Methodology that targets the most marginalised segments of the rural society of these districts. This methodology has been well received by Government of Pakistan and as a result of its success the Government of Punjab plans to replicate the model in 5 districts from its own resources. Moreover, its success led the Government to advise ILO to provide technical assistance to the Prime Minister's programme for training and employment generation with the assistance of the UNDP. ILO is also implementing a major initiative for women's economic empowerment with the assistance of the Canadian Government. More over ILO is about to commence a project of support to the Ministry of Labour for developing and strengthening its Labour Market Information and Analysis Unit.

Given that ILO promotes its integrated, unified and holistic Decent Work Agenda together with its tripartite constituents, over 2004, the Pakistan Decent Work Country Programme (DWCP) was formulated through extensive national and provincial consultation. The DWCP (2005) being a shared vision of government, workers, employers and ILO sets out country objectives and priorities that will guide ILO's work and its tripartite constituents' efforts over the next four years.

Near future issues

1. IRO 2002 is still under discussion in the committee of the Cabinet. Ministry of Labour is following up.
 2. Finance Bill 2006, its controversies and its changes:
 - Minimum wage has been raised to 4000 rupees per month
 - Compensation for injury and death has been raised
 - Pensions have been raised
 - Hours of night work by women have been increased, with conditions, but formally spoken night work for women is still illegal.
-

Ratification of the 1990 ILO Night Work Protocol of C. 89 on Night Work for Women (or ratification of C. 171 on Night Work) and amendment of national laws are required for such legalization.

- Eligible over-time hours has been increased
 - Contract workers have been included in the classification of workers. They will now enjoy all the rights as workers (with this the classification of workers has increased from 5 to 6).
3. EPZ laws.

2 Pakistan and the ILO

2.1 Membership: 1947

Pakistan became the 54th Member of the International Labour Organization on 31 October 1947.

As a Member of the ILO, Pakistan fully participates in the activities of the Organization and to send representatives to the International Labour Conference. Through its tripartite delegate – representatives of the Government, the organizations of employers and of workers – Pakistan fully participate in the bodies of the Organization.

25

2.2 Ratification of ILO Conventions

The ILO's standards take the form of international labour Conventions and Recommendations. The international labour Conventions are international treaties, subject to ratification by ILO member States. International Labour Recommendations are non-binding instruments – typically dealing with the same subjects as Conventions. They set out guidelines that can orient national policy and action. Both forms are intended to have a concrete impact on working conditions and practices in every country.

Table 1 33 International Labour Conventions in force for Pakistan

Convention	Ratification date	Status
C1 Hours of Work (Industry) Convention, 1919	14:07:1921	ratified
C4 Night Work (Women) Convention, 1919	14:07:1921	ratified
C6 Night Work of Young Persons (Industry) Convention, 1919	14:07:1921	ratified
C11 Right of Association (Agriculture) Convention, 1921	11:05:1923	ratified
C14 Weekly Rest (Industry) Convention, 1921	11:05:1923	ratified
C15 Minimum Age (Trimmers and Stokers) Convention, 1921	20:11:1922	denounced on 06:07:2006
C16 Medical Examination of Young Persons (Sea) Convention, 1921	20:11:1922	ratified
C18 Workmen's Compensation (Occupational Diseases) Convention, 1925	30:09:1927	ratified
C19 Equality of Treatment (Accident Compensation) Convention, 1925	30:09:1927	ratified
C21 Inspection of Emigrants Convention, 1926	14:01:1928	ratified
C22 Seamen's Articles of Agreement Convention, 1926	31:10:1932	ratified
C27 Marking of Weight (Packages Transported by Vessels) Convention, 1929	07:09:1931	ratified

C29 Forced Labour Convention, 1930	23:12:1957	ratified
C32 Protection against Accidents (Dockers) Convention (Revised), 1932	10:02:1947	ratified
C41 Night Work (Women) Convention (Revised), 1934	22:11:1935	denounced on 14:02:1951
C45 Underground Work (Women) Convention, 1935	25:03:1938	ratified
C59 Minimum Age (Industry) Convention (Revised), 1937	26:05:1955	ratified
C80 Final Articles Revision Convention, 1946	25:03:1948	ratified
<i>C81 Labour Inspection Convention, 1947</i>	10:10:1953	ratified
C87 Freedom of Association and Protection of the Right to Organise Convention, 1948	14:02:1951	ratified
C89 Night Work (Women) Convention (Revised), 1948	14:02:1951	ratified
C90 Night Work of Young Persons (Industry) Convention (Revised), 1948	14:02:1951	ratified
C96 Fee-Charging Employment Agencies Convention (Revised), 1949	26:05:1952	ratified
C98 Right to Organise and Collective Bargaining Convention, 1949	26:05:1952	ratified
C100 Equal Remuneration Convention, 1951	11:10:2001	ratified
C105 Abolition of Forced Labour Convention, 1957	15:02:1960	ratified
C106 Weekly Rest (Commerce and Offices) Convention, 1957	15:02:1960	ratified

C107 Indigenous and Tribal Populations Convention, 1957	15:02:1960	ratified
C111 Discrimination (Employment and Occupation) Convention, 1958	24:01:1961	ratified
C116 Final Articles Revision Convention, 1961	17:11:1967	ratified
C118 Equality of Treatment (Social Security) Convention, 1962	27:03:1969	ratified
C138 Minimum Age Convention, 1973	06:07:2006	ratified
<i>C144 Tripartite Consultation (International Labour Standards) Convention, 1976</i>	25:10:1994	ratified
C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983	25:10:1994	ratified
C182 Worst Forms of Child Labour Convention, 1999	11:10:2001	ratified

2.3 The 94th (maritime), 95th and 96th Session of the International Labour Conference

The 94th Session of the Conference took place in February 2006 and was concluded with the adoption of the Maritime Labour Convention, 2006.

The 95th Session took place from Tuesday 31 May to Thursday 16 June 2006, at the *Palais des Nations* and at the headquarters of the ILO, Geneva.

The main items on the agenda of the Conference are:

- Information and reports on the (Standing Committee) on application of Conventions and Recommendations with a Special Session on forced labour in Myanmar;
- Occupational safety and health – adoption of a new Convention (No. 187) and a new Recommendation (No.

- 197) on the promotion framework for occupational safety and health;
- Adoption of a Recommendation on the employment relationship (No. 189);
- ILO technical cooperation – general discussion.

The 96th Session, in 2007, will deal with work in the fishing sector, promotion of sustainable enterprises, and the strengthening of the ILO's capacity to assist its members' efforts to reach its objectives in the context of globalization.

3 Ratification prospects for Pakistan

3.1 ILO Declaration on Fundamental Principles and Rights at Work

29

In 1995, the United Nations World Summit on Social Development in Copenhagen agreed on a set of commitments that mapped out new territory. The Summit's third commitment established full employment as a basic priority of social and economic policies. Delegates also agreed to safeguard the basic rights of workers, "and to this end, freely promote respect for relevant International Labour Organization Conventions. These words paved the way for the development of the ILO Declaration on Fundamental Principles and Rights at Work.

In June of 1998, the government, employer and worker representatives meeting at the International Labour Conference took an historic step and adopted the Declaration and its Follow-up. The Declaration commits all ILO member States to respect the principles in four areas, whether or not they have ratified the specific Conventions. Those four areas are: freedom of association and collective bargaining, the elimination of forced labour, the elimination of child labour, and the elimination of discrimination in respect of employment and occupation.

3.2 Fundamental Conventions

The 1998 Declaration covers the following eight Fundamental Conventions for which the ILO is seeking universal ratification.

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98);
- Forced Labour Convention, 1930 (No. 29);
- Abolition of Forced Labour Convention, 1957 (No. 105);
- Equal Remuneration Convention, 1951 (No. 100);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- **Minimum Age Convention, 1973 (No. 138); (new!)**
- Worst Forms of Child Labour Convention, 1999 (No. 182).

All eight Fundamental Conventions are now ratified by Pakistan.

3.3 Priority Conventions

Taking into account the essential importance for labour institutions and policy, the following four Conventions were considered as Priority Conventions:

30

- Employment Policy Convention, 1964 (No. 122);
- *Labour Inspection Convention, 1947 (No. 81) and its Protocol of 1995;*
- Labour Inspection (Agriculture) Convention, 1969 (No.129);
- *Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).*

4 Pending obligations

4.1 Obligation to submit the instruments adopted by the International Labour Conference

When a Convention or Recommendation has been adopted by the International Labour Conference, the text of the new “instrument” is sent by the Office to all member States so that they may consider it *for ratification* (in the case of a Convention or of a Protocol) or for its implementation at the national level (in the case of a Recommendation).

The obligation of submission is a fundamental element of the standards system of the ILO because it reinforces the relations between the ILO and the parliamentary body, and stimulates tripartite dialogue at the national level.

With regard to Pakistan, information is pending in relation to the obligation to submit to Parliament (*Majlis-e-Shoora*) the instruments adopted by the Conference since 1994 (81st, 82nd, 83rd, 84th, 85th, 86th, 88th, 89th, 90th, 91st, and 92nd Sessions).

In the first instance, examination of governments' reports is carried out by the Committee of Experts on the Application of Conventions and Recommendations (the Committee of Experts). The Committee of Experts consists of 20 independent persons of the highest standing, with eminent qualifications in the legal or social fields and with intimate knowledge of labour conditions or administration. Members of the Committee are drawn from all parts of the world. They are appointed by the Governing Body of the ILO, on the proposals of the Director-General, for a period of three years, with their terms of office being renewable for a subsequent three-year period. The Committee members meet each year in November/December, in Geneva.

4.2 Obligation to report on ratified Conventions

In conformity with **Article 22** of the ILO Constitution, each Government has the obligation to report on the effect given to the provisions of the Conventions ratified. Reports are automatically requested every two years on the Fundamental and Priority Conventions and every five years on the other ratified Conventions.

The workers' and employers' organizations receive copies of the reports sent by the governments on the application of the ratified Conventions. The professional organizations have the right to provide their own observations on the application of Conventions.

Between June and September 2006, the Government of Pakistan was requested to supply 12 reports on ratified Conventions of which 10 were received at the ILO).

4.3 Obligation to report on non-ratified Conventions

The General Survey is a report prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) on the position of law and practice in countries around the world concerning a group of related international labour standards. The subject of the General Survey is decided by the ILO Governing Body. Member States are obliged under **article 19** of the ILO Constitution to provide information for the survey whether or not the Conventions or Recommendations concerned have been ratified or applied.

For the 95th Session of the Conference (June 2006), the Committee of Experts has prepared a General Survey entitled Labour Inspection.

Before 30 April 2006, the Government of Pakistan is requested to provide a national report on the position of national laws and practices in regard to forced labour matters dealt with in Conventions Nos. 29 and 105. This much awaited new General Survey on Forced Labour will be published early 2007. By 30 April 2007 constituents are requested to send article 19 reports on the subject of Labour Clauses (Public Contracts) Convention, 1949 (No. 94) and Recommendation, 1949 (No. 84).

32

4.4 Replies to pending comments by the CEACR

Observations and *direct requests* are written comments made by the Committee of Experts concerning the application of a ratified Convention.

Observations, which are published in the annual report of the Committee of Experts, may form the basis for discussions of individual cases in the Conference Committee on the Application of Standards.

Direct requests are sent directly to the Governments of the member States that have ratified the Convention. Copies are also sent to representatives of the employers' and workers' organizations in the countries concerned. Direct requests do not appear in the report of the Committee of Experts to the Conference. Direct requests may relate to matters of secondary importance, be technical questions or seek clarification to enable a more full assessment of the effect given to obligations.

4.5 C. 144, ratified by Pakistan

In addition, C. 144 on Tripartite Consultations (ILS) asks the government to convene tripartite meetings (at least once a year) to discuss new ratifications (or denunciations) of ILO Conventions, on article 19 (General Survey) and article 22 reports, and on issues of submission of newly adopted ILO standards to parliament at national level. Comments by social partners on article 19 and 22 reports can be sent jointly with the government report, or independently, and do not need to share the government views. In any case, there is no standard practice of implementation of C. 144, arrangements will follow national practice and circumstances. In many countries, such 'C.144 committees' discuss many more matters than ILS issues alone.

Annex I

Selected texts of the most recent Observations by the Committee of Experts on the Application of Conventions and Recommendations: Fundamental Conventions

FREEDOM OF ASSOCIATION

Report of the Committee of Experts on the Application of Conventions and Recommendations

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

Pakistan (ratification: 1951)

Observation, CEACR 2005/76th Session

34

The Committee notes the Government's report. In addition, the Committee notes the conclusions and recommendations of the Committee on Freedom of Association in Case No. 2229 (see 338th Report, November 2005). The Committee further notes the comments made by the All Pakistan Federation of Trade Unions (APFTU) and the International Confederation of Free Trade Unions (ICFTU) in communications dated 14 May and 31 August 2005, respectively, concerning the application of the Convention. The comments of both unions concern legislative issues raised in the previous observation of the Committee as well as the application of the Convention in practice. *The Committee requests that the Government provide its observations thereon.*

Article 2 of the Convention. Right of workers and employers, without distinction whatsoever, to establish and join organizations. The Committee had previously requested the Government to amend its legislation or to adopt specific legislation so as to ensure that the following employees enjoyed the right to form and join organizations to defend their own social and occupational interests:

- managerial and supervisory staff (sections 2(xxx) and 63(2) of the Industrial Relations Ordinance (IRO));

- workers excluded by virtue of section 1(4) of the IRO, namely workers employed in the following establishments or industries: installations or services exclusively connected with the armed forces of Pakistan including the Ministry of Defence lines of the railways; Pakistan Security Printing Corporation or the Security Papers Limited or Pakistan Mint; administration of the State other than those employed as workmen by the railways, post, telegraph and telephone departments; establishments or institutions maintained for the treatment or care of sick, infirm, destitute and mentally unfit persons excluding those run on a commercial basis; institution established for payment of employees' old-age pensions or for workers' welfare; and members of the watch and ward, security or fire service staff of an oil refinery or of an establishment engaged in the production, transmission or distribution of natural gas or liquefied petroleum products or of a seaport or an airport;
- workers of charitable organizations (section 2(xvii) of the IRO, 2002);
- workers at the Karachi Electric Supply Company (KESC);
- workers in the Pakistan International Airlines (PIA) (Chief Executive's Order No. 6);
- agricultural workers; and
- export processing zones workers.

The Committee notes the Government's statement that the right of managerial staff to form associations to defend their interests is guaranteed by the Constitution. As concerns other exclusions provided for in the IRO of 2002, the Government indicates that it has sent the draft amendments of the IRO to the Prime Minister Secretariat for approval before their promulgation. With regard to the KESC, the Government indicates that the National Industrial Relations Commission (NIRC) issued an order to the effect that the IRO of 2002, was not applicable to the KESC. The Trade Union of the KESC has appealed to the Bench of the NIRC and the matter was still pending. The Committee notes, however, that in Case No. 2006, pending before the Committee on Freedom of Association, the Government invoked economic interests to explain suspension of trade union rights at the KESC. In respect

to Chief Executive's Order No. 6, which abolished trade union rights of the workers in the PIA, the Committee notes that the Government reiterates that the case of the trade unions affected by the Order is still pending before the Supreme Court of Pakistan. No information was provided by the Government on the progress made in developing legislation to ensure trade union rights of agricultural and EPZ workers.

In the light of the above, the Committee once again emphasizes that all workers, with only the possible exception of police and armed forces, should enjoy the right to establish and join trade unions. It requests that the Government indicate in its next report the progress made in amending the IRO of 2002, and to provide a copy of the draft amendment thereof so that it could examine their conformity with the Convention. It further asks the Government to take without delay the necessary measures to restore full trade union rights to the KESC and the PIA workers and to keep it informed in this respect. The Committee also requests that the Government indicate in its next report the progress made in framing labour legislation to ensure the rights under the Convention to workers in the agricultural sector and EPZs and to transmit a copy of any relevant draft texts or adopted legislation.

36

Article 3. (a) Right to elect representatives freely. In its previous comments, the Committee requested the Government to amend section 27-B of the Banking Companies Ordinance of 1962, which restricted the possibility of becoming an officer of a bank union only to employees of the bank in question, under penalty of up to three years' imprisonment, either by exempting from the occupational requirement a reasonable proportion of the officers of an organization, or by admitting, as candidates, persons who have been previously employed in the banking company. ***The Committee regrets that no measures were taken by the Government in this respect and urges it to amend the Banking Companies Ordinance of 1962, so as to bring it into full conformity with Convention No. 87. It requests that the Government keep it informed of the measures taken or envisaged in this respect.***

(b) Right to strike. In its previous observation, the Committee had noted that the federal or provincial government could prohibit a strike related to an industrial dispute in respect of any public utility services, at any time before or after its commencement, and refer the dispute to a board of arbitrators for compulsory arbitration (section 32 of the IRO). A strike carried out in contravention of an order made under this section was deemed illegal by virtue of section 38(1)(c). The Committee noted that Schedule I setting out

the list of public utility services included services which could not be considered essential in the strict sense of the term - oil production, postal services, railways, airways and ports. The schedule also mentioned watch and ward staff and security services maintained in any establishment. Furthermore, for a number of years, the Committee had been requesting the Government to amend the Essential Services Act, which included services beyond those which can be considered essential in the strict sense of the term.

The Committee notes the Government's statement that the provisions of the Essential Services Act, 1952, are applied very restrictively keeping in view national interests and serious hardship to the community. The Government explains that Pakistan is on the front line of the war against terrorism and that, in retaliation, some unscrupulous elements try to disrupt the supply chain of oil and natural gas, to paralyse the whole economy of the country. In such situations, the Government has to take decisive action to prevent any interruptions, which would endanger the life, personal safety and health of the whole or a part of the population.

37

Considering that essential services are only those the interruption of which would endanger the life, personal safety or health of the whole or part of the population, the Committee once again requests the Government to amend the legislation so as to ensure that workers employed in oil production, postal services, railways, airways and ports may have recourse to strike action and so that compulsory arbitration may only be applied in these cases at the request of both parties. The Committee recalls that rather than imposing a prohibition on strikes, in order to avoid damages which are irreversible or out of proportion to the occupational interests of the parties to the dispute, as well as damages to third parties, the authorities could establish a system of negotiated minimum service of public utilities. Considering the heavy penal sanctions linked to violation of the Essential Services Act, the Committee further asks the Government to amend this Act so as to ensure that its scope is limited to essential services in the strict sense of the term. The Committee also requests that the Government specify the categories of workers employed in the "watch and ward staff and security services maintained in any establishment".

The Committee had noted that section 31(2) of the IRO authorized "the party raising a dispute", either before or after the commencement of a strike, to apply to the Labour Court for adjudication of the dispute. During this time, the Labour Court (or Appellate Court) could prohibit the continuation of the

existing strike action (section 37(1)). The Committee once again recalls that a provision, which permits either party unilaterally to request the intervention of the public authorities for the settlement of a dispute through compulsory arbitration leading to a final award, effectively undermines the right to strike by making it possible to prohibit virtually all strikes or to end them quickly. Such system seriously limits the means available to trade unions to further and defend the interests of their members as well as their right to organize their activities and to formulate their programmes and is not compatible with *Article 3* of the Convention (see General Survey on freedom of association and collective bargaining, 1994, paragraph 153). ***The Committee therefore requests that the Government indicate the measures taken to amend section 31(2) so as to bring it into conformity with the Convention.***

The Committee had further noted that according to section 31(3) of the IRO, where a strike lasted for more than 15 days, the federal or provincial government could prohibit the strike at any time before the expiry of 30 days, "if it was satisfied that the continuance of such strike was causing serious hardship to the community or was prejudicial to the national interests" and should prohibit the strike if it considered that it "was detrimental to the interests of the community at large". The Committee had further noted that under section 31(4), following prohibition of the strike, the dispute was referred to the commission or to the labour court for compulsory arbitration. ***Recalling that prohibitions or restrictions of the right to strike should be limited to essential services in the strict sense of the term, or to situations of an acute national crisis, and considering that the wording in section 31 is too broad and vague to be limited to such cases, the Committee asks the Government to amend its legislation so as to bring it into conformity with the Convention. It requests that the Government keep it informed of measures taken or envisaged in this respect.***

The Committee had also noted that section 39(7) provided for the following sanctions for contravening a labour court's order to call off the strike: dismissal of the striking workers; cancellation of the registration of a trade union; debarring of trade union officers from holding office in that or any other trade union for the unexpired term of their offices and for the term immediately following. The Committee once again recalls in this respect that sanctions for strike action should be possible only where the prohibitions in question are in conformity with the principles of freedom of association. Even in such cases, existence of heavy and disproportionate sanctions for strike action may create more problems than they resolve. Since the application of disproportionate sanctions does not favour the development of

harmonious and stable industrial relations, the sanctions should not be disproportionate to the seriousness of the violation (see General Survey, op. cit., paragraphs 177 and 178). More specifically, the Committee considers that the cancellation of trade union registration, in view of the serious and far-reaching consequences which dissolution of a union involves for the representation of workers' interests, would be disproportionate even if the prohibitions in question were in conformity with the principles of freedom of association. ***Consequently, the Committee urges the Government to amend section 39(7) of the IRO so as to ensure that sanctions for strike action may only be imposed where the prohibition of the strike is in conformity with the Convention and that, even in those cases, the sanctions imposed are not disproportionate to the seriousness of the violation.***

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

The Committee addresses a request on other points directly to the Government.

39

Report of the Committee of Experts on the Application of Conventions and Recommendations

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Pakistan (ratification: 1952)

Observation, CEACR 2005/76th Session

The Committee notes the Government's report. The Committee further notes the comments made by the All Pakistan Federation of Trade Unions (APFTU) and the International Confederation of Free Trade Unions (ICFTU) in communications dated 14 May and 31 August 2005, respectively, concerning the application of the Convention. The comments of both unions concern legislative issues raised in the previous observation of the Committee as well as the application of the Convention in practice. ***The Committee requests the Government to provide its observations thereon.*** The Committee takes note of the conclusions and recommendations of the Committee on Freedom of Association in Case No. 2229.

1. *Scope of application of the Convention. (a) Denial of the rights guaranteed by the Convention in export processing zones (EPZs).* The Committee notes the Government's statement that the relevant ministry and

the EPZ authority is devising the Service Regulations for the workers in the EPZs to be in conformity with the Convention. ***Hoping that, in the very near future, the Regulations will provide the EPZ workers with all the rights and guarantees enshrined in the Convention, the Committee requests the Government to send the copy of the Regulations as soon as they are adopted.***

(b) *Denial of the rights guaranteed by the Convention to other categories of workers.* (i) The Committee had previously noted that the Industrial Relations Ordinance (IRO) of 2002 excluded from its scope workers employed in the following establishments or industries: installations or services exclusively connected with the armed forces of Pakistan, including the Ministry of Defence Railway Lines; Pakistan Security Printing Corporation, or the Security Papers Limited or Pakistan Mint; establishments or institutions maintained for the treatment or care of sick, infirm, destitute and mentally unfit persons excluding those run on a commercial basis; institutions established for payment of employees' old-age pensions or for workers' welfare; and members of the watch and ward, security or fire service staff of an oil refinery or of an establishment engaged in the production, transmission or distribution of natural gas or liquefied petroleum products or of a seaport or an airport (section 1(4)) and persons who are employed mainly in a managerial or administrative capacity (section 2(xxx)), as well as workers of charitable organizations (section 2(xvii)). The Committee notes the Government's statement that it has sent the draft amendments of the IRO to the Prime Minister's secretariat for approval before their submission to Parliament. The amendments would remove certain categories of workers from section 1(4) and thus restore freedom of association and collective bargaining rights to certain categories of workers. ***Hoping that the new amendments will afford the right to organize to the abovementioned categories of workers, the Committee requests the Government to provide a copy of the draft amendments so that it may examine their conformity with the Convention.***

(ii) In respect of restrictions imposed on the rights of workers employed in the Karachi Electric Supply Company (KESC), the Committee notes that according to the Government, after promulgation of the IRO, the KESC workers were entitled to the right of association. However, following an application filed by the Trade Union of the KESC, the National Industrial Relations Commission (NIRC) issued an order to the effect that the IRO was not applicable to the KESC. The Trade Union of the KESC appealed to the bench of the NIRC and the matter was still pending. ***The Committee requests***

the Government to take all necessary measures to ensure that the KESC workers enjoy the rights afforded by the Convention in practice and requests the Government to keep it informed of measures taken or envisaged in this respect. It further requests the Government to keep it informed of the decision taken by the bench of the NIRC.

(iii) With respect to Chief Executive's Order No. 6 which abolished trade union rights of the workers in Pakistan International Airlines (PIAC) and suspended all the existing collective agreements, noting that the Government reiterates that the case of the trade unions affected by the Order was still pending before the Supreme Court of Pakistan, the Committee once again recalls that only the armed forces, the police and public servants engaged in the administration of the State can be excluded from the guarantees of the Convention. *While taking note that the case is still pending before the court, in view of the fact that Order No. 6 was issued by the Chief Executive, the Committee once again requests the Government to take all necessary measures to repeal the Order and to restore full trade union rights to the PIAC workers. It requests the Government to keep it informed in this respect.*

41

(iv) *Noting that no information was provided by the Government with regard to the rights afforded by the Convention to workers in the agricultural sector, the Committee requests the Government to indicate in its next report whether this category of workers enjoys freedom of association and collective bargaining rights and, if this is not the case, to take the necessary legislative measures to guarantee this right.*

2. *Article 1 of the Convention. (a) Sanctions for trade union activities.* The Committee notes the Government's statement that while section 27-B of the Banking Companies Ordinance of 1962 - according to which imprisonment and/or fines are imposed in cases which include the use of bank resources (telephone, etc.) or of carrying on trade union activities during office hours, pressure tactics, etc. - does not violate rights guaranteed under the Convention, the Ministry of Labour was consulting with the ministries concerned regarding the amendment of section 27-B. *The Committee expresses the firm hope that the Government will repeal these restrictions in the near future and requests the Government to keep it informed in this respect.*

(b) Lack of sufficient legislative protection for workers dismissed for their trade union membership or activities (section 25-A of the IRO of 1969). The Committee had previously noted the APFTU's statement, according to which

the newly imposed section 2-A of the Service Tribunals Act has debarred workers engaged in autonomous bodies and corporations such as WAPDA, railway, telecommunication, gas, banks, PASSCO, etc., from seeking redress for their grievances from the labour courts, labour appellate tribunals and NIRC in the case of unfair labour practices committed by the employer. The Committee had noted the Government's statement that the issues related to provision 2-A had been addressed and that a proposal had been made by the Ministry to delete or amend it in order to enable public sector workers to seek remedy under labour legislation. *In view of the fact that no further information was provided by the Government in its recent report, the Committee once again requests the Government to keep it informed of the measures taken in order to ensure that appropriate means of redress are available to these workers.*

3. *Article 2. The Committee once again requests the Government to state in its next report whether the legislation prohibits and penalizes acts of interference by organizations of workers and employers (or their agents) in each other's affairs and to indicate the relevant provisions.*

42

4. *Article 4. The Committee once again requests the Government to amend the following sections of the IRO 2002 and keep it informed of the measures taken or envisaged in this respect:*

(i) section 20, from which it results that if the trade union, which is the only trade union at the enterprise, does not have at least one-third of employees as its members, no collective bargaining is possible at a given establishment. *The Committee requests the Government to ensure that if there is no union representing the required percentage to be designated as a collective bargaining agent, collective bargaining rights are granted to the existing unions, at least on behalf of their own members;*

(ii) section 20(11) according to which no application for determination of the collective bargaining agent at the same establishment may be made for a period of three years once a registered trade union has been certified as collective bargaining agent. *The Committee requests the Government to ensure the possibility for another union to make appropriate representations to the competent authority and to the employer regarding the recognition of this union for collective bargaining purposes if the most representative union which enjoys exclusive bargaining rights, seems to have lost its majority;*

(iii) section 54 according to which the NIRC may determine or modify a collective bargaining unit on an application made by a workers' organization or reference made by the federal government. *The Committee requests the Government to ensure that the choice of collective bargaining unit may only be made by the partners themselves, since they are in the best position to decide the most appropriate bargaining level.*

[The Government is asked to supply full particulars to the Conference at its 95th Session.]

Subsequently, a discussion took place at the tripartite Application Committee of the 95th Session of International Labour Conference in June 2006. The conclusions of the discussion:

Committee noted the statements by the Government representatives and the debate that followed. The Committee took note of the information provided by the Government concerning its intention to ratify Convention No. 138. The Committee recalled that the Committee of Experts had been making comments for several years on serious discrepancies between the Convention and national law and practice, particularly in relation to the denial of the rights guaranteed by the Convention with regard to protection against anti-union discrimination, protection against interference and promotion of collective bargaining, to a wide range of workers including workers in the EPZ sector, in the agricultural and banking sectors, in large segments of the public sector and in other installations and industries. The Committee of experts had also pointed out that penal sanctions could be imposed in the banking sector for certain trade union activities and that the law contained overly restrictive trade union recognition requirements. The Committee took note of the Government's statement concerning the legislative reforms under way, in particular, the amendment of the Industrial Relations Ordinance (IRO) of 2002, in order to bring the law and practice into conformity with Conventions Nos. 87 and 98. It also took note of further measures under consideration, in order to repeal penal sanctions for certain trade union activities in the banking sector and enable public sector workers engaged in autonomous bodies and corporations to seek redress against acts of anti-union discrimination. It further noted that Export Processing Zone Employment Relations Rules were being drafted in accordance with core ILO Conventions and that, as regarded the Karachi Electricity Supply Corporation (KESC), the National Industrial Relations Commission (NIRC) had ordered a referendum for the determination of the collective bargaining agent and was currently making the necessary arrangements in this respect.

The Committee also noted however, that some of the steps that the Government had stated it was taking to bring the legislation and practice into greater conformity with the Convention had already been referred to by the Government, yet no final solution had been observed in respect of the Committee of Experts' comments on this Convention, which was ratified in 1952.

While expressing its concern at the long-standing nature of these discrepancies and underlining that the issues raised by the Committee of Experts represented serious violations of the

Convention, the Committee observed that the Government was making important efforts to resolve the pending matters. It thus expected that the Committee of Experts would soon be in a position to note concrete and positive developments relating to the application of this Convention. It requested the Government to take all measures necessary for the legislative reforms under way to be carried out in an efficient and rapid manner, and for all pending issues to be addressed without delay, so as to bring national law and practice into full conformity with the Convention in the near future. The Committee requested the Government to send before the next meeting of the Committee of Experts a detailed report containing full information on all issues raised, as well as all draft texts concerning the application of the Convention. The Committee recalled that ILO technical assistance was available to the Government.

FORCED LABOUR

Report of the Committee of Experts on the Application of Conventions and Recommendations

Forced Labour Convention, 1930 (No. 29)

Pakistan (ratification: 1957)

Observation, CEACR 2005/76th Session

45

I. Articles 1(1) and 2(1) of the Convention.

A. Debt bondage

1. In its earlier comments, the Committee noted the difficulties in the implementation of the Bonded Labour System (Abolition) Act (BLSA), 1992. The Committee notes the communications from the All Pakistan Federation of Trade Unions (APFTU) and the All Pakistan Trade Union Federation (APTUF) dated 26 April 2005 and 14 May 2005, respectively, which contain comments on the observance of the Convention and which were forwarded to the Government in June and July 2005 for any comments it might wish to make on the matters raised therein. Among other things, the APTUF observed that the BLSA was not being implemented, and the APFTU similarly observed that laws, including those concerning bonded labour, were not being enforced due to the absence of adequate labour inspection machinery. Since no comments from the Government on these communications have been received to date, the Committee hopes the Government will provide them in its next report.

2. The Committee notes the National Policy and Plan of Action for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers of 2001, which the Government communicated in its latest report. The Committee notes that under the plan of action, a National Committee for the Abolition and Rehabilitation of Bonded Labour was to be established to coordinate the implementation of the plan, with the specific functions of:

* reviewing the implementation of the BLSA and of the action plan;

- * monitoring the work of the district-level vigilance committees set up under section 15 of the BLSA and the Bonded Labour System (Abolition) Rules, 1995; and

- * addressing concerns of national and international bodies on bonded and forced labour issues.

The Committee notes the statement by the Ministry of Labour in its 2005 draft Labour Protection Policy, that the 2001 National Policy and Plan of Action "clearly establishes the intentions and commitment of Government to implement in full" the Convention. The Committee further notes, however, the statement of the Ministry of Labour in its document, "Labour Policy, 2002", dated 23 September 2002, that the targets and activities set out in the 2001 National Policy and Plan of Action "need to be actively implemented".

Implementation of National Policy and Plan of Action for the Abolition of Bonded Labour.

46

3. The Committee notes that in its latest report the Government specifies recent initiatives against bonded labour it is taking or contemplating, apparently within the framework of its 2001 National Policy and Plan of Action, including:

- * establishment of a Legal Aid Service Unit in the Labour Departments of Punjab and NWFP with a toll free help line to provide legal advice and assistance to needy bonded labourers, with a plan envisaged to hire legal experts to provide legal assistance;

- * launching a scheme to construct low-cost housing for freed bonded labour families in the agricultural sector of Sindh, which will provide shelter to these families and contribute to their rehabilitation;

- * organizing training workshops for key district government officials and other concerned stakeholders to enhance their capacity and enable them to draw up district-level plans to identify bonded labourers and activate the district vigilance committees; and

* incorporating the issue of bonded labour into the syllabi of judicial, police and civil service academies, in order to help sensitize judicial, law enforcement, and civil service officials to the problem, and holding capacity-building seminars.

4. The Committee notes the Government's indication that, under the BLSA, inspection functions in the area of bonded labour have been assigned to the regular labour inspectorate, as well as to local government heads/officials and police departments. The Committee also notes from the 2001 action plan document, that the fund mandated by the BLSA Rules had been established and an initial deposit of 100 million rupees had been made. The Government, in its report received in January 2005 (on the application of the Abolition of Forced Labour Convention, 1957 (No. 105)), indicates that work has started on making the Bonded Labour Fund functional, and that a project manual was being prepared to provide guidelines to executing agencies for preparing project proposals for financing.

47

5. While recognizing these Government initiatives to try and combat bonded labour, the Committee hopes that necessary measures are being taken or envisaged to ensure the effective implementation of the 2001 National Policy and Plan of Action for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers. The Committee hopes that in its next report the Government will provide detailed information on progress made and practical results achieved, including copies of relevant reports on all of the activities, projects, institutions and mandates referred to in the action plan. The Committee further asks that the Government provide information clarifying the present status of the district vigilance committees as well as their role in, and relationship to, the labour inspection process, and that it supply information about actions that both the district magistrates and vigilance committees are taking to ensure the effective implementation of the BLSA and the fulfilment of their other functions as mandated under the BLSA and the 1995 rules, such information to include copies of monitoring/evaluation reports prepared by the National Committee for the Abolition and Rehabilitation of Bonded Labour.

Special programme of action to combat forced/bonded labour.

6. The Committee in its report (on the application of Convention No. 105), received in January 2005, the Government indicates that since mid-2002 it has been carrying out a special Programme of Action to Combat

Forced/Bonded Labour with technical assistance from the ILO. The Government indicates that under the programme the ILO was, among other things, to provide training on human rights and bonded labour concerns to the District Nazims, members of the vigilance committees, and judicial and law enforcement officials; to assist the Government in developing partnerships with stakeholders, employers, and workers; to provide advice on the creation of a high-level national body to combat forced labour; and to assist it in launching demonstration projects to test the feasibility of approaches adopted to tackle the problem. ***The Committee asks that, in its next report, the Government provide more detailed and comprehensive information concerning this programme and its implementation, including copies of the most recent reports evaluating programme activities and outcomes.***

Debt bondage: Data-gathering measures to ascertain the current nature and scope of the problem.

7. The Committee notes that under the 2001 National Policy and Plan of Action a national survey to ascertain the extent of bonded labour was to have been undertaken by January 2002, yet it notes the Government's indication in its latest report that no such quantitative survey has yet been carried out to measure the quantum of the problem in the country.

8. The Committee notes a 2004 report of an initiative of the Ministry of Labour and the ILO, entitled "Rapid Assessment Studies of Bonded Labour in Different Sectors in Pakistan", which contains findings and conclusions from a series of rapid assessment studies conducted from October 2002 to January 2003 by teams of social scientists and researchers under the auspices of the Bonded Labour Research Forum (BLRF), the aim of which was to explore the existence and nature of bonded labour in ten sectors - namely, agriculture, construction, carpet weaving, brick making, marine fisheries, mining, glass bangles, tanneries, domestic work, and begging - and to seek preliminary conclusions. The project represented the first phase of a larger research programme and was intended to lay the groundwork for detailed sector studies and a national survey to determine the incidence of bonded labour across the country, as foreseen in the Government's National Plan of Action. The rapid assessment studies focused primarily on debt bondage but also explored other forms of bonded and forced labour without debt.

9. The Committee notes the conclusion in the report that the findings in "the sectors covered ... yield fresh insights into the workings of the *peshgi*"

(advance payments) system and its possible relationship with bonded labour and other coercive labour arrangements". The correlation was found to be "relatively weak" in some sectors but present in others. The report also emphasizes the findings that there exist "other forms of labour bonding and coercion ... not clearly associated with the *peshgi* system".

10. *The Committee reiterates its hope that the Government, as a follow-up to the preliminary part of the research programme noted above and in accordance with the mandate of its 2001 National Policy and Plan of Action, will undertake a statistical survey on bonded labour throughout the country, using a valid methodology in cooperation with employers' and workers' organizations and with human rights organizations and institutions, and that it will supply information on the progress achieved in this connection.*

Bonded labour in agriculture.

11. In its previous observation, the Committee noted the Government's view that there are built-in deficiencies in its labour laws on dealing with labour engaged in the agricultural sector. ***The Committee asks once again that the Government supply further information on the issue, as well as information on measures taken or envisaged to remedy the situation, in the context of the eradication of bonded labour in agriculture.***

49

Bonded child labour.

12. In its earlier comments, the Committee asked the Government to provide information on progress on the implementation of the agreement between the International Programme on the Elimination of Child Labour (IPEC) of the ILO and the Pakistan Carpet Manufacturers' and Exporters' Association (PCMEA), and the agreement signed by the Government in 1997 with the European Commission and the ILO to take measures aimed at the eradication of bonded child labour. With regard to this point and the problem of bonded child labour in general, the Committee notes that the Government has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). In so far as Article 3(a) of Convention No. 182 provides that, the worst forms of child labour include "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour", the Committee is of the view that this problem can be examined more specifically under Convention No. 182. The protection of children is enhanced by the fact that Convention No. 182 requires states

which ratify it to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. The Committee accordingly asks the Government to refer to its comments on the application of Convention No. 182.

B. Trafficking in persons

50

13. The Committee notes with interest the promulgation of the Prevention and Control of Human Trafficking Ordinance, 2002 (PCHTO), which entered into force in October 2002. Among other things, the ordinance criminalizes "human trafficking", which it defines, in part, as trafficking that entails the use of coercion for the purpose of attaining any benefit or for the purpose of exploitative entertainment, slavery or forced labour (sections 2(h) and 3); makes trafficking offences punishable by sanctions involving sentences of imprisonment of up to seven years and, in cases of trafficking of women, of up to ten years, as well as fines (section 3); provides for special sentences for trafficking offences committed by organized criminal groups (section 4) and for repeated offences (section 5); provides for the payment of compensation and expenses to victims (section 6); and makes trafficking in persons cognizable by the courts as a prosecutable offence (sections 8 and 10). ***The Committee asks that in its next report the Government supply a copy of the most recent rules and regulations that have been promulgated to implement the PCHTO.***

Trafficking in persons: Data-gathering measures to ascertain the current nature and scope of the problem.

14. The Committee notes the 2005 report of the International Organisation for Migration (IOM) entitled, "Data and research on human trafficking: A global survey", which indicates that Pakistan continues to be a major destination country for trafficked women as well as a major transit country of persons trafficked from Bangladesh to Middle Eastern countries, where women are exploited for sexual exploitation. The report indicates that men are seldom viewed as "victims of trafficking" and more often in the context of irregular migration, and that this shortcoming has limited the availability of knowledge and data on trafficking in men in South Asia. The report emphasizes that, while available studies contribute to an understanding of the causes, sources, destinations, and consequences of trafficking, current statistics on trafficking in persons are outdated or anecdotal, and there is an

urgent need to carry out comprehensive national baseline surveys with the aim of developing a South Asian database on trafficking in persons. ***In light of these indications, the Committee hopes that the Government will undertake a national baseline survey on trafficking in persons, in cooperation with employers' and workers' organizations as well as other societal organizations and institutions, and that it will supply information on the progress achieved in this connection.***

Practical measures aimed at the effective elimination of trafficking in persons.

51

15. The Committee notes with interest the information concerning the Government's collaboration with the IOM in an action programme on migration issues which includes, as a significant component, the problem of trafficking in persons. The Committee notes that, at the 12th Summit of the South Asian Association for Regional Cooperation (SAARC) in Islamabad in January 2004, the Government agreed to the Islamabad Declaration, which among other things calls on member States to "move towards an early ratification" of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, adopted in 2002 (paragraph 19). The Committee also notes that in May 2005, representatives of the Government and other participants at the Fifth South Asia Ministerial Conference adopted the "Islamabad Declaration: Review and Future Action", in which, among other things, they "recognize the gaps and challenges in implementation" in a number of areas, including an inadequate commitment, awareness, measures, and resources to combat violence against women (paragraph 5(g)); and the lack of regional cooperation and partnership initiatives to address problems of regional concerns such as trafficking in women (paragraph 5(q)). ***The Committee hopes that the Government will continue to develop policies and take measures that are aimed at the effective elimination of trafficking in persons in both law and practice, in conformity with the Convention, and that in its next report it will supply detailed information in this connection.***

Trafficking in children.

16. The Committee has noted previous allegations of the ICFTU as well as indications in the IOM reports referred to above, according to which trafficking in children remains a serious problem in Pakistan. With regard to the problem of trafficking in children, for the reasons set out above

concerning bonded child labour, the Committee asks the Government to refer to its comments on the application of Convention No. 182.

II. Restrictions on voluntary termination of employment

17. In its earlier comments, the Committee referred to the information supplied by the Government representative to the Conference Committee in June 1999, according to which an amendment to the Essential Services (Maintenance) Act of 1952, under which government employees who unilaterally terminate their employment without consent from the employer are subject to a term of imprisonment, was to be considered by the tripartite Commission on the Consolidation, Simplification and Rationalization of Labour Laws. The Government indicated in its report of 2000 that the Commission's final report was expected at the end of September 2000. *As the Government's latest report contains no new information on this subject, the Committee once again requests the Government to supply a copy of the Commission's report. The Committee expresses its firm hope that the Government will take the necessary steps to bring the federal and provincial essential services Acts into conformity with the Convention and will report on the progress achieved in this regard.*

52

18. *The Committee also repeats its request for copies of the full texts of the following Ordinances enacted in 2000: the Removal from Service (Special Powers) Ordinance, No. XVII of 27 May 2000; the Civil Servants (Amendment) Ordinance, No. XX of 1 June 2000; and the Compulsory Service in the Armed Forces (Amendment) Ordinance, No. LXIII of 6 December 2000.*

III. Article 25. Adequacy and enforcement of penalties for the exaction of forced or compulsory labour

Enforcement of Bonded Labour System (Abolition) Act, 1992. 19. The Committee previously noted the allegations of the ICFTU, contained in its communications of 2001, according to which the Bonded Labour System (Abolition) Act, 1992 (BLSA) had not been applied in practice, as few officials were willing to implement it for fear of incurring the wrath of the landlords, thus allowing the latter to use forced labour with impunity. *Recalling that Article 25 of the Convention provides that the illegal exaction of forced or compulsory labour shall be punishable by penalties that are really adequate and strictly enforced, the Committee once again requests information on the number of inspections under the BLSA, as*

well as information about any legal actions taken against employers of bonded labourers, including copies of any court rulings in such cases.

Enforcement of Prevention and Control of Human Trafficking Ordinance.

20. With regard to enforcement of the Prevention and Control of Human Trafficking Ordinance, 2002 (PCHTO), the Committee notes a press statement by the Minister of the Interior in June 2005 that, during the period from 2003 to May 2005, 888 trafficking-related complaints under the PCHTO were registered with the Federal Investigation Agency; that as many as 737 suspected traffickers were arrested; that in 336 of these cases investigations subsequently led to court prosecutions; and that these prosecutions resulted in 85 convictions and four acquittals, with the remaining cases still pending in trial. The Committee also notes from the report of the Prime Minister Secretariat, "One year performance of the Government, August 2004-August 2005", dated 29 August 2005, a section on "Curbing human trafficking" in a chapter entitled "Improving law and order", which states:

53

The Government through the Federal Investigation Agency has adopted stringent measures to curb human trafficking ... For sustained action against human trafficking, Anti-Trafficking Units (ATUs) have been set up at FIA HQ and in zonal directorates. These outfits are dedicated units for the enforcement of laws relating to prevention of human trafficking to and from Pakistan. To solicit support from the Civil Society, leading NGOs have also been co-opted for information and assistance.

The Committee also notes the indication in the 2005 Annual Report of the Law Division of the Ministry of Law, Justice and Human Rights that, while the Government has promulgated an ordinance to criminalize human trafficking, "a lot needs to be done for effective implementation of that ordinance".

21. The Committee asks that in its next report the Government provide updated information on the enforcement of the PCHTO, including statistics concerning the numbers of trafficking-related complaints registered, individuals arrested, court proceedings initiated, convictions obtained, penalties imposed, and victim compensation awarded, including copies of all relevant court rulings. More generally, it hopes that the Government, in accordance with Article 25 of the Convention, will endeavour to both assess whether and ensure that the penalties provided under the PCHTO that punish trafficking are really adequate and will

strive to ensure that the PCHTO is strictly enforced, and that it provide information in this connection, including updated information concerning the evolution of the system of anti-trafficking units and assessing its strengths and shortcomings.

Report of the Committee of Experts on the Application of Conventions and Recommendations

Abolition of Forced Labour Convention, 1957 (No. 105)

Pakistan (ratification: 1960)

Observation, CEACR 2005/76th Session

1. The Committee has noted the observations received in September 2001 from the International Confederation of Free Trade Unions (ICFTU) concerning application of the Convention, which were transmitted to the Government in October 2001 for such comments as it might wish to make. The Committee also notes the communication dated 26 April 2005 from the All Pakistan Federation of Trade Unions (APFTU), which contains comments on the observance of the Convention, and which was forwarded to the Government in June 2005 for any comments it might wish to make on the matters raised therein. *The Committee regrets that the Government has not referred to these observations in its latest report and hopes it will do so in its next report.*

Article 1(c) and (d) of the Convention.

Forced or compulsory labour as punishment for breach of contract or participation in strikes in non-essential services. 2. In earlier comments made under the present Convention and the Forced Labour Convention, 1930 (No. 29), the Committee has noted that the Pakistan Essential Services (Maintenance) Act (ESA), 1952, and corresponding provincial Acts, prohibit employees from leaving their employment, even by giving notice, without the consent of the employer, as well as from striking, subject to penalties of imprisonment that may involve compulsory labour. The Committee has also noted previous comments, made under the Convention by the APFTU, according to which the Government has applied provisions of the ESA to workers employed in non-essential services, including various public utilities such as the Water and Power Distribution Authority (WAPDA), the Karachi Port Trust, and Sui Gas, as well as railways and telecommunications, and these workers cannot resign from their service and cannot go on strike.

3. The Committee notes the indication of the Worker member of Pakistan, in the Conference Committee at the 90th Session of the International Labour Conference in June 2002, that management in the Karachi Electric Supply Corporation, and in the telecommunications and railway industries generally, had been making use of the provisions of the ESA to prevent workers from presenting their legitimate demands and to refuse any type of social dialogue. He referred in particular to workers in Quetta who had gone on strike and been arrested. The Committee also notes, from the APFTU communication dated 26 April 2005, the indication that the provisions of the ESA continue to be applied to ban strikes in non-essential services.

4. The Committee notes the indications by the Government representative in the Conference Committee in June 2002 that, while that the Act has remained on the books, that most public sector organizations to which the ESA was applied were undergoing privatization, including WAPDA and the telecommunications and oil and gas sectors, and that the Act would therefore no longer be applicable when those organizations had been fully privatized. The Committee notes from its latest report the Government's indication, which it has repeated for a number of years, that the provisions of the ESA are applied restrictively.

5. The Committee points out once again, with reference to the explanations provided in paragraphs 110 and 123 of its General Survey of 1979 on the abolition of forced labour, that the Convention does not protect persons responsible for breaches of labour discipline or strikes that impair the operation of essential services in the strict sense or in other circumstances

where life and health are in danger; however, in such cases there must exist an effective danger, not mere inconvenience. Furthermore, all the workers concerned - whether in any employment under the federal and provincial governments and local authorities or in public utilities, including essential services - must remain free to terminate their employment by reasonable notice; otherwise, a contractual relationship based on the will of the parties is changed into service by compulsion of law, which is incompatible with both the present Convention and the Forced Labour Convention, 1930 (No. 29), likewise ratified by Pakistan. The Committee also recalls that, in its comments to the Government on its application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), it has observed that the ESA includes services which cannot be considered essential in the strict sense of the term, including, among others, oil production, postal services, railways, airways, and ports, and it has for some time requested that the Government amend the ESA so as to ensure that its scope is limited to essential services in the strict sense of the term. The Committee refers the Government to its comments under Convention No. 87 on this point. ***It reiterates its firm hope that the ESA, and corresponding provincial Acts, will be repealed or amended in the near future so as to ensure the observance of the Convention, and that the Government will report on the action taken to this effect.***

6. In comments made for many years, the Committee has referred to sections 54 and 55 of the Industrial Relations Ordinance (No. XXIII of 1969), under which, whoever commits any breach of any term of any settlement, award or decision or fails to implement any such term may be punished with imprisonment which may involve compulsory labour. The Committee notes the promulgation of the Industrial Relations Ordinance (IRO) of 2002, which has repealed the 1969 Ordinance (section 80). The Committee notes with interest, from the indications of the Government in its latest report, as well as the text of sections 65, 66, and 67 of the IRO, that the penalties of imprisonment have been eliminated.

Forcible return of seafarers on board ship. 7. The Committee has, from the time of the Government's ratification of the Convention in 1960, referred to sections 100 to 103 of the Merchant Shipping Act, 1923, under which penalties involving compulsory labour may be imposed in relation to various breaches of labour discipline by seafarers, and seafarers may be forcibly returned on board ship to perform their duties. The Committee notes the promulgation of the Pakistan Merchant Shipping Ordinance (PMSO), 2001 (No. LII of 2001). It observes that the PMSO still contains provisions,

particularly sections 204, 206, 207, and 208, which would permit, in respect of various breaches of labour discipline, such as absence without leave, wilful disobedience, or combining with the crew in "neglect" of duty, the imposition of sanctions involving the forcible conveyance of seafarers on board ship, as well as imprisonment (which may involve compulsory labour by virtue, inter alia, of section 3(26) of the General Clauses Act, 1897). ***The Committee regrets that, after decades of comments addressed to the Government on this point, the Government has promulgated new legislation without eliminating the divergences between its national legislation and the Convention. The Committee hopes that the Government will amend or repeal without delay those provisions of the 2001 Ordinance that prescribe penalties for breaches of labour discipline under which seafarers may be imprisoned or forcibly returned on board ship to perform their duties. The Committee asks the Government to provide information on the progress made in this regard. The Government is also asked to provide a copy of the implementing rules or regulations promulgated under section 603 of the 2001 Ordinance.***

Article 1(a) and (e)

57

Forced labour as a means of political coercion. 8. In comments made for many years, the Committee has referred to certain provisions in the Security of Pakistan Act, 1952 (sections 10-13), the West Pakistan Press and Publications Ordinance, 1963 (sections 12, 23, 24, 27, 28, 30, 36, 56 and 59) and the Political Parties Act, 1962 (sections 2 and 7), which give the authorities wide discretionary powers to prohibit the publication of views and to order the dissolution of associations, subject to penalties of imprisonment which may involve compulsory labour.

9. The Committee notes the promulgation of the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002, which repeals the West Pakistan Press and Publications Ordinance, 1963 (section 45). Under the registration provisions of the 2002 Ordinance, a District Coordination Officer must deny authentication of a declaration, which must be made as a prerequisite for publication of a newspaper, in cases where the declaration has been filed by a person convicted of a criminal offence involving moral turpitude or for wilful default of public dues (section 10(2)(c)). Where the District Coordination Officer fails to take action to authenticate or to pass an order denying authentication of a declaration within a period of 30 days, the declaration is deemed to be authenticated (section 10(4)). Anyone who, among other things, edits, prints, or publishes a newspaper in contravention

of the Ordinance - for instance, without having made a declaration or without having a declaration authenticated - is liable to punishment involving a sanction of imprisonment (which may involve compulsory labour) for a term of up to six months (sections 5 and 28). *Referring to paragraph 133 of the General Survey of 1979 on the abolition of forced labour, the Committee asks the Government in its next report to indicate in relation to the abovementioned provisions of the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002, the measures taken or envisaged to ensure, in accordance with Article 1(a) of the Convention, that no form of forced or compulsory labour (including labour exacted as a consequence of a sentence of imprisonment) may be imposed as a means of political coercion or as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system. The Committee also asks the Government to provide information on the application in practice of sections 5, 10(2)(c), 28 and 30 of the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002, including the number of persons arrested and convicted under these provisions, as well as the particulars of any judicial decisions which may serve to define or clarify the effect of the abovementioned provisions. The Government is also requested to supply a copy of the text of any rules promulgated under section 44 of the Ordinance to implement it.*

10. As regards the Security of Pakistan Act, 1952, and the Political Parties Act, 1962, the Committee notes the indications by the Government representative in the Conference Committee in June 2002 that the application of these statutes was extremely restrictive. The Committee also notes from the Annual Reports of 2003 and 2005 of the Government's Law and Justice Commission, as well as its Report No. 56, that the Commission, in response to a Supreme Court ruling, had approved and drafted legislative proposals for certain amendments to be made to the Security of Pakistan Act, 1952, and that proposed reforms to other legislation, including the Political Parties Act, 1962, were under consideration. *The Committee hopes that the concerns of the Committee will be taken into consideration in the work of the Law and Justice Commission. More generally, the Committee hopes that the Government will soon take the necessary measures to bring the abovementioned provisions of the Security of Pakistan Act, 1952, and the Political Parties Act, 1962, into conformity with the Convention, and that it will report on progress achieved. Pending action to amend these provisions, the Government is requested to supply updated information on their practical application, including the cases registered, the number of convictions, and copies of any relevant court decisions.*

11. The Committee notes that, in its latest report, the Government has indicated, with reference to the non-conformity with the Convention of the Pakistan Essential Services (Maintenance) Act, 1952, that "Pakistan is serving in the front line of the war against terrorism and in retaliation the unscrupulous elements off and on try to disrupt the supply chain of oil as well as natural gas to make stand still the whole economy of the country". It notes the similar indication by the representative of the Government in the Conference Committee in June 2002, with reference to the Security of Pakistan Act, 1952, and the Political Parties Act, 1962, that Pakistan "was in the forefront of the fight against terrorism and faced very difficult political circumstances", and that under the present circumstances any change to the existing laws might not be feasible, particularly those related to the security of the country. The Committee observes that these laws, as well as the Merchant Shipping Act, 1923, have been the subject of comments by the Committee ever since the Government ratified the Convention in 1960, and that they have also been the subject of numerous discussions in the Conference Committee. The Committee would also like to point out that, if counter-terrorism legislation responds to the legitimate need to protect the security of the public against the use of violence, it can nevertheless become a means of political coercion and a means of punishing the peaceful exercise of civil rights and liberties, such as the freedom of expression and the right to organize. The Convention protects these rights and liberties against repression by means of sanctions involving compulsory work, and the limits which may be imposed on them by law need to be properly addressed.

12. The Committee hopes that, as a matter of urgency, the Government will at long last take the necessary measures to bring the provisions of the national legislation mentioned above into conformity with the Convention, and that it will report on progress achieved.

The use of forced or compulsory labour as a means of religious discrimination. 13. In its earlier comments, the Committee referred to sections 298B(1) and (2) and 298C of the Penal Code, inserted by the Anti-Islamic Activities of Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, No. XX of 1984, under which any person of these groups who uses Islamic epithets, nomenclature and titles is subject to punishment with imprisonment (which may involve compulsory labour) for a term that may extend to three years. The Committee has noted the report submitted to the United Nations Commission on Human Rights in 1996 by the Special Rapporteur on the Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on

Religion or Belief (document E/CN.4/1996/95/Add.1 of 2 January 1996), which indicates that, according to many non-governmental sources, the religious activities of the Ahmadi community are seriously restricted, and that many Ahmadis are reported to be prosecuted under section 298C of the Penal Code (paragraph 41). The Committee has also noted the conclusion of the Special Rapporteur that the State laws related to religious minorities are likely to favour or foster intolerance in society, and that the law applied specifically to the Ahmadi minority is particularly questionable.

14. The Committee has noted the Government's repeated statements in its reports that religious discrimination does not exist and is forbidden under the Constitution, which guarantees equal citizenship and fundamental rights to minorities living in the country. The Government states that subject to law, public order and morality, the minorities have the right to profess, propagate their religion and establish, maintain and manage their religious institutions. In the Government's view, the Penal Code imposes equal obligations on all citizens, whatever their religion, to respect the religious sentiments of others, and an act that impinges upon the religious sentiments of other citizens is punishable under the Penal Code. The Government indicates that religious rituals referred to in Ordinance No. XX are prohibited only if exercised in public, whereas if they are performed in private without causing provocation to others, they do not fall under the prohibition.

15. While noting this information, the Committee points out once again, referring also to the explanations provided in paragraphs 133 and 141 of its General Survey of 1979 on the abolition of forced labour, that the Convention does not prohibit punishment by penalties involving compulsory labour of persons who use violence, incite to violence or engage in preparatory acts aimed at violence. But where punishment involving compulsory labour is aimed at the peaceful expression of religious views, or where such punishment (for whatever offence) is meted out more severely, or even exclusively, to certain groups defined in social or religious terms, this falls within the scope of the Convention. *The Committee therefore reiterates that it firmly hopes the necessary measures will be taken in relation to sections 298B and 298C of the Penal Code, so as to ensure the observance of the Convention. Pending action to amend these provisions, the Committee requests that in its next report the Government provide updated and detailed factual information on the practical application of the provisions of sections 298B and 298C of the Penal Code, including a record of cases registered, the number of persons convicted, and copies of court decisions.*

Child labour

Report of the Committee of Experts on the Application of Conventions and Recommendations

Worst Forms of Child Labour Convention, 1999 (No. 182)

Pakistan (ratification: 2001)

Observation, CEACR 2005/76th Session

62

The Committee notes the Government's first report and the communication of the International Confederation of Free Trade Unions (ICFTU) dated 18 September 2001 as well as the communication of the All Pakistan Federation of Trade Unions (APFTU) dated 9 July 2003. Referring to the comments made by the Committee under the Forced Labour Convention, 1930 (No. 29), in so far as *Article 3(a) of Convention No. 182* provides that the worst forms of child labour include "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour", the Committee is of the view that the issues of trafficking and debt bondage of children can be examined more specifically under this Convention. ***The Committee requests the Government to supply further information on the following points.***

Article 3. Worst forms of child labour. Clause (a). All forms of slavery or practices similar to slavery. 1. Sale and trafficking of children. The Committee previously noted the allegations of the ICFTU, according to which trafficking in persons is a serious problem in Pakistan, including the trafficking of children. Women and children reportedly arrive from Bangladesh, Myanmar, Afghanistan, Sri Lanka and India, many eventually to be bought and sold in shops and brothels. The ICFTU also indicated that estimates of the number of such trafficked children who become child prostitutes vary, but most suggest around 40,000. The Committee also noted the indications of the ICFTU that there were reports of several hundred boys from Pakistan trafficked to the Gulf States to work as camel jockeys. Moreover, in some rural areas, children are sold into debt bondage in exchange for money or land. While noting the absence of information in the Government's report on these points, the Committee notes that ILO/IPEC launched in 2000 the subregional project to combat child trafficking (TICSA)

in Bangladesh, Nepal and Sri Lanka; the project was extended subsequently to Pakistan, Indonesia and Thailand. According to the project report of September 2002 (pages 14-15), approximately 100,000 women and children are internally trafficked in Pakistan, and approximately 200,000 women and children aged 12-30 were trafficked from Bangladesh to Pakistan between 1990 and 2000. Pakistan is a destination country as well as a transit country. Children are trafficked primarily for sexual exploitation but also for domestic services, hazardous manufacturing work, camel jockeying and bonded labour. The Committee also notes that the Committee on the Rights of the Child (CRC/C/15/Add.217, 27 October 2003, paragraph 76), while noting the serious efforts undertaken by the State party to prevent child trafficking, expressed its deep concern at the very high incidence of trafficking in children for the purposes of sexual exploitation, bonded labour and camel jockeying.

The Committee observes that sections 2(f) and 3 of the Prevention and Control of Human Trafficking Ordinance of 2002 provide that the human trafficking for the purpose of exploitative entertainment (i.e. activities in connection with sex), slavery or forced labour is prohibited. According to section 2(h) of the aforementioned Ordinance, the term "human trafficking" means obtaining, securing, selling, purchasing, recruiting, detaining, harbouring or receiving a person, notwithstanding that person's implicit or explicit consent, by the use of coercion, kidnapping, abduction or by giving or receiving any payment or benefit, or sharing or receiving a share for that person's subsequent transportation out of or into Pakistan for any of the purposes mentioned in section 3 of the Ordinance. Section 370 of the Penal Code also prohibits the sale and trafficking of persons for the purpose of slavery.

The Committee consequently observes that, although the trafficking of children for labour or sexual exploitation is prohibited by law, it remains an issue of concern in practice. ***The Committee accordingly invites the Government to redouble its efforts to improve the situation and to take, without delay, the necessary measures to eliminate the internal and cross-border trafficking of children under 18 for labour and sexual exploitation. It also asks the Government to provide information on progress made in this regard.***

2. *Debt bondage.* The Committee noted, in its previous comments, the ICFTU's indications that Pakistan has several million bonded labourers, including a large number of children. Debt slavery and bonded labour are

mostly reported in agriculture, construction (in particular in rural areas), brick kilns and carpet-making sectors. The Committee also noted that the Federal Cabinet approved a National Policy and Plan of Action for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers in September 2001. It notes that, according to the abovementioned rapid assessment (page 41), the implementation of the National Policy and Plan of Action has been slow. The Government has yet to mobilize resources for kiln workers through the Workers' Welfare Fund and to provide relief and rehabilitation for bonded labourers through the special fund of Rs.100 million created by the Government.

The Committee notes that, by virtue of section 4(1) of the Bonded Labour System Abolition Act, 1992, "the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour". Section 4(2) of the Bonded Labour System Abolition Act states that no one shall make an advance under or in pursuance of, the bonded labour system or compel a person to render any bonded labour or other form of forced labour. The Committee notes that bonded labour is broadly defined under section 2(c) and (e) of the aforementioned Act. The Committee reminds the Government that, by virtue of *Article 3(a)* of the Convention, child debt bondage is prohibited and that under *Article 1* of the Convention, it shall take immediate and effective measures to prohibit and eliminate this worst form of child labour. ***The Committee accordingly requests the Government to take the necessary measures to implement the National Policy and Plan of Action for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers as a matter of urgency. It also requests the Government to indicate the impact of such measures notably with regard to the removal of children under 18 from bonded labour and the rehabilitation of former child bonded labourers.***

Article 5. Monitoring mechanisms. 1. Local vigilance committees. The Committee noted, in its previous comments, the ICFTU's indication that the Bonded Labour System (Abolition) Act of 1992 prohibits bonded labour but remains ineffective in practice. It also noted that local vigilance committees were constituted to monitor the implementation of the Act but that there were reports of serious corruption within these committees. The Committee notes the Government's indication to the Committee on the Rights of the Child (CRC/C/65/Add.21, 11 April 2003, page 124) that the vigilance committees are composed of the deputy commissioner of the district, representatives of the police, the judiciary, the bar, the municipal authorities; and under the

recommendation of the ILO Conference Committee on the Application of Standards, membership was extended to include workers' and employers' representatives. The Government adds that efforts are being made to implement the Bonded Labour (Abolition) Act of 1992. Indeed, the Committee notes that, according to the information provided by the Government in the Poverty Reduction Strategy Paper (2003), an Anti-Corruption Strategy was formulated in 2003. ***The Committee asks the Government to provide information on the concrete measures taken by the local vigilance committees to ensure the effective implementation of the Bonded Labour (Abolition) Act and the results achieved. It also asks the Government to indicate whether the Anti-Corruption Strategy has contributed to improving the implementation of the Bonded Labour (Abolition) Act.***

2. *Labour inspection.* In its previous comments concerning the application of the Labour Inspection Convention, 1947 (No. 81), the Committee noted with interest the measures taken by the Government, in cooperation with ILO/IPEC, to reinforce labour inspection so as to efficiently combat child labour. It also noted the APFTU's indication that training services needed to be developed for labour inspectors as well as for workers. The APFTU further indicated that the recent decision of the Government to transfer the labour inspection machinery to the local bodies has diluted the role of the labour inspectorate since many heads of local bodies are either industrialists or feudal lords and as such the labour inspectorate has become subservient to them. The Committee notes the ICFTU's indications that the number of inspectors is insufficient; they lack training and are reported to be liable to corruption. The ICFTU adds that inspections do not take place in undertakings employing less than ten employees, where most child labour occurs. ***Noting the absence of information in the Government's report on this issue, the Committee requests the Government to provide information on the number of workplaces investigated per year, and on the findings of labour inspectors with regard to the extent and nature of violations detected concerning children involved in the worst forms of child labour. It also asks the Government to indicate any additional measures taken or envisaged to train labour inspectors and to provide them with adequate human and financial resources in order to enable them to monitor the effective implementation of the national provisions giving effect to the Convention.***

Article 6. Programmes of action to eliminate the worst forms of child labour. TICSA project. The Committee notes that the subregional project to combat

child trafficking (TICSA) aims at: (i) determining the extent and nature of trafficking of children and women for labour and sexual exploitation in Pakistan; (ii) establishing an action programme with the National Commission for Child Welfare and Development and the Ministry of Social Welfare, Women Development and Special Education to strengthen national capacity building, advocacy and awareness raising to prevent child trafficking (especially in Southern Punjab and Upper Sindh); and (iii) determining the demand side of trafficking of children and women in Pakistan for labour and sexual exploitation. The Committee notes that the National Action Programme to eliminate child trafficking was established in August 2004. ***The Committee requests the Government to provide information on the concrete measures taken under TICSA to eliminate the trafficking of children and women for labour and sexual exploitation in Pakistan and on the results achieved.***

Article 7, paragraph 1. Penalties. The Committee notes the ICFTU's indication that persons found guilty of violating child labour legislation are rarely prosecuted and that when they are prosecuted, the fines imposed are usually insignificant. The Committee notes, however, that section 3 of the Prevention and Control of Human Trafficking Ordinance of 2002 provides for a maximum of ten years' imprisonment and a fine for anyone who sells or traffics children for the purposes of labour or sexual exploitation. It also observes that section 374 of the Penal Code and section 11 of the Bonded Labour System Act provide for a maximum of five years' imprisonment or a fine or both for the violation of the provisions prohibiting forced labour and debt bondage. The Committee recalls that, by virtue of *Article 7, paragraph 1*, of the Convention, the Government shall take the necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to the Convention, including through the application of dissuasive sanctions. ***The Committee emphasizes the importance of taking the necessary measures to ensure that whoever violates the legal provisions giving effect to the Convention is prosecuted and to press for the imposition of sufficiently effective and dissuasive penal sanctions. It also requests the Government to provide information on the practical application of the laws, including the number of infringements reported of the abovementioned provisions, investigations, prosecutions, convictions and penal sanctions applied.***

Article 7, paragraph 2. Effective and time-bound measures. The Committee notes the ICFTU's indication that, according to available data from the Government, organizations of employers and workers and other sources,

Pakistan has up to 10 million child labourers, with a large majority of them working in agriculture, forestry, informal urban activities and various types of manufacturing work such as stitching surgical instruments, brick kilns and carpet making. It also notes that ILO/IPEC launched in 2003 a four-year Project to Support the *National Time-Bound Programme (TBP)* on the Elimination of the Worst Forms of Child Labour. ILO/IPEC identified, after consultation with the Government, organizations of workers and employers, civil society organizations and academicians, 29 hazardous occupations for children. Of these occupations and processes, six sectors were identified jointly with the Ministry of Labour to be addressed on a priority basis, i.e. glass bangle making, surgical instruments manufacturing, tanneries, coal mining, scavenging and deep-sea fishing and seafood processing and ship-breaking. ***The Committee asks the Government to provide information on the concrete measures taken under the TBP and their impact on eliminating the abovementioned worst forms of child labour.***

Clause (a). Preventing the engagement of children in the worst forms of child labour. The Committee notes that, according to the Rapid Assessment Studies on Bonded Labour in Different Sectors in Pakistan of 2004 (the Ministry of Labour, Manpower and Overseas Pakistanis, the Government and the ILO, page 30), workers in the brick kiln sector were not aware of the general legislation that applies to bondage. ***The Committee accordingly asks the Government to provide information on the measures taken to raise awareness on the prohibition of bonded labour.***

Clause (b). Providing the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour, and for their rehabilitation and social integration. 1. *Children working in the carpet industry.* The Committee notes the ICFTU's indication that 1.2 million children are reported to work in the carpet industry, which is a dangerous occupation. It adds that children working in this industry suffer from numerous injuries. The Committee also notes that the Pakistan Carpet Manufacturers' and Exporters' Association (PCMEA) and ILO/IPEC launched in 1998 a project to combat child labour in the carpet industry in Sheikhpura and Gurjranwala, which was extended in 2002 to cover Faisalabad, Hazizabad, Multancind, Toba Tek Singh. The project aims at providing: (i) non-formal education, mainstreaming, and pre-vocational education to about 23,000 carpet-weaving children; and (ii) access to micro credits for the 1,000 poorest carpet-weaving households. The Committee notes that, according to the ILO/IPEC technical progress reports, the project has so far contributed to the withdrawal of 13,000 carpet-weaving children

(83 per cent of whom are girls) from hazardous working conditions. These children are now enrolled in non-formal education centres, pursuing their primary education. In addition, micro credits have been provided to 705 carpet-weaving families in rural areas. ***The Committee encourages the Government to pursue its efforts to rehabilitate children under 18 years of age who undertake hazardous occupations in the carpet-weaving industry and to provide information on the results achieved.***

2. *Children working in the surgical instruments industry.* The Committee notes the ICFTU's indication that children constitute about 15 per cent of the workforce in this industry which is one of the most dangerous occupations. Child labourers in this industry are, on average, aged 12 years. The ICFTU adds that not much was done in the surgical instruments industry to address the problem of child labour.

The Committee also notes that ILO/IPEC, with the assistance of the Italian social partners and the Surgical Instruments Manufacturers' Association of Pakistan, launched in 2000, a project to combat hazardous and exploitative child labour in surgical instruments manufacturing through prevention, withdrawal and rehabilitation. It observes that, over a period of two years, the project has contributed to the reduction of child labour in one of the country's major export industries. Under its direct action programmes, 1,496 children employed in surgical instruments production workshops have received non-formal education and pre-vocational training. The project has also contributed to reducing the number of working hours of child labourers attending non-formal classes. The Committee notes that complementary actions were taken by the APFTU and the All Pakistan Federation of Labour to establish contact with the target groups and concerned stakeholders and raise awareness about child labour in this sector. This project has been extended up to 2006 to cover a larger number of children. ***The Committee encourages the Government to pursue its efforts to withdraw and rehabilitate children under 18 years of age performing hazardous types of work in the surgical instruments industry and to provide information on the results achieved.***

3. *Child bonded labourers.* The Committee notes that, according to the Poverty Reduction Strategy Paper entitled "Accelerating economic growth and reducing poverty: The road ahead" (December 2003, page 101), the European Union and the ILO are assisting the Government in the setting up of 18 community education and action centres for combating exploitative child labour through prevention, withdrawal and rehabilitation of former

child bonded labourers. The Committee also notes the Government's indication to the Committee on the Rights of the Child (CRC/C/65/Add.21, 11 April 2003, page 124) that it has established a "Fund for the education of working children and rehabilitation of freed bonded labourers". ***The Committee requests the Government to provide information on the impact of the abovementioned measures on removing children from bonded labour and on providing for their rehabilitation and social integration.***

Clause (d). Children at special risk. The Committee notes that, according to the Rapid Assessment Studies on Bonded Labour in Different Sectors in Pakistan (Chapter 4 on the mining sector, pages 1, 24 and 25), some miners ask their children of 10 years of age to work with them in mines to lighten the burden of "peshgi" (i.e. any advance whether in cash or in kind made to the labourer). Thus, in Punjab and in the North-West Frontier Province (NWFP), children are usually assigned the job of taking donkeys underground and bringing them out laden with coal. The rapid assessment also indicates that children working in mines are sexually abused by miners. ***The Committee asks the Government to take the necessary measures to eliminate child debt bondage in mines.***

69

Article 8. 1. International cooperation. The Committee notes that Pakistan is a member of Interpol which helps cooperation between countries in the different regions especially in the fight against trafficking of children. The Government signed the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2001.

2. Regional cooperation. The Committee notes that Pakistan participates in the South Asian Association for Regional Cooperation (SAARC), which was established in 1985 by the Heads of State or Government of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The Government signed in 2002 the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, the objective of which is to promote cooperation amongst Member States to effectively deal with various aspects of trafficking. According to the ILO/IPEC TICSAs report of September 2002, the signatories have committed themselves to develop a regional plan of action and to establish a regional task force against trafficking. The Committee also notes that, according to the ILO/IPEC Technical Progress Report of September 2004, Thailand and Pakistan signed a Memorandum of Understanding in April 2004 to promote bilateral cooperation to combat trafficking in persons. A similar Memorandum of Understanding was signed between Pakistan and Afghanistan in July 2004 to

address various issues of mutual interest including human trafficking. *The Committee asks the Government to provide information on the progress achieved in the launching of a regional plan of action and regional task force against trafficking. It also asks the Government to provide information on the impact of the Memoranda of Understanding signed with Afghanistan and Thailand to eliminate child trafficking.*

3. *Poverty reduction.* The Committee notes that the ILO's Social Finance Department has undertaken a project entitled "Prevention of family indebtedness with microfinance and related services", which aims at preventing freed peasants and other vulnerable families in three districts of Sindh Province from falling back into bondage. To this end, measures such as microfinance services, awareness raising, group formation, education and health services will be taken in order to reduce their economic and social vulnerability. *The Committee asks the Government to indicate whether this project was extended to other provinces and to provide information on the impact of the project on eliminating child bonded labour.*

70

Part V of the report form. In its previous comments, the Committee pointed out that accurate data on the extent of bonded labour is essential to develop effective programmes to eliminate debt bondage. *The Committee once again encourages the Government to undertake a nationwide survey in cooperation with employers' and workers' organizations and with human rights institutions and organizations to determine the extent of child debt bondage and its characteristics.*

The Committee is also addressing a direct request to the Government concerning other points.

DISCRIMINATION

Report of the Committee of Experts on the Application of Conventions and Recommendations

Equal Remuneration Convention, 1951 (No. 100)

Pakistan (ratification: 2001)

Observation, CEACR 2005/76th Session

71

1. The Committee notes the Government's first report and recalls the comments sent by both the International Confederation of Free Trade Unions (ICFTU) and the All Pakistan Federation of Trade Unions, dated 18 September 2001 and 9 July 2003, respectively. The All Pakistan Federation of Trade Unions stressed the need to adopt legislation and establish effective labour inspection services in order to enforce the Convention. The ICFTU alleged that women did not always receive equal treatment with their male counterparts in terms of pay and benefits.

2. The Committee notes the Government's indication that the Minimum Wages Ordinance, 1961, provides for equal minimum wages for the different categories of workers in industrial undertakings without distinction on the ground of sex. However, while the Committee notes that the setting of minimum wages is an important means of applying the Convention, it also notes that this legislation contains no specific provisions on equal remuneration for men and women for work of equal value.

3. In this context, the Committee notes that the Labour Protection Policy prepared by the Government in 2005 states that gender equality with regard to pay and wage systems will be a key component of the Government's new policy in the field of wages. The policy further envisages that minimum and above minimum wages will be paid on the basis of equal pay for equal work, and equal pay for work of equal value between men and women. The Committee also notes that the ILO Decent Work Country Programme in Pakistan includes measures to strengthen the application of the Convention. *It looks forward to receiving information on the specific measures taken or envisaged to implement the Government's commitments and policies and*

on the progress made in strengthening the application of the Convention in law and practice.

4. Noting that the Government's brief report has not yet enabled the Committee to examine fully the application of the Convention in Pakistan, the Committee asks the Government to provide additional information on the following points: (1) the application of the Convention in respect to workers not covered by minimum wage legislation, such as agricultural workers and government employees; (2) how it is ensured that the Convention's principle is applied not only to wages but also to all aspects of remuneration as defined in Article 1(a) of the Convention; (3) how the principle of the Convention is taken into account in collective agreements; (4) the specific measures taken by the competent authorities to ensure the application in practice of the principle of equal remuneration for work of equal value; and (5) the mechanisms and procedures available for victims of pay discrimination.

The Committee is raising other points in a request addressed directly to the Government.

72

Report of the Committee of Experts on the Application of Conventions and Recommendations

**Discrimination (Employment and Occupation) Convention, 1958
(No. 111)**

Pakistan (ratification: 1961)

Observation, CEACR 2005/76th Session

1. *National policy to promote equality of opportunity and treatment in employment and occupation.* In its previous observation, the Committee drew the Government's attention to the fundamental nature of the right to non-discrimination and the importance of formulating and implementing a national policy in accordance with the requirements of the Convention. While noting that the Government's report does not contain any information in this regard, the Committee nevertheless notes that a new Labour Policy was adopted in 2002, following consultations with social partners, which highlights gender equality issues. The Committee also notes that the ILO Decent Work Country Programme for Pakistan provides for strategies and

measures to promote and strengthen the the application of the Convention. ***The Committee looks forward to receiving information on the outcomes of the programmes and activities envisaged.***

2. *Export processing zones (EPZs) and special industrial zones (SIZs)*. The Committee previously noted that separate labour laws covering EPZs and SIZs were under preparation and expressed its hope that the Government would take the steps necessary to ensure that the labour laws for these zones fully reflect the principles and objectives of the Convention, in particular the prohibition of discrimination on the grounds listed in *Article 1(1)(a) of the Convention*, including with regard to terms and conditions of employment and the prevention of and protection from sexual harassment. In this regard, the Committee notes that the Decent Work Country Programme for Pakistan envisages action to ensure that workers in these zones have legal protection in line with international labour standards. ***The Committee requests the Government to provide information in its next report on any progress made in the preparation of the labour legislation applicable to EPZs and SIZs and the measures taken to ensure that it will reflect the principles and objectives of the Convention.***

73

3. *Discrimination on the basis of sex*. The Committee notes with interest that the 2002 Labour Policy identifies the elimination of gender discrimination as an important objective and acknowledges the need to improve the role and contribution of women in the labour force and to provide them with equal opportunities for employment. ***The Committee requests the Government to provide detailed information on the different measures taken or envisaged to promote women's equal employment opportunities and to eliminate discrimination on the basis of sex. In this regard, the Committee reiterates its previous request for information on the structure, mandate and activities of the National Commission on the Status of Women. The Committee also asks the Government to provide statistical information on the labour force participation of women and men, both in the public and private sectors.***

4. The Committee notes that the Government's Labour Protection Policy elaborated in 2005 proposes the assessment of the nature and extent of sexual harassment in the workplace and the preparation a Code of Conduct to guide the actions of enterprises in addressing sexual harassment, depending on the outcome of such assessment. ***The Committee encourages the Government to ensure that its 2002 general observation on sexual harassment is taken into account in this process. The Committee also requests the Government to***

provide information on the steps taken with a view to preparing and adopting the Code of Conduct on sexual harassment, and to provide information on any other measures adopted or envisaged, in law and in practice, to prohibit and prevent sexual harassment at work.

5. The Committee stresses that promoting equal access of girls and women to education and training is an important strategy towards the elimination of discrimination against women and the realization of gender equality in employment and occupation. The Committee notes from the Human Development Report of 2004 that the adult literacy rate for women was as low as 28.5 per cent. According to information submitted previously by the Government, about 50 per cent of girls drop out of school before completing primary education, and the drop-out rate for girls in rural areas is as high as 75 per cent. ***The Government is asked to provide further information on the measures taken and the progress made in increasing participation of girls and women in education, particularly in rural areas, and on action taken to change social attitudes that prevent them from enjoying their equal rights to education. The Committee also invites the Government to provide information on the steps taken to promote women's access to vocational training and measures for their social-economic empowerment. Finally, the Government is asked to supply statistical information on the level of participation of men and women in education and training.***

74

6. *Discrimination on the basis of other grounds.* The Committee recalls that a national policy to promote equality of opportunity and treatment should aim at the elimination of discrimination on all the grounds specified in the Convention. In this regard, the Committee notes that the Government's report contains no information in reply to the Committee's previous comments concerning discrimination on the basis of religion. ***It therefore reiterates its request to the Government to provide information on the measures taken to guarantee in practice non-discrimination on the basis of religion for all aspects of employment, and on the situation of the various religious minorities in employment and occupation. The Committee also urges the Government to respond to its previous request for information on the strategy implemented by the Minorities Affairs Division of the Federal Government and on the work of the National Commission for Minorities, as far as related to the application of the Convention.***

7. Further, the Committee recalls its previous comments concerning the impact of certain provisions of the Penal Code (sections 295C, 298B and 298C) on the employment and occupation of members of the Qadiani,

Lahori and Ahmadi religious groups. The Committee noted that sections 298B and 298C of the Penal Code establish sentences of imprisonment for up to three years for any members of the Quadiani, Lahori and Ahmadi religious groups who, inter alia, preach or propagate their faith, whether by spoken or written words, or by visible representation. The Committee also recalls that in order to obtain a passport, a declaration is required to the effect that the founder of the Ahmadi movement was a liar and an impostor, which is designed to prevent non-Muslims from obtaining passports which identify them as Muslims. *The Committee remains concerned that the enjoyment of equality of opportunity and treatment in respect of education and employment for certain religious minorities is necessarily impaired by the application of the measures referred to above, and urges the Government to take the necessary measures to review them and to keep the Committee informed of any measures taken in this regard.*

International Trade Competitiveness and Labour Standards

Muhammad Irfan
Section officer, Ministry of Commerce
Islamabad

The world is rapidly becoming a global village. Trade barriers are rapidly coming down. Flow of information is rapid and out of the control of the governments. While on one hand it is creating massive opportunities, simultaneously it is creating barriers and obstacles for a free trade. The world trade is formally regulated by the principles of world trade organization. But on the same time autonomous regimes in the form of GSP schemes and buyers' and consumers' requirements are gaining more importance.

An Introduction to WTO

76

The past 50 years have seen an exceptional growth in world trade. Merchandise exports grew on average by 6% annually. Total trade in 1997 was 14-times the level of 1950. GATT and the WTO have helped to create a strong and prosperous trading system contributing to unprecedented growth.

The system was developed through a series of trade negotiations, or rounds, held under GATT. The first rounds dealt mainly with tariff reductions but later negotiations included other areas such as anti-dumping and non-tariff measures. The latest round — the 1986–94 Uruguay Round — led to the WTO's creation.

The negotiations did not end there. Some continued after the end of the Uruguay Round. In February 1997 agreement was reached on telecommunications services, with 69 governments agreeing to wide-ranging liberalization measures that went beyond those agreed in the Uruguay Round.

In the same year 40 governments successfully concluded negotiations for tariff-free trade in information technology products, and 70 members concluded a financial services deal covering more than 95% of trade in banking, insurance, securities and financial information.

WTO Agreements

The WTO's rules — the agreements — are the result of negotiations between the members. The current set were the outcome of the 1986–94 Uruguay Round negotiations which included a major revision of the original General Agreement on Tariffs and Trade (GATT).

GATT is now the WTO's principal rule-book for trade in goods. The Uruguay Round also created new rules for dealing with trade in services, relevant aspects of intellectual property, dispute settlement, and trade policy reviews. The complete set runs to some 30,000 pages consisting of about 60 agreements and separate commitments (called schedules), made by individual members in specific areas such as lower customs duty rates and services market-opening.

Through these agreements, WTO members operate a non-discriminatory trading system that spells out their rights and their obligations. Each country receives guarantees that its exports will be treated fairly and consistently in other countries' markets. Each promises to do the same for imports into its own market. The system also gives developing countries some flexibility in implementing their commitments.

77

WTO and Labour Standards

Labour Standards are currently not subject to World Trade Organization rules and disciplines but some industrial nations believe the issue should be studied by the WTO as a first step toward bringing the matter of core labour standards into the organization.

These industrial member states believe the right to bargain collectively, freedom of association and workplace abuse, (including forced labour and certain types of child labour), are matters for consideration in the WTO. WTO rules and disciplines, they argue, would provide a powerful incentive for member nations to improve workplace conditions. These proposals have been highly controversial.

Many developing and some developed nations believe the issue has no place in the WTO framework. These nations argue that efforts to bring labour standards into the arena of multilateral trade negotiations are little more than a smokescreen for protectionism. Many officials in developing countries believe the campaign to bring labour issues into the WTO is actually a bid by industrial nations to undermine the comparative advantage of lower wage trading partners.

During preparations for the Singapore Ministerial Conference, proposals were made by the United States and Norway for a decision to be taken by Ministers for the WTO to undertake work on promoting core labour standards in the context of global trade liberalization and to report back to Ministers at their 1998 Conference. Both proposals view WTO work in this area as complementing that of the ILO, which they recognize has primary international responsibility in this field. Both countries view the objective as reaching a common understanding among WTO members on how to reinforce the mutually supporting nature of increased trade and improving labour standards.

While some WTO members expressed support for the approach suggested by the United States and Norway, many others raised serious reservations about any structured discussion of trade and labour standards in the organization.

The then WTO Director General Renato Ruggiero had suggested four points on which a consensus on this difficult issue might be built. In his consultations with member states, Mr. Ruggiero has found wide support for the four points, which are as follows:

78

- All WTO member nations oppose abusive work place practices, through their approval of the United Nations Universal Declaration of Human Rights.
- The International Labour Organization holds primary responsibility for labour issues.
- Trade sanctions should not be used to deal with disputes over labour standards.
- Member states agree that the comparative advantage of low wage countries should not be compromised.

However it must be noted that social/labour issues are strongly linked with international trade although they are not on the agenda of WTO Furthermore, the issue of human rights and bonded labour is gaining more and more importance globally to the extent that it will have a strong bearing on the competitiveness of Pakistan's economy

The European Union's new General System of Preferences (GSP) for what GSP stands? scheme (called as GSP plus) offers strong incentives to countries abiding by core labour standards of ILO and major international covenants on human rights, good governance and environment. Pakistan has not yet been able to qualify for that. European Union (EU) is insisting on ratification and implementation of 16 conventions relating to human and labour rights. Pakistan has not as yet ratified 3 conventions of the 16 and

hence has lost out on the GSP plus advantage vis-à-vis its competitors e.g. Sri Lanka.

The 0% duty as opposed to general GSP rate deeply affects competition of exporting countries with particularly Pakistan in terms of export loss and job loss translating into poverty aggravation. According to some estimates the financial impact on the economy of the country is around US\$ 500 million, which is a huge loss. If we could qualify for the GSP plus status it would mean more exports, more jobs, reduction in poverty and availability of more funds for education and healthcare schemes and development projects.

Some buyers like Nike stung by the criticism of consumers are implementing strict quality, environmental and social/labour standards on all their suppliers.

In the past, USA also excluded some Pakistani products particularly carpets and soccer balls due to allegations of child labour. But due to timely action by the employers assistance by ILO and intervention of the Government of Pakistan, effective steps were taken to combat child labour from these sectors. This has resulted in enhanced exports in these sectors.

79

In today's world the final driver of trade would be the buyers' requirements irrespective of any other restrictions. It is hoped that the officers in the district governments will keep these issues in mind when posted in relevant government agencies and contribute to policy formulation, which addresses the key concerns pointed out earlier. We must remember that

- Labour issues will influence export competitiveness and opportunities.
- The more we adapt the better it will be for the country and for the exports.

RECOMMENDATIONS OF THE WORKSHOP

1. Industrial Relations Ordinance 2002 should be amended as per WEBCOP recommendations.
2. Definition of worker is not clear in the existing labour laws, it should be substituted as employee
3. The labour appellate tribunal may be restored as the due to abolition of these tribunals, the workers and employers have to face increased litigation cost.
4. The Labour Inspection presently curtailed should be restored
5. All powers of labour courts which has been curtailed should be restored including reinstatement of employees.
6. In order to end gender based discrimination on wages coverage should be provided under labour laws to:
 - Private education sector
 - Paramedical Staff
7. Local labour laws should also be applied on agriculture, carpet washing and weaving industry.
8. Being big employer Govt. should restore trade union rights in every government and semi government department except the agencies of sensitive nature.
9. Government should arrange tripartite meeting every year for harmonious industrial relations and effective implementation of labour laws to enhance productivity
10. Registration of all unskilled workers should be made to ensure the implementation of minimum wages.
11. Promotion of ILS by active participation by all stakeholders at grass roots level
12. Role of NGOs should be recognized and integrated with labour organizations.
13. A comprehensive media campaign should be launched to promote the awareness amongst masses on the international labour standards so a conducive environment for their promotion and implementation can be prepared.

GLIMPSES OF THE WORKSHOP

Report of Tripartite Workshop on International Labour Standards: Obligations & Opportunities



82





Report of Tripartite Workshop on International Labour Standards: Obligations & Opportunities



84



Report of Tripartite Workshop on International Labour Standards: Obligations & Opportunities



85



Programme

Tripartite Workshop on International Labour Standards: obligations and Opportunities

Lahore, 13-14 December, 2006

Venue: Industrial Relations Institute, Lahore-Pakistan
Resource Person: Mr. Coen Kompier ILS Specialist at ILO
Sub-Regional Office New Delhi

Day One:

0900-0930 Registration

Inaugural Session

0930-1100 Recitation from the Holy Quran

86

Welcome remarks by Mr. Saeed Awan, Director Industrial Relations Institute

Remarks by Raja Faizul Hassan Faiz, Central Labour Advisor, Ministry of Labour, Govt. of Pakistan

Introduction to Workshop by Mr. Gagan Rajbhandari ILO Office Islamabad

Remarks by Mr. Iftikhar Mahmood Randhawa Employers Federation of Pakistan/Convener Webcop Lahore

Remarks by Mr. Khurshid Ahmed General Secretary Pakistan Workers' Federation

Remarks by Mr. Hassan Nawaz Tarar, Secretary Labour & Human Resource Department, Government of the Punjab

Address by Chief Guest, Rana Muhammad Qasim Noon, Minister for Labour & Human Resource Punjab

Tea & Refreshments

Technical Session – I

1100 - 1145	Introduction to ILO: Structure and Standards-Setting (adoption and submission)
1145-1230	ILO Standards and Pakistan
1230-1315	Activities on Fundamental Rights in Pakistan (IPEC, PEBLISA, Gender Justice, Child Domestic Labour)
1315-1330	Q & A
1330-1430	Lunch & prayer break

Technical Session – 2

1430-1500	Articles 22 and 23 of ILO Constitution and tripartite consultation: Reporting on ratified Conventions
1500-1530	Reporting by Pakistan under article 22 by Raja Faizul Hassan Faiz Central Labour Advisor, Ministry of Labour
1530-1600	Comments sent by social partners under article 23
1600-1630	Q & A & Wrap up

DAY TWO

Technical Session – 3

0845-0900	Recap of day 1/Agenda setting of day 2 By Mr. Gagan Rajbhandari ILO Office Islamabad
0900-0930	Pakistan at the International Labour Conference Committee
0930-1000	Article 24 and 26 of the ILO Constitution: Representations and Complaints
1000-1030	Q & A Wrap up

1030-1100 Refreshments

Technical Session – 4

1100-1130 Cases at the ILO Committee Freedom of Association

1130-1200 Q&A Discussions

1200-1230 The eight ILO fundamental Conventions and the ILO Declaration on Fundamental Principles and Rights at Work

1230-1300 Economic performance, productivity and trade: how do they relate to standards? Discussion paper introduced by ILO

1300-1315 Q&A Discussions

1315-1400 Lunch & Prayer Break

88

Working Session

1400-1415 Working-groups on burning issues: Legal and Practical (obligations and opportunities)

1415-1500 Break-up in groups (coffee/tea served)

Concluding session

1500-1530 Reporting back and agreement on short term action

1530-1600 Closing remarks by
Workers Representative, Employers Representative
MOL, ILO
Vote of Thanks by Director IRI

1600 Certificate distribution & Refreshments

LIST OF PARTICIPANTS

S. N o.	Name	Designation & Organization	Tel & Fax
1.	Ch. Abdul Rehman	Sr. Manager H.R., US Denim Mills (Pvt.) Ltd.	5340345-59 0300-8481203 Fax: 5340360-61
2.	Ch. Atif Abbas	Supreme Court of Pakistan, Islamabad	051-9220581 Ext. 435 0333-8417936
3.	Dr. Tariq Sultan Pasha	Occupational Hygienist CIWCE	042-9262145 Fax: 042-9262146
4.	Malik Shabbir Ahmed	President, Pakistan Labour Federation, Secretary General, PTV Central Employees Union (CBA)	051-9202175 0333-5146313 Fax: 051-9203406
5.	Mr. Abdul Fattah Ujjan	Section Officer, Ministry of Labour, Government of Pakistan	051-9213536 0300-9549940
6.	Mr. Falak Sher	Senior Manager H.R, Sapphire Textile Mills	0300-4003938 Fax: 042-5392373
7.	Mr. Ishtiaq Ahmed	Assistant Director Labour Welfare	041-9210237 0320-5470002
8.	Mr. Muhammad	Manager Admin &	042-7860040

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	Khalid Usman	Human Resource Azgard Nine Limited	0333-4366650 Fax:5383591
9.	Mr. Tahir Manzoor	Assistant Director, IRI	042-9262132 Fax: 042-9262146
10.	Mr. Zeeshan Sadiq	Labour Officer, Labour Department	0477-626569
11.	Mr. Akhtar Ali Tahir	District Officer Labour,	062-9250009
12.	Mr. Altaf Hussain Baloch	President Punjab, United Labour Federation Punjab, Pakistan Registered	042-5822962
13.	Mr. Amjad Ali	Assistant Director Labour, Lahore	9212483 0301-47058252
14.	Mr. Anwar Saeed Kailvi	Director H.R & Admn. M.K Sons Weaving Units	0300-4202831
15.	Mr. Arshad Mehmood	Chemist CIWCE	042-9262145
16.	Mr. Coen Kompier	Specialist International Labour Standards ILO	+91 11 2460 2101- 03 Fax: +91 11 2464 7973
17.	Mr. Gagan Rajbhandari	Programme Analyst ILO Islamabad	051-2276456-8
18.	Mr. Hassan Munir	Pakistan Workers Federation	042-7222192 042-7229419 0333-4843644
19.	Mr. Hassan Raza	Assistant Manager H.R Inter Market Knit	0321-4908415

(House of Socks)

- | | | | |
|-----|-------------------------------|---|---|
| 20. | Mr. Khalid Itaat Khan | District Officer
Labour Directorate
of Labour Welfare
Punjab | 0544-9270151 |
| 21. | Mr. Khalid Mahmood
Wattoo | Joint Director
Labour Welfare | 042- 9231016
Fax: 9230296 |
| 22. | Mr. M. Hanif Ramay | Coordinator
PILER (Pakistan
Institute of Labour
Education &
Research) | 7832808 |
| 23. | Mr. Mehboob Ahmed
Khan | Legal Officer
Human Rights
Commission of
Pakistan | 5838341 |
| 24. | Mr. Muhammad
Akram | Industrial Relations
Manager, Packages,
Ltd. Lahore | 042-5811962
0300-844307
Fax: 042-581195 |
| 25. | Mr. Muhammad
Arslan | Assistant Manager
Human Resource
EMCO Group of
Industries | 0334-4203550
Res.5173026
Off.7970195-7 |
| 26. | Mr. Muhammad
Naeem Ch. | Deputy Director,
Labour & H.R. | 049-9250134
Fax: 049-9250134 |
| 27. | Mr. Muhammad
Shahzad Tahir | Assistant District
Officer, Labour &
H.R. | 0300-4101413 |
| 28. | Mr. Mumtaz Ahmad
Khan | Deputy Director
Labour Welfare
Department | 0300-6688425 |
-
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- | | | | |
|-----|---------------------------|--|-------------------------------------|
| 29. | Mr. Naveed Ahmad Warraich | Assistant Director, Labour & H.R. | 042-7932434 |
| 30. | Mr. Saeed Awan | Director Industrial Relations Institute Lahore | 042-9262145
Fax: 042-9262146 |
| 31. | Mr. Taseer Jamal Alizai | Project Manager, ILO | 042-584-2394-5
Fax: 042-584-7736 |
| 32. | Mr. Zahid Masood | Assistant District Officer Labour & HR Deptt. Punjab | 042-9230564
042-7562506 |
| 33. | Mr. Zaigham A Mazhar | Deputy Director Labour Welfare | 055-9200154 |
| 34. | Mr. Zulqurnain Abbas | Assistant Director, Labour Welfare | 042-9262133
Fax: 042-9262146 |
| 92 | 35. Ms. Aasia Rasheed | Admin & H.R. Officer ANCE | 042-7460285,
7460267 |
| 36. | Ms. Bushra Khanum | Chairperson, WACH Organization | 061-4514700
0300-6304997 |
| 37. | Ms. Monica Tasaduque | Executive Assistant Democratic Commission for Human Development (DCHD) | 5837370-5854412
Fax: 5866409 |
| 38. | Ms. Nadia Hassan | Project Coordinator ANCE | 7460285-7460267 |
| 39. | Ms. Nadira Shahzad | Secretary Women Wing Pakistan Labour Federation | 0300-8898941-
8497898 |
-
-

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40.	Raja Faizul Hassan Faiz	Central Labour Advisor, Labour and Manpower Division Government of Pakistan	051-9201801 Fax: 9201801
41.	Rana Ghulam Rasool	Deputy General Manager, Bilal Spinning Mills Ltd.	042-5118589 0333-4473866 Fax: 043-45110082

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3. **Working paper No. 58 Decent work, standards and indicators** by Monique Zarka-Martres and Monique Guichard-Kelly, ILO, 2005
4. **The Committee of Experts on the Application of Conventions and Recommendations: its dynamic and impact** by Eric Gravel and Chloé Charbonneau-Jobin, ILO, 2003
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13. **The Committee of Freedom of Association: Its impact over 50 years** by Eric Gravel, Isabelle Duplessis and Bernard Gernigon, ILO, 2002
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17. **Freedom of Association: Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO** ILO, 2006, fifth (revised) edition
18. **Electronic Library on Freedom of Association and Collective Bargaining.** This CD-Rom includes most of the above mentioned publications

Social Security

19. **Standards for the XXIst Century: Social Security** by Martine Humblet and Rosinda Silva, ILO, 2002

Seafarers

20. **"Current Maritime Labour Law Issues - An Internationally Uniform Identity Document for Seafarers"** by Cleopatra Doumbia-Henry. First published in the *World Maritime University Journal of Maritime Affairs*, 2003, Vol. 2, No. 2.
 21. **"How biometrics helps the seafarer and world trade"** by Cleopatra Doumbia-Henry
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Databases

22. **APPLIS**: Database containing information on ratifications, comments of the Committee of Experts, and reporting obligations.
23. **ILOLEX**: Full-text database of ILO conventions and recommendations, ratification information, comments of the Committee of Experts and the Committee on Freedom of Association, discussions of the Conference Committee, representations, complaints, General Surveys, and numerous related documents. Also available as a CD-ROM.
24. **LIBSYND**: Database of freedom of association cases.
25. **NATLEX**: Bibliographic database of national laws on labour, social security, and related human rights. Includes numerous laws in full text. Records and texts in NATLEX are either in English, French, or Spanish.

96

Note: Most of these publications and databases or their information is available at

<http://www.ilo.org/public/english/standards/norm/index.htm>

For further information on these publications, please contact the International Labour Standards Department at

infonorm@ilo.org



Working Time



Freedom of Association



Occupational Safety and Health



Forced Labour



Social Security



Equality of Opportunity and Treatment



Maternity Protection



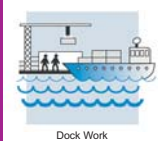
Elimination of Child Labour



Seafarers



Labour Administration and Inspection



Dock Work



Tripartite Consultation



Migrant workers



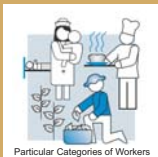
Employment Policy



Indigenous and Tribal Peoples



Vocational Guidance and Training



Particular Categories of Workers



Social Policy

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 Industrial Relations Institute
 Labour & Human Resource Department
 Government of Punjab
 Township (Near Chandni Chowk)
 Lahore-Pakistan

Tel: +92-42-9262145
 Fax: +92-42-9262146
 info@ciwce.org.pk - www.ciwce.org.pk

Designed By: **SHAHKAR** 042-37539423, 0314-4093423