

Charter of Demands

Women Workers' Convention

Despite making up almost half of Pakistan's population, women remain under-represented in the labour force. According to the recent Labour Force Survey 2020-21, women constitute only 21.3 percent of the total workforce. Women workers continue to face a multitude of issues at the workplaces including irregular employment, low and unequal wages, vulnerable working conditions, job insecurity, insufficient or no social security, long working hours, and harassment. According to the recent International Labour Organization's (ILO) report, the gender pay gap in Pakistan is at 34 percent, which is more than double the global gender pay gap (16 percent). In addition, women workers in Pakistan lacked a collective that can assist in amplifying their voices for the redressal of such grave issues with the employers, and elected and public officials.

The WWA along with other trade unions are commemorating their struggle for labour rights and celebrating the achievements particularly the formation of the first-of-its-kind women workers' union called women workers' unity. The WWA and other trade unions demand administrative and legislative improvements to increase the participation of women workers in the formal sector of the economy.

The Constitution of Pakistan under Articles 25, 34, and 37 requires the Federal and Provincial Governments to take measures for the equality of all citizens before the law, inclusion of women in national life, and provision of conducive workplaces, respectively. In addition, Pakistan is a signatory to all ILO's core conventions making it binding on the Government to take necessary actions for their compliance.

Therefore, the state through federal and provincial government must:

Establish Framework Guidelines for Minimum Labour Standards

The Federal Government should develop federal framework guidelines for minimum labour standards for ensuring the inclusion and equality of women workers across the country. The framework guidelines will ensure that the Constitutional provisions and the international commitments including the ILO conventions and the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) are accounted for in the labour laws.

Ensure Terms and Conditions for Employment Equal and Inclusive

The Federal and Provincial Governments should ensure equality of citizens in terms and conditions for employment by strengthening the existing laws and introducing comprehensive legal provisions for effective enforcement at all levels in line with the guarantees provided for under Article 25 of the Constitution, the Discrimination (Employment and Occupation) Convention (C111) 1958 (No. 111), and CEDAW.

Eliminate Gender Discrimination in Wages

The Federal and Provincial Governments should introduce either new or amendments to the existing labour laws to proactively discourage the discrimination of wages between men and women employees. According to the Equal Remuneration Convention (C100), 1951 (No. 100), as well as the constitutional provisions, the wage must be determined on the principle of equal remuneration for men and women for work of equal value.

Revise penalties and Offences in the Labour Laws:

The Federal and Provincial Governments should review the types of offenses, and introduce stringent penalties against the violations that are specific to women such as discrimination in wages, unequal treatment, non-provision of maternity leaves, etc. Currently, the penalties and offenses defined in the labour laws are glaringly inconsistent – the lowest fine in labour laws in Islamabad is Rs. 20 while the highest is Rs. 500. Such inconsistencies are also found in the labour laws for the provinces.

Ensure Maternity Leaves and Other Benefits

The Federal and Provincial Governments should ensure that the labour laws provide for up to 24-weeks maternity leave with benefits. The division of leaves in prenatal and postnatal phases should be left to the discretion of the worker. The laws should provide for paternity leave and flexible working hours along with at least 4 nursing breaks (at least four 15-minute breaks) for women workers returning from maternity leaves until the newborn reaches an age of two years. The federal and provincial laws should provide for a mandatory day-care facility at workplaces employing 10 or more women workers. Article 37 of the Constitution of Pakistan and CEDAW stresses the provision of maternity benefits to women and special protection needs to women during pregnancy.

Ensure Safety and Wellbeing of Women Workers

The Federal and Provincial Governments should introduce occupational health and safety laws with a gender lens to ensure that the special needs of women at workplaces are adequately addressed. The Federal and Provincial Governments should undertake measures to ensure the implementation of the Protection against Harassment at Workplace Act for the safety and wellbeing of women workers.

Provide for Umbrella Registration of Workers with Social Security Institutions

The Federal and Provincial governments should provide for umbrella registration of workers under social security laws to access social security benefits including health, education grants, marriage grants, old age benefits, pension, death grants, medical assistance, disability and accident grants.

The vulnerability of women workers increases manifold when they are not given social security benefits. The institutions responsible for implementing social security laws, such as the Social Welfare Department, EOBI, and Workers' Welfare Fund need to ensure that women workers get their fair share in these social security schemes.

Any person in the employment of any establishment, registered or unregistered with the labour department and irrespective of the type of employment, may register with the Social Security Department and/or Workers' Welfare Fund, whichever is relevant, on the provision of evidence as defined by the law to be eligible for admissible benefits. This may also provide timely information to the Social Security Department and/or Workers' Welfare Fund about establishments, which are not in compliance with the legal provisions.

Strengthen Labour Inspection and Administration

Federal and provincial inspectorate of labour must be established for coordinated inspection and implementation of labour laws. One of the biggest challenges in the implementation of labour laws lies in

key administrative weaknesses in the labour inspection system including but not limited to the shortage of qualified staff, weak inspection mechanisms, poor data collection techniques, and dearth of proper equipment. The adherence to ILO Convention No. 81 should be ensured by establishing a centralized labour inspectorate to ensure uniformity of labour inspection and inclusion of all forms of workplaces extending their scope to the newly emerging sectors. For an effective and gender-responsive labour inspection, the labour inspection checklists may be reviewed to include protection against harassment and other facilities that are important for a conducive workplace for women workers.

Recruit More Women Labour Inspectors

The lack of labour inspectors is also a serious issue and one of the biggest obstacles standing in the way of safer and better working conditions. According to an ILO estimate (2015), there were only 336 labour inspectors (with only three being women) for 60 million workers in Pakistan. The number of inspectors in each inspection authority must be increased to cater to routine, follow-up and special inspections in all the workplaces under their jurisdiction.

The provincial labour departments have extremely poor gender ratios in staff with alarmingly low numbers of female inspectors. The Labour Inspection Policy 2006 is silent on inspection for provisions related to women and most of the inspection forms and guidelines do not have any space for gender-segregated inspection mechanisms. Not having enough female labour inspectors give rise to the point that women's issues do not get highlighted.