**Women Labour and Employment**

**CEDAW SHADOW REPORT**

**Prepared on the CEDAW Committee’s Seventy-fifth session , List of issues and questions in relation to Pakistan’s fifth periodic report (31 July 2019 19-13088 (E) 070819 \*1913088\* )**

**List of the Organizations:**

1. Aurat Foundation
2. Awaz CDS
3. Awam –Faisalabad
4. Baadban-Haripur
5. Bangle Choori Worker Union-Hyderabad
6. Bedari–Sialkot
7. Center for Social Justice & Peace
8. Center for Labour Research
9. Community Aid (CA) Rajanpur
10. Da Hawwa Lur –KP
11. Garment, Textile, Hosiery & Garment Union –Karachi
12. HBWs progressive Union
13. INSAN Foundation Trust –Islamabad
14. Itehad foundation –Kasur
15. Labour Education Foundation
16. MEHNAT
17. Parwarish welfare Organization –Gujranwala
18. Women Workers Helpline
19. SABAH Pakistan
20. Shirkat Gah
21. Simorgh Women's Resource & Publication Centre, Lahore
22. Search for Justice Pakistan
23. Shelter Participatory Organization-Hyderabad
24. Sungi Development Foundation
25. South Asia Partnership
26. Tameere Nau-Lahore
27. Women worker Foundation –Multan
28. Women workers Union Lahore
29. Women Workers Organization
30. Young Man society Vehari

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**Introduction:**

This Alternative Report, *Women: Labour and Employment Pakistan*, endorsed by 30 NGOs and workers’ organizations,focuses on women’s labour and employment rights as envisioned in the Constitution of Pakistan. It draws attention to key issues emerging since the submission of the Government of Pakistan's (GoP) Fifth Periodic Report in October 2018. Key information ignored by the GoP Report for the period 2012-2019 includes findings of the 2017 Population Census, and 2018 Reports, The Annual Status of Education Report, the Labour Force Survey (LFS) 2017-18 and the Population Demographic and Health Survey (PDHS) 2017-18

GoP responses of the GoP in the Fifth Periodic Report give impression that government has fully complied with CEDAW Articles in letter and spirit specially pertaining to the Articles 11, GR13, covering the Women in Labour, employment and Agriculture and Rural women . Whereas on grounds the fact are different in the context of presenting the national labour gender based strategy ensuring the improvement of women labour force participation.

The CSO appreciates the initiatives taken by provincial governments for ensuring the inclusion of informal economy and taking leading in setting precedents; yet the steps taken by the provinces e.g. enactment of Sindh Home Base Workers Act 2018, Sindh Home Base Workers Policy-2016 , Punjab Home Base Workers Policy-2017, Punjab Domestic Workers Policy-2015, Punjab Protection of Domestic Workers Act 2019 , Sindh Women Agricultural Workers Act 2019 are in their provincial capacities does not represent the National state of affairs when it comes to the protection of women in labour(formal or informal).

Some positive amendments in the fair representation for women 2014, setting up of National and Provincial commission on the Status of women, National and provincial Human rights commission, establishment of treat implementation cells. Despite the fact that government claims are very high on achieving the inclusion of women in the workforce, there are unresolved issues, which need to be addressed, especially at this point when GoP has already reported to the VNR processes and CEDAW committee observations. There is sign of regression in the women workforce pertaining to the fact that the laws introduced are not fully implemented in letter and spirit. LFPR, supply of labour, is dropping constantly. LFPR for women dropped from 22% to 20% in 2018.

The mechanism adopted in term of labour inspection are not gender inclusive; the capacities of the labour inspectors, absence of women in the labour inspection team, availability of gender disaggregated data in industries. National standards for the protection and regularization of the 74 percent workforce in informal economy –which is mostly women oriented . Moreover, the country has no universal social security protection system, that further adds to the burden of women as workers and care-leaders in the family.

This first ever Shadow report on ***Women, Labour and Employment*** highlights the discrepancies in the policy, law, and ground level realities which cause ineffective implementation of labour laws and lead to a gap in acknowledging women’s labour force participation. It highlights the short comings of the government of Pakistan maintaining a National data base for showcasing the women work force as the key to the economy prosperity. It also touches the over legislative preview available in labour regime and absence of holistic approaches for ensuring inclusivity, sensitivity and reality of the women work force in the formal and informal economies. The report also attempts to respond committee concluding observations; uneven representation of initiatives of provinces in the labour context and missing out of key developments in other provinces; use of outdated, and/or disputed data on varied dimensions of gender inequality; and failure to mention linkages to the SDGs.

The reports highlights coverage of home based workers and workers of informal sector under labour laws and social protection schemes but points to the absence of universal and holistic to provide coverage and protection women labour force.

The report draws from the information available in the Labour force Surveys, ILO reports, Researches and survey conducted by NGOs and grass root organizations from the period starting 2013. It is hoped that the Federal and government would take some concrete actions in accordance with the State’s commitments as treaty obligations under CEDAW.

**Women in Labour and Employment**

Women’s labour force participation rate is rising gradually in formal and informal sectors of Pakistan’s economy but existing laws are gender blind.

The Constitution of Pakistan, by guaranteeing basic fundamental rights to workers, decent employment opportunities for citizens, children’s equal right to education, equality of gender in employment and at the workplace, workers’ right to unionize, safety at the workplace and harmonious relations between the employers and workers, in, provides the basis for policy formulation and legislation in the field of labour.

The Constitution Article 25 specifically stipulates no discrimination on the basis of sex. Other articles relate to discrimination on the basis of caste, creed and religion. It requires that policies and laws be framed in such a manner as to guarantee the rights, privileges and attributes of vulnerable groups recognized through international covenants.

1. **Women Workers and Labour Policies**

***The CSO is concerned on the GoP statement issued in response to CEDAW Questions raised by CEDAW committee- Replies of Pakistan to the list of issues in relation to its fifth periodic report 13 Dec 2019***

During the last fifteen years in Pakistan, legislation in the labour regime highlighted important provisions in the labour policies and laws. But whether the labour framework have been able to address the concerns of women workers in the light of CEDAW, ILO Conventions ratified by Pakistan and the Constitutional of Islamic Republic of Pakistan is a big question.

The overview of all these policies shows that these policies were announced after a number of international developments, e.g. globalization of the nineties, privatization and deregulatory policies of the eighties and thus reflect the Government stance to deal labour issues in a more pragmatic manner. Government role was restricted to a facilitator rather a regulator of industrial relations in the past. The emphasis on employment promotion, skill development, social dialogue and facilitation to the employer. Gender and role of women in labour market was bleakly touched in the light of increasing women labour force participation demand. The policies did not focused an upward growth of the women in industry, agriculture and informal sector. Missing out the holistic inclusive approach for in the economic growth of the country ensuring women as the back bone across sectors.

During the past 18 years Since 2002 onwards , labour policies, including post devolution provincial initiatives, have focused on trade unionism, strengthening of dialogue, extension of social protection, eliminating gender disparity, child and bonded labour; extending legal coverage to workers of the informal , agriculture and home-based sectors; and facilitation of market oriented vocational training and human resource development through Public-Private Partnerships. However, no specific provisions ensure that there will be no discrimination in occupation and employment and specific arrangements for women workers employed even in the formal sector, as stipulated in international Conventions ratified by Pakistan and the Constitution. The policy of federal policy of 2002 proposes extending labour laws and social protection schemes to home-based workers and those in the informal sector but has not devised any special strategy to provide coverage and protection to women who constitute the majority of this labour force. The policy is also silent on skill development and on-the-job training of women workers.

The Polices do not focus on the inspection of women related legal provisions. Weak inspection systems also enable businesses to get away with noncompliance to labour laws. Factory owners often know beforehand when inspections are to take place. Inspections thus fail to uncover several violations including the lack of implementation of the stipulated minimum wage.

Pakistan’s labour laws are also silent on the absence of unions and collective bargaining units in the informal sector. Only 2.3pc of the country’s workforce (both formal and informal) is unionized.

***Refereeing to Para 116,110,114, 115, &120*** CSO observes that Labour Policies introduced at the provincial level contain provisions regarding steps for improvement in working conditions, health and safety at the workplace, coverage of labour laws and social insurance schemes to the informal sector and home based sector, developing labour market information mechanism and enterprise development, etc. Under the Policy, women workers would benefit from the application of ILO Convention on Equal Remuneration, 1951 (No. 100), ratified by Pakistan in 2001. Minimum and above-minimum wages to be ensured on the basis of equal pay for equal work, and equal pay for work of equal value, as between men and women, in accordance with Pakistan’s obligations under ILO Conventions 100 and 111concerned with equality and non-discrimination respectively. Women would also benefit from better information concerning their working conditions and arrangements in the informal economy, from improved maternity arrangements, codes of conduct relating to sexual harassment and, where possible, day care arrangements for their children. The Government recognizing the under utilization of women human resource potential in the economy and showed its commitment to re-examine existing legislation to ensure that women are not denied access to suitable jobs that are arising due to Pakistan’s changing labour markets. But the concrete steps to be taken are still missing.

The holistic framework addressing the main issues confronted by women in the labour market including, employment, vocational training, discrimination in employment, discrimination in wages, discrimination in promotion in employment, working conditions, rest, working hours, paid holidays, maternity leave and benefits, right of association and collective bargaining and coverage under social protection schemes; while accepting the issues, do not give a n up ward growth model. For instance, they talked about strengthening healthy trade unions activities, but did not talk about ensuring women’s participation in unions and also about promotion of female trade unions.

Similarly, the Policies recognized the importance of vocational training and employment promotion but did not mention anything specific to women workers in this regard. And unable to highlight any solid steps in connection to link up with these areas and also on social protection and maternity benefits.

The policies did not give exact reflection of international commitments, particularly, UNDHR, ICESCR, ICPCR and **CEDAW.**

The policies recognize the importance of women workers in the economy and the challenges with respect to working women in home based, informal, agriculture sectors and also suggested coverage of these sectors under labour laws and social protection schemes but did not provide any framework or recommendation for ratification of relevant ILO Conventions C-177, C-183,C-189 and 190[[1]](#footnote-1).

Pakistan has repeatedly ranked as the second worst country for gender inequality in the world. In Pakistan women and girls face lack of opportunities, discrimination and violence.

*Labour force participation rate dropped from 45.70% in 2013 to 44.28% in 2018 2.*

*Gender wage gap worsened from 39% in 2013 to 40% in 2018*

*The percentage of female workers earning below minimum wage in textile sector has worsened from 89% in 2014 to 93% in 2018(LFS-2017-18*)

Pakistan is doing poorly in all five: the female labour force participation rate is 22pc versus that for men at 67.8pc; women are paid 23pc less than men for similar work; women’s average monthly income is Rs9, 760 compared to men’s monthly earnings of Rs15, 884, and only 0.3pc women are employed as managers, 6.4pc as professionals and 0.9pc as technical workers[[2]](#footnote-2) (Labour Force Survey 2014-2015).

*With the bulk of women working as unpaid employees the number of women in professional jobs and higher positions that bring better remuneration is skewed. The corporate sector does not pay a miserly sum to professional women though the number of women at the top is negligible. Government employees’ pay scale from grade one to 21 is the same for both men and women though fewer women make it to grade 22.*

The economic participation of women gives two hoots for economic participation and its indicators (such as the wage gap) when there are a hundred other sordid affairs confronted by women, ranging from inequity in education, skills and health to horrific extremes of sexual violence and social degradation — unless you win the argument that poor economic participation is linked with all other aspects of gender inequality.

*The gender wage gap in the textile sector has worsened from 62% in 2014 to 70% in 2018 .*

*Female workers without contract in textile sector were 96% in 2014 which further dropped to 97% in 2018 5. The percentage of regularly paid female workers in textile sector further reduced from 6% in 2014 to 5% in 2018.LFS 2017-18*

**1.2 Critical needs to be addressed:**

1. What is the government doing to address workplace discrimination across hierarchy of workers?

Pakistan has no laws addressing discrimination in hiring, firing, promotions and other workplace conditions with respect to gender, sex, married/divorce status and pregnancy – for workers (blue-collar workers) as well as managerial, supervisory (or white-collar workers).

1. What steps is the government taking to ensure implementation of the Supreme Court’s 2013 judgment in Fauji Fertilizer Company vs National Industrial Relations Commission (2013 SCMR 1253)? The decision clarifies that subcontracted workers are employees of the principal employer in most situations.
2. More concerning is the government is not addressing contractual and subcontracted workers, as evidenced by the vision laid out in the Punjab Labour Policy 2018 and Sindh Labour Policy 2018. Subcontracted and temporary contract workers cannot access the benefits of employment such as old-age and health benefits, maternity leave etc.
3. What steps GoP has taken to ensure women’s Access to Equal pay and minimum wage in the formal and informal economy across sectors.
4. As harassment at work place and reaching to the workplace is the most commonly found obstacles in women’s restraint mobility and job security; What affirmative action’s GoP has taken with regard to ensure the women safe Access to work, enabling work environment, affectivity of the Sexual harassment at work place Act, and outreach of the Sexual harassment at work place for workers in the informal economy.
5. Despite of the fact that countries including Pakistan have signed the adoption of ILO C 190 at the General Assembly of ILO in June 2019, there seems to be no progress in the adoption of the Harassment and Violence definition as per C190.
6. Ensuring increased women employment Punjab has taken steps by establishing 16 Women hostels in 12 districts. Where no such progress has been seen in other provinces.
7. CSOs also observe problem areas in the functioning of the Ombudsperson under the protection Against Harassment of Women at Workplace Act. Rules are missing. No standard SOPs are available. Appointments of the Ombudsperson in provinces have been observed to have been delayed. There is very limited awareness of the law in the informal sector workers.

**2. Women and Minimum Wage in Pakistan**

***The CSO is concerned on the GoP statement issued in response to CEDAW Questions raised by CEDAW committee- Replies of Pakistan to the list of issues in relation to its fifth periodic report 13 Dec 2019: Para 114***

Minimum Wage Boards have the role of recommending minimum wages rates for unskilled workers and skilled workers in scheduled industries, as well as for unskilled and juvenile workers. They also recommend adjustments after a minimum of one year but at least once every three years*. (Source: Minimum wage, implementation and working conditions in the Formal and Informal sector of Garment Industry in Pakistan).*

Regulation of wages has been confined to the regulation of minimum wages for unskilled and skilled workers. The current minimum unskilled wage in Pakistan is not more than Rs 17,000.

More generally in relation to pay equality, the legal situation is uneven. There is no separate legislation on Non-discrimination. The provinces of Sindh and KP have introduced provisions of non-discrimination in the existing laws. However, these provisions have not been practiced on ground. The province of Punjab using rule 15 of the Minimum Wages Rules has attempted to introduce gender equality in relation to the payment of minimum wages through its notification system, which now provides that men and women shall receive the same minimum pay rates. Sindh included in its Minimum Wage Act 2015 a penalty in relation to gender discrimination in the payment of minimum wages.

Beyond wages themselves, Pakistan’s legal framework does not provide for comprehensive protections against discrimination on the grounds of gender (or other grounds). However, the provincial legislative frameworks do contain a range of provisions relevant to gender equality and which impact upon women’s working environments.

**2.2 Women Wage Gap**

Women are significantly under-represented in Pakistan’s labour force, despite their huge contribution to daily life. Women employed face significant gender pay gap, alongside other forms of discrimination which limit their potential.

Analysis of Pakistan’s Labour Force Surveys for 2013-2014 , 2014-2015, 2017-18 show a gender pay gap of 26 per cent across Pakistan’s workforce without taking into account differences in workers’ characteristics. However, in the garment sector, Pakistan’s largest manufacturing industry and a significant employment of women rises to 33 per cent. Similarly, female labour force participation has rather decreased from already low 22.2% to 20%.The gender wage gap, has reduced from 42% in 2014 to 40% in 2018. The gender wage gap in the textile sector has worsened from 62% in 2014 to 70% in 2018.

The level of women’s participation in the labour force in Pakistan is low.Cultural barriers and gender stereotypes valuing men as breadwinners and women as homemakers are prevalent. While this is changing in large urban centers, major obstacles to women entering the workforce persist. A major factor is the lack of safe, affordable and accessible transport facilities; these are only provided in some of the largest exporting enterprises. The lack of suitable, affordable childcare is also a major disincentive in a society that places the burden of child-rearing almost exclusively on women.

Pakistan’s legislative and policy framework contains no general prohibition on pay inequality, save for in Khyber Pakhtunkhwa, where recent legislation has introduced the concept of equal pay for work of equal value. Additionally, some legislative measures designed to protect women from excessive hours and night work have the unintended consequence of making women less attractive to employers, who require a flexible workforce in an order-driven industry.

**2.3 The Gender Pay Gap in Formal Sector**

CSO observes that among manufacturing, textile and garment sector is the most significant for Pakistan’s economy with highest exports, women are employed in majority. *<http://www.ilo.org/wcmsp5/groups/public/>*

The complete textile and garment value chain exists in Pakistan: from cotton production to the production of made-ups and garments. The garment sector is an important part of Pakistan’s export profile, accounting for approximately 9 per cent of GDP and over 60 per cent of all exports[[3]](#footnote-3). More than 15 million direct and indirect jobs are generated by the textile and garment industry, which employs around 40 per cent of the non-agricultural workforce

Labour force statistics from 2014-2015 show that 26 per cent of all individuals employed in the manufacturing sector work in garment production. For women, 55 per cent of employment in the manufacturing sector is in garment industry; for men the equivalent figure is 19 per cent

Analysis of Labour Force Survey data (2015) shows that one of the of the highest pay gaps is found in the garment sector, 33 per cent, well above the average gap across all sectors (26 per cent).

The gender pay gap varies across wage levels, with higher gaps at the lower end, indicating that women earning the least are the most disadvantaged by their gender.

The Labour Force Survey also demonstrates that women engaged in the garment sector are more likely to be home-based workers (94 per cent of the women compared to 7 per cent of the men) and to work as a contributing family member or on their own account (75 per cent of women compared to 38 per cent of men).

The Labour Force Survey shows a high degree of occupational segregation in the garment sector. The first level of segregation is between formal and informal employment, with women predominant in the latter. Within the formal sector women are engaged in production jobs, whereas men are more evenly distributed between productions and managerial, administrative, finance and merchandising jobs.

The Labour Force Survey also demonstrates that women engaged in the garment sector are more likely to be home-based workers (94 per cent of the women compared to 7 per cent of the men) and to work as a contributing family member or on their own account (75 per cent of women compared to 38 per cent of men).

The types of work that men and women commonly do also differs, with women almost exclusively employed as craft workers, predominantly as tailors and sewers. Trades such as washing, dyeing, cutting which pay higher wages than other work on the factory floor, are seen as unsuitable for women because of high temperatures in the sheds and the heavy loads. Female higher-level managers or professionals, the highest paid occupations[[4]](#footnote-4).  *.*

**In terms of Female labour force participation** the majority (62 per cent) of Pakistan’s estimated population of 189.19 million34 lives in rural areas. The country’s most populous cities are Karachi in Sindh (estimated population of 23.5 million); and Lahore (6.7 million) and Faisalabad (2.6 million)35 in Punjab.36 Some 42.3 per cent of employment is in the agricultural sector; 22.6 per cent in industry; and 33.2 per cent in the services sector. Most employment is in the informal economy which is estimated to make up around 72.6 per cent of the economy as a whole.

Women’s participation in the labour force is among the lowest in the world, No robust policy, framework,growth strategy clearly describes the GoP notion or commitment to increase the women labor force participation encouraging the girls/women to enroll into employment. The laws, policies are scattered and have skeptic views and uncoordinated implementation mechanism.

The emphasis on women’s primary role as homemakers and caregivers,coupled with high levels of early marriage, discourage women from entering the workforce, particularly as employed women shoulder same burden of household-related unpaid work as do their non-employed counterparts.

***In response CEDAW para 12 Participation in political and public life GoP Para 53 for right to organize and fair representation***

**2.4 Unionization and collective bargaining**

Similarly, the updated data on trade union rights (number of trade unions, their membership, collective bargaining agent status, strikes and lockouts) is not readily available. A 2018 ILO study determined the total number of trade unions at 7,096 and their total membership at 1.4 million.   
<https://www.clr.org.pk/wp-content/uploads/2019/12/The-Verdict.-June-2019.pdf>

Despite the fact that Pakistan has ratified ILO C87-Freedom of Association and Collective Bargaining Convention, 1948 (No. 87) and ILO C98-Right to Organize and Collective Bargaining Convention, 1949 (No. 98)Pakistan generally has low trade union density. The researchers found low level of unionization was reflected in the garment sector. Majority of the factories recognizes trade unions are in place yet the individual workers response is opposite .They were or had ever been members of a trade union, nor did they wish to be. Inadequate Women representation in unions’ .Employers are also critical of trade unions, citing disruption and lack of genuine representation[[5]](#footnote-5).

As a growing trend, registered factories mostly are establishing works’ councils, which, under the Industrial Relations laws, are mandatory for factories employing more for than 50 workers. Some, but not all, of the factories also have women representatives on the councils.

**2.5 Critical needs to be addressed:**

1. In Punjab, factory inspections have been officially barred since September 2019. Previously, they were barred in practice, but not by policy. Across Pakistan, labour departments are underfunded and understaffed.   
     
   How is the government plan to facilitating monitoring of employment conditions for women in formal employment in this situation?
2. What steps is the government taking to ensure implementation of the Supreme Court’s 2013 judgment in Fauji Fertilizer Company v National Industrial Relations Commission (2013 SCMR 1253)?The decision clarifies that subcontracted workers are employees of the principal employer in most situations.

Subcontracting and contract base work is the regular practice in formal and informal work places with no written, code of conduct etc. Women exploitation is more than men. Specifically in case of Piece rate workers working from home. The contracting employment systems debars many women to have access to social security, maternity benefits, old age pension. Similarly,how is Pakistan monitoring work conditions and employment terms in the informal sector, which largely employs women?

1. Minimum wage setting and regulation seek to protect the most vulnerable workers in society from poverty. What special measures GoP have taken in order ensure the international standards of minimum wage settings for all sectors?
2. The procedure for Minimum wage setting and regulation seek to protect most vulnerable workers in society from poverty but the whole mechanism is implemented in a faulty manner as the Minimum wage board is responsible for the wage setting, whereas the board has no influence on the monitoring or compliance of wages across the board . Therefore,between the two departments one who sets the wage and other who monitors , there is lack of synchronization and coordination among the line departments and a as result of working in isolation the vulnerable sectors represented by women particularly women in the informal arrangements ( teachers, LHWs, HBWs, S+DWs, Street vendors , Private nurses, teachers customer care service providers {beauty parlors/salons, shopping malls, helpline operators , Gig economy workers } are the main affected.

Under shops and establishments Act,GoP is deemed to cover minimum wages, harassment at work place, maternity benefits etc. but there is a missing link to all this when it comes to women at work place. The ineffective gender blind labour inspection, in effectual compliance and redressed mechanism creates hurdle for women to continue their jobs or grow in upward streams

1. Garment is one of the most significant Exporting and contributing sector of Pakistan economy with majority of Women in sector (formal & informal ) yet their representation in unions is low. The process of unionization is not women friendly and does not encourage women to enter unions.

It is feared that replacing unions with work councils by promoting the latter, will further marginalize women. They are hardly represented in the unions, which are democratically composed. Question remains on how they can be engaged in the councils to promote their participation and inclusion.

1. Unorganized groups seeking to exercise their constitutional right to assembly and association of the informal work force, nurses, Lady Health Workers, , teachers, Anjumen Mazaharian (agriculture workers fighting for their right to land cultivated by them) in recent months have been dealt with high handedly. This raises serious questions about the government’s commitment to the constitutional provisions, law of the land and obligations under conventions and treaties (ILO, ICCPR, ICESCR) ratified by it.

**3. Protection of Women workers: Employment Gaps**

Women make up a smaller proportion of waged or own-account workers and are over-represented as “contributing family workers”, work that is often unpaid, particularly in the agriculture sector.. Where women are paid, this is likely to be on a piece-rate basis. This trend has contributed to the prevalence of women in vulnerable employment. Women are clustered in low-skilled, low-paid employment and make up only small percentages of those in professional categories and decision-making positions.

A number of areas are defined as ones in which women’s ability to work is restricted for their protection, such as work in the mines, as well as prohibitions on women working on or near heavy machinery. Other legislation provides limitations in relation to women’s working hours and work timings.

The Factories Act 1934, applicable in Islamabad, Punjab and Balochistan, limits women’s working hours in factories to nine hours per day (men can be required to work ten in seasonal factory work) and women can only be required to work between 6 a.m. and 7 p.m., prohibiting night work. In Sindh women may only work in factories between 7 a.m. and 7 p.m., except where suitable transport arrangements are made for them, in which case they may work until 10 p.m. similar restriction apply in relation to women’s work in shops.

Legislations takes into account women’s childbearing and child-rearing needs. Maternity leave and benefits are set out in a range of laws which seek to provide protection from dismissal, a period of maternity leave and paid maternity benefits.

***There is no general provision for childcare facilities, although in factories employing more than women, a suitable room needs to be provided for crèche facilities for children under the age of six***. The Sindh Factories Act 2015 applies to all factories employing one or more women. In Khyber Pakhtunkhwa, shops and other establishments employing more than five women are required to provide a separate washroom and a room for pre-school and infirm children. A similar provision applies to shops and establishments employing more than 25 women in Punjab.

In Sindh, quota for women in civil administration has increased to 25%, but women still only make up 16-17%; in police force 10% but women still constitute only 4% of the force. In Punjab women are only 2.7% of the police force[[6]](#footnote-6). In Punjab 744 posts remained vacant in 2016, despite the increase of women’s quota to 15%; in 2017, only 48 of the 181 provincial departments and 137 of the 663 district offices had achieved the minimum 15%[[7]](#footnote-7). While female enrollment in the civil service academy was 40% in 2017, there no systematic follow up of measures to enhance the intake of women in civil services.

**3.1 Labour inspection**

The majority of labour standards are enforced through provincial labour inspection systems. In 2015 there were 334 labour inspectors covering the country. Labour inspection departments are understaffed and underfunded. They lack capacity to conduct effective monitoring and work under often outdated and, at times, contradictory legislation. Some progress has been made, with provincial labour department’s working to mainstream gender in labour inspections and adopting a gender responsive labour inspection toolkit.

The labour judiciary comprises the labour courts, labour appellate tribunals and the National Industrial Relations Commission. The court system is regarded by stakeholders as slow, costly and generally inaccessible to the majority of workers. The environment of courts and attitudes towards women in public spaces make it additionally difficult for women to file and pursue claims.

**3.2. Critical needs to be addressed**

1. What provisions GoP has envisioned to deal labour related matters of women in informal sector?

2. Any Means of generating gender disaggregated data from the labour appellate courts and speedy mechanism of redress for women complaints?

**4. Women in Informality**

The large informal economy, including Pakistan’s largely female home-based workers, is viewed as falling outside the legal protections such as statutory minimum wages. The recent adoption by Sindh Home-Based Workers Policy in 2016 and Sindh Home Base workers Act, 2018 is a huge step forward. However, it will require legislative follow-up and watchful implementation. The Punjab province adopted the HBWs policy in 2017 April, so far no subsequent law has been adopted. A draft is with the Assembly. Likewise other provinces Baluchistan and Khyber Pakhtunkhwa have no progress in the policy or law for HBWs.

Many women prefer to remain in home-based work rather than move into better-paying, more regular work in factories. Work outside home is seen as unsafe and women are limited by the lack of safe transport.

Similarly**, domestic work** is part of huge informal sector in Pakistan. There are no clear estimates of the total number of domestic workers in the country, however, according to a study, every fourth household in the country hires domestic workers and majority of these workers are women (especially children). Domestic work employs a large part of women workers. It is a widely held notion that these women workers are exploited and often paid less than their male counterparts.

**4.1 Critical Needs to be addressed :**

1. The data collection mechanism of government does not present a robust data or data analysis of the sector wise situation of the informal sector and women working in the informal sectors. Under the ILO recommendation 204 (2015) what steps government has taken to include the broader definition in Informality and amend laws accordingly.
2. Sub-contracted homeworkers work together in groups: either in one woman’s home or in a common space within their neighbourhood. They have limited knowledge of the markets and prices for raw materials and finished goods because they do not deal in these markets. What arrangement government intends to take to provide a better market facility at their doorsteps or within the union councils.
3. What standardized mechanism of sub-contracting the government is adopting to ensure maximum protection of home workers in terms of cost reduction.
4. The Home-Based Workers Act, 2018 in Sindh and Domestic Workers Act, 2019 in Punjab have been notified but are not being implemented in letter and spirit. There are no laws for Home-Based Workers in Punjab, KP, Balochistan and the Federation. Similarly, Sindh, Balochistan, KP and the Federation lack laws on domestic workers. Both are sectors that have a high representation of women. The Sindh Women Agricultural Workers Act 2019 was passed without input from stakeholders and without making the draft bill publicly accessible.

The mechanism for ensuring the registration of home based workers in Sindh, budgetary allocations for the protecting of HBWs, and domestic workers in Punjab are restraining the implementation of the laws made for the protection of HBWs and DWs.

1. According to ADB Only 4.3 percent women receive any formal skill trainings. These workers also belonged to households larger than Pakistan’s average household. Close to 45pc were working without any written or oral employment contracts with over half contracted as daily wagers or temporary staff.
2. A [recent study](https://www.adb.org/publications/social-protection-informal-workers-asia) on informal workers again funded by the ADB finds that 30pc of those surveyed were uneducated and lacked basic numeracy and literacy skills. What is the plan of the GoP to introduce basic and financial literacy programmes for these workers at their door steps.

## 5. Social protection in Pakistan

*The CSO is concerned on the GoP statement issued in response to CEDAW Questions raised by CEDAW committee- Replies of Pakistan to the list of issues in relation to its fifth periodic report 13 Dec 2019: GoP Para 110,113,146,147,148*

GoP claims for the inclusion of women and informal workers in the social protection schemes and programmes lacks a national vision. Most of the expenditure on social protection, almost 80pc, is dominated by spending on social insurance. This primarily includes civilian and military pension payouts. Less than 1pc is spent on contributory social insurance schemes such as EOBI, Workers Welfare Fund and provincial employees’ social security institutes. In any case these are meant to cover just formal workers.

Against a global average of 11.2 per cent, [Pakistan spends](https://www.unescap.org/publications/social-outlook-asia-and-pacific-2018) just under 2pc of its GDP on social protection. Pakistan also has the lowest affiliation to pension schemes in the world. As a share of the labour force, active contributors to a pension scheme were last recorded at 5.4pc, [much lower](https://www.social-protection.org/gimi/OldAge.action) than the South Asian average of 13.7pc.Specifically, social insurance programmes in Pakistan cover just 17pc of the target population which is all from the formal sector.

The total beneficiaries of all social protection schemes, as recorded in 2015, stands at 40.7 million (approximately a fourth of the population).Coverage rates for key target groups — unemployed, underemployed, the poor, persons with disabilities, children and elderly — is however lower at 19.2pc and almost 80pc of the beneficiaries are non-poor.

The country’s labour force consists of 61.7 million workers, yet EOBI reaches only 0.378 million, Workers Welfare Fund close to 20,000 while barely two million are registered with the four provincial Employees' Social Security Institutions.

Informal sector is particularly out of the ambit of the social protection framework meant for workers.

Even though, on average, informal employees worked longer hours (6.6 days a week for 10 hours a day), around half earned just around or below the minimum wage. Almost 37pc of the households had no alternate source of income. There was, thus, heavy reliance on informal work as the main source of livelihood.

Access to social safety nets and information and knowledge about social protection amongst informal workers is limited, as is the incentive to invest in social insurance schemes.

Social protection is a devolved subject. Currently, only Punjab has a dedicated social protection authority. Punjab and Khyber Pakhtunkhwa have both drafted a policy on this, while Sindh is presently developing one. <<https://www.dawn.com/news/1484090>>

In recognition of this, Prime Minister has launched the [Ehsas initiative](https://www.dawn.com/news/1479588) aimed at developing social protection measures for workers in the informal sector.

## 5.1 Critical Needs to be addresses:

1. Despite several institutional and legal frameworks in place for securing basic workers’ rights and access to social protection, the execution and scope of these excludes the vast majority of informal workers.
2. Social protection programmes in Pakistan need to move away from schemes designed specifically for formal, full-time and life-long (mainly male) workers towards accommodating more dynamic work patterns that have evolved with the informalisation of work.
3. Allowing workers to self-register with social security institutions can ensure coverage of social protection for informal workers.
4. The government should also consider using social protection as a tool to address vulnerabilities of informal workers and encourage their entry into the formal sector. For example, cash transfers under the BISP can supplement low wages while a universal health insurance can provide maternity cover to women workers whose employees are not yet providing them with such benefits.
5. Labour market interventions, such as skills development programmes, must also specifically target the informal sector. Since many informal workers are poor with little education, courses must be tailored to their needs and level of understanding.
6. Concrete steps to mitigate the risk that registered contractors may also exploit these workers. In any case, a sub-sector of informal workers is already being exploited and is not protected by any labour rights. The case is for stronger regulation of these contractors.
7. The GOP plan for special provisions or temporary provisions for the majority of subcontracted workers who are not represented in official records. There is no effective social protection for workers hired indirectly through subcontractors that are not registered.

1. Source **:** <https://www.dawn.com/news/1455208> [↑](#footnote-ref-1)
2. Source : <http://www.dawn.com/news/1260629> [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)
4. *One Year After GSP Plus” in Status of Labor Rights in Pakistan: The Year 2014, p. 47; and Pakistan Ministry of Finance: Pakistan Economic Survey 2014-15* [↑](#footnote-ref-4)
5. [↑](#footnote-ref-5)
6. https://www.undp.org/content/dam/pakistan/docs/Democratic%20Governance/GEPA%20Report%202017.pdf [↑](#footnote-ref-6)
7. Dawn, <https://www.dawn.com/news/1419467> [↑](#footnote-ref-7)