

A Gender Gap in Women Workers' Protection in Labour Policies of Pakistan

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ABSTRACT

Pakistan has announced six labour policies 1955, 1959, 1969, 1972, 2002, and 2010 to capture the menace of unemployment, adverse working conditions and gender gap in labour force. These six labour policies seem to be a mirror of government efforts to promote employment opportunities for both male and female workers, protection of workers' right, and settlement of industrial disputes as well as workers' grievances. However, the labour policies of 2002 and 2010 are gender sensitive as these policies are framed under UN framework of gender and development wherein both labour policies contain provisions about women economic empowerment. On the contrary as being gender sensitive, both labour policies are more confined to formal labour sector by following predecessor policies and narrowly targeted the informal sector of labour where females are in majority as workforce. All labour policies are silent on rights and protection of workers of informal labour sector. Pakistan as being party to UN conventions on women's right protection has been taking lacking concrete step for women economic empowerment and protection of women workers in informal labour. Women's economic empowerment is a mandatory step for economic development of state.

Keywords: Formal labour; Gender gap; Gender sensitive; Informal labour; Labour policy; Women empowerment; Women workers' protection

INTRODUCTION

Labour policy is a backbone of labour market and also a key to the economic development of the society. It provides guidelines for the protection of workers' right, settlement of employers and employees disputes and to address workers' grievances. The most important, it ensures equal employment opportunities for both genders as promised by the constitution of the state and international governance framework [1]. Every government in Pakistan tries to formulate labour policies to provide equal employment opportunities and to guarantee humane working for the betterment of workers and industrial development. Government of Pakistan has introduced six labour policies in 1955, 1959, 1969, 1972, 2002, and 2010 with the exigencies of time. However, all labor policies (1955, 1959, 1969, 1972, 2002, and 2010) were having gaps therein and were imbalance for the promotion of employers and employees' rights as well as smooth growth of industrial development [2-4]. The labour policies of 1955, 1959, 1969 and 1972 were gender blind due to lacking

provisions on women's economic empowerment. While on other hand, the labour policies of 2002 and 2010 were gender sensitive as these policies were framed under UN framework of gender and development wherein both labour policies contain provisions about women economic empowerment. The question about gender sensitivity and gender equality is raised on labour policies of 2002 and 2010 due to making cursory remarks on women's participation in formal labor sector and lacking in detail agendas for the informal labour sector by not providing piece legislation for protection of workers (agriculture, livestock, husbandry home based etc.) where females are in majority. The labour policy of 2010 seems to be just piece of paper because of lacking the action plan for implementation. Therefore, gaps therein in labour policies portray that government of Pakistan, being party to UN conventions on women's economic empowerment is lacking political will and interests to take women's economic empowerment as a mandatory step for the development of state.

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Looking at all labour policies retrospectively and systematically my argument is that life of a labour policy does not end with its formulation, as it is only the first step of a continuing process. A labour policy is not considered satisfactory until it comes into practice by overcoming all implementation challenges. It is a living document which needs different inputs to facilitate itself through fulfilling its goals. It provides a concrete road map for legislative reforms for upcoming labour policies. Surprisingly, government of Pakistan has taken the policy legislation step as final formulation process of labour policy which is against the spirit of policy making in the world [5,6].

LITERATURE REVIEW

The main idea behind this paper is to point out gaps therein the labour policies to promote women workers in labour market for the development of state. The central question of this article is how government pursued labour policy to protect and promote women workers in the labour market. A succeeding question is to what extent government is fulfilling her international commitments in shaping labour policies. The most important objective of this article is point out the meager capacity of government in fulfilling her international commitments and eradicating low female participation in labour market. In pursuance of raised questions, this paper has presented an inclusive critical review of six labour policies (1955, 1959, 1969, 1972, 2002 and 2010) and pointed out that all labour policies are just documents and lack any reform agenda especially for the welfare of women workers.

To find out the answer of the raised question, this article use qualitative approach. It uses both primary and secondary data. Primary is taken from policy papers produced by government. Secondary data is drawn from articles and reports published by several governmental, international development agencies, local non-governmental organizations and developmental scholars. This research is historical and critical in nature and interprets relevant data to ascertain the state of affairs of labour policies in Pakistan [7,8].

Female workers in Pakistan

Women have been lagging behind in labour force participation though there are 45.9 million females (15 years and above) available for workforce but only 9 million female workers were used in labour market (ministry of labour and manpower, 2009). There are only 3.11% females in formal labour market including legislators, civil servants and managers in Pakistan. The overall percentage of women employees in the autonomous and semi-autonomous public sector organizations of Pakistan is 3.12% while the ratio of female officers in grade 17 and above is 6.43%. Women representation in judiciary is very low. No woman has ever been appointed a judge in the supreme court of Pakistan and women judges at the high court are few. It is a fact that one woman is appointed as spokeswoman by the ministry of foreign affairs and another one has held the office of the governor, state bank of Pakistan. Surprisingly, Pakistan has been graded 9th largest state due to its available labour force which is around 54.92 million but women's share 12.48 million which

present a gloomy picture of women's economic empowerment through government initiatives especially labour policies.

Female workers' position in labour policies of Pakistan

Pakistan came into being on 14th August, 1947 with handicapped economy and stumpy infrastructure. Government had to develop new structures for newly born state and also had to solve the problem of refugees' settlement. At that point the government did not have sufficient resources to fulfill adequately the needs of its people. By keeping these problems in mind, government of the time thought it fruitful to adopt and implement laws inherited from British rule instead of investing time and resources on formulating new labour laws and policies. These labour laws (trade union act 1926, factory act 1934, industrial employment act 1946 and industrial dispute act 1947) were implemented as a temporary mean and adopted without any significant changes in this law. Being insensitive to workers' protection, government of Pakistan extended the tools of oppression to local workers rather than providing them protection as these labour laws favored industrialist to maximize their profits at the cost of worker's wellbeing [9,10].

In 1955, after tireless effort, government had announced first labour policy for the protection of workers and to address employers and employees grievances. This policy was mere a piece of paper with inadequate new labour laws for the betterment of workers. The main loophole of this policy was to put restrictions on strike and lock out during the time of conciliation and adjudication for settlement of industrial dispute. The labour policy of 1955 was paternalistic in nature and proved to be a dead letter due to neglect of the government for whom this was not a priority. Labour policy of 1955 was lacking appropriate provisions for women economic empowerment.

In 1959, government of Ayub Khan, presented a labour policy with little scope of bilateralism especially in the sphere of labour management relation. The right of collective bargain granted to workers was mere farce because trade unions had no right of strike and lock out. The labour policy of 1959 was unable to achieve its goal because of its legalistic and bureaucratic nature. The labour policy of 1959 had a few provisions for economic empowerment of women in formal labour sector.

In 1969, government announced labour policy that was bilateral in nature. Although this labour policy won high praise for being workers friendly, however this policy curtailed the right to unionize. This step was considered as check on the union's performance and to give protection to non allied labour. This policy did not achieve its stated objectives and goals and failure became its destiny primarily due to war and disintegration of Pakistan. This labour policy was lacking provisions for protection of women workers.

The labour policy of 1972 systematically gave the concept of participation in management. This policy had granted more rights to workers as compared to previous policies. It is noticeable that a labour policy is formulated to provide protections to workers and to ensure the economic growth for

smooth development of economy of state however workers used their rights not for their welfare but for economic decay and disturbance in economic growth. This policy was bitterly criticized by the entrepreneurs who started lodging complaints with the government about indiscipline and low productivity of labour and militant trade union activities. This labour policy was women workers friendly by providing more positions in formal labour through fixing quota.

Although, government of Bhutto had liberal attitude towards female workers and many facilities were given to women that were never granted before. Equal job opportunities were granted to women including DMG and foreign service; women's seats were fixed 10% in national and 5% in provincial assemblies. For the first time, delegation of women presented Pakistan in the first world conference in Mexico. Unfortunately, this liberal stance had no impact in devising government's policy.

The government of Zia-ul-Haq that followed Bhutto regime put in lot of effort in formulating and announcing a labour policy. The government of Zia-ul-Haq held two labour conferences and constituted a labour commission in 1978 to resolve controversial industrial relation issues. Finally, in 1980, government of Zia-ul-Haq managed to formulate a new labour policy which was placed for approval but was being rejected by labour leaders of the country. This was end of Zia government's attempt formulation and implementation of a new labour policy. His labour policy was also women workers' friendly and ensured women workers' protection.

DISCUSSION

Zia's government had taken several steps for women's development to drive out the notion of anti-women policies. His government had established a few institutions for women's developments. These institutions include establishment of the women's division in the cabinet secretariat and the commission on the status of women.

Benazir Bhutto was elected as the first female prime minister of Pakistan. Although this was symbolically meaningful for the women of Pakistan, it was difficult for Bhutto to make any major change regarding women's rights because of pressure from the primarily patriarchal members of the provincial and national assemblies. In fact, it was during Bhutto's period in office that the Shariah bill of 1991 was passed, which declared that Zia's orthodox interpretations of Islamic law, notorious for its discrimination against women, became an integral part of the constitution and state law.

However, Benazir and her successor government of Nawaz Sharif to follow Zia's regime did not try to come up with a new labour policy.

Musharraf government has been considered as liberal government for women development. A greater number of females were granted employment opportunities and women protection bill was passed by spearheaded campaign of the civil society and national commission on the status of women. His government announced labour policy in 2002 to provide relief to workers especially female workers. His government provided a

lot of opportunities for female workers. Labour policy of 2002 futile to acknowledge the right of labour association. Under this policy, employment opportunities were generated but on contract bases and workers on contract are always very vulnerable. This policy promised to eliminate gender gap in labour force but this perceptive confined to paper work only. This policy provide ground to the formulation of two new national policies with regard to labour inspection and labour protection, which were passed by the federal cabinet in 2006, but it also could not implemented.

Pakistan is party to UN framework of gender and development and has pledged to formulate labour policies for the economic empowerment of women and betterment of society but labour policy of 2002 is mere a public speaking. Labour policy of 2002 has shown the meager capacity of government by having inadequate measures to eliminate forced labour and child labour where women are in majority.

The government of Zardari announced labor policy in 2010. This labour policy was seemed to have many loopholes. The policy promised that almost all organization would pay salaries through which would not be possible because only 15% people had access to banks. The labour policy was lacking action plan in policy documents and policy without action plan is nothing just a piece of paper. Labour policy of 2010 was lacking provisions about agricultural workers' rights of unionization and collective bargaining. This policy was lacking provisions about the protection of workers in informal labour. It was also silent about strategies to eliminate gender gap in labour force participations.

Analysis and findings

Female labour has been the most neglected subject at policy making levels in Pakistan. The government of Pakistan over 63 years has announced six labour policies 1955, 1959, 1969, 1972, 2002, 2010 respectively but no policy has yet provided fruitful result for females workers.

Labour policies of 1955, 1959, 1969 and 1972 were formulated and implemented before UN framework of gender and development, according to which government has to promote gender equality and equity, and has also to eliminate gender discrimination in all sphere of life.

Labour policies of 2002 and 2010 are formulated and implemented within UN framework of gender and development.

The labour policies of 1955, 1959, 1969 and 1972 were considered as gender blind due to having inadequate provision regarding women economic empowerment.

However, the labours policies of 2002 and 2010 have been categorized as gender sensitive because of have provisions on women economic empowerment. Both labour policies (2002 and 2010) had also promised that women workers would be benefited from government's international commitments but both had cursory remarks and were found deficient in fulfilling international conventions especially the labour policy of 2010 where action plan was missing.

It is noticeable that government of Pakistan announced six labour and no labour policies has yet provided protection to workers of informal labour sector wherein female workers are in majority. Mostly, women workers are concentrated in the informal sector, both in rural and urban economy. In the rural economy, 64.6 percent of women are employed in farming, livestock husbandry and off-farm activities. In the urban informal sector, 78.1 percent of women work in diverse sectors, mostly as home based, piece rate or casual workers on exploitative wages, or are employed as domestic workers on extremely low remuneration.

Surprisingly, there no law to cover women workers' rights in informal labour except workmen's compensation act 1923 which covers the workers in merchandise farm. Female workers are not fully enjoying their right to form unions because worker unions are male dominated and few female workers participate in worker unions and mostly they are absent in executive body of any trade union.

In private sector, mostly women workers are hired on contract bases and on conditions that they will not form any union. Due to absence of worker unions in private sector, female workers are helpless to get out their demands from employers.

The government had paid its promise by providing jobs to female workers in private sectors but these entire jobs were on contractual bases and employers have authority to heir and fire any worker. The female workers in multinational companies and other private sector have no job security due to contractual jobs.

It is to highlight here that the provisions under sections 38 and 45 of the factories act 1934 put a bar on women to work before sunrise and after sunset.

But recent amendments in labour laws promulgated through the finance act 2006 are to impact women adversely as longer work day, and introduction of late evening shifts would increase hardship. Women are permitted to work in two shifts up to 10 pm. The labour protection policy and labour inspection policy of 2006 despite becoming the state laws are also stained to paper work.

Industrial relations act 2008 is nothing more than a re-implementation of the oppressive IRO 1969 which constitutes to be a breach of public trust by the present government. Every government has tried to repress and exploit masses; a colonial mindset that is still alive and kicking after 67 years of independence.

Government of Pakistan is not fulfilling her international commitments by not legislating on protection of workers. Being equal half of population, women have been negated in labour force participation due gaps in labour policies and inadequate legislation in promotion of women workers in labour market.

CONCLUSION

A labour policy is not a piece of paper, it has potential to affect people's lives and with subject to implementing authority,

capability of target class and especially the public for whom this policy was initially devised and its execution procedure in a way for ascertaining to protect their rights can be varied concerning its effects. Since her creation in 1947, the various governments in Pakistan have been formulated and implemented six labour policies respectively in 1955, 1959, 1969, 1972, 2002 and 2010. These labour policies have been changed with the exigencies of time. However, all six labour policies have been found to have gaps therein especially for the protection of women workers. Labour policies of 1955, 1959, 1969, and 1972 are gender insensitive due to lacking provisions on women's economic development. But labour policies of 2002 and 2010 are gender sensitive as these policies and contained provisions about women economic empowerment. Both labour policies have negated the informal sector of labour by not providing piece legislation for protection of workers (agriculture, home based, etc.) where females are in majority as workforce. The labour policy of 2010 seems to be just piece of paper due to lacking the action plan for implementation. There is no law for the protection of informal labour workers except workmen's compensation act 1923 wherein workers from mechanized farms can claim death and injury compensation. The above mentioned gaps therein in labour policies portray that Government of Pakistan is lacking interest in women's economic empowerment and not taking it as mandatory step for the development of state.

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