

Labour Rights in Pakistan

Expanding Informality & Diminishing Wages

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PILER

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Foreword

Inequitable processes are unjust, whether across groups or generations. Inequalities are especially unjust when they systematically disadvantage specific groups of people, whether because of gender, race or birthplace, or when the gap is so great that acute poverty is high.

–Sustainability and Equity: A Better Future for All, Human Development Report 2011

Shackled by external aid and debt, the Pakistani state remains mired in the neo-liberal mantra: a sustainable and equitable economy can only be achieved tomorrow by market-led growth today. It is no wonder then that precarious lives and livelihoods pervade our country.

Two successive years of floods and heavy rains have laid bare the insecure lives of vast numbers across Pakistan. State and society responded but with reliance on charity - missing or deliberately foregoing the opportunity for linking decent employment of affectees to rehabilitation. The cruel inadequacy of response is evident by continuing mass deprivation: '2.5 million people are still without food, water, shelter, sanitation and healthcare, putting them at serious risk of malnutrition, disease and deepening poverty,' reports the Pakistan Humanitarian Forum.

The core issue in economic management remains the glaring absence of sustainable and equitable livelihoods for the vast majority. Over the decade, jobs have grown, but: in measly numbers; inadequately remunerated; and worsening working conditions. State failure is vividly illustrated by a frozen minimum wage despite rampant inflation, and hence now well below the official poverty line. A living wage or decent wage appears nowhere in official policy; state donors remain non-serious about tying aid for growth to decent work. Workers can only dream of waking up in a country where growth is shared fairly.

Inequality of wealth grows in strides - corroding the little democracy that we have. Hence the absence of substantive public action in ensuring decent work. Collective action by workers remains weak because neither state nor market supports constitution and international obligation for the right to organize in support of decent work.

South Asian economic policy is obsessed with reliance on exports, including that of manpower. In consequence, Pakistani workers too are severely exploited to support high living standards abroad - a subsidy that not even the IMF will acknowledge when it rails against subsidies.

Universal subsidies remain the norm for coddling capital. In the absence of universal food schemes or cash transfers, macroeconomic policy remains grounded in devaluing labour.

The responsibility for making markets work for jobs rests primarily with national governments. They have at their disposal a rich panoply of measures....ranging from job-friendly social protection programmes, to well-designed minimum wages and employment regulations and productive social dialogue...

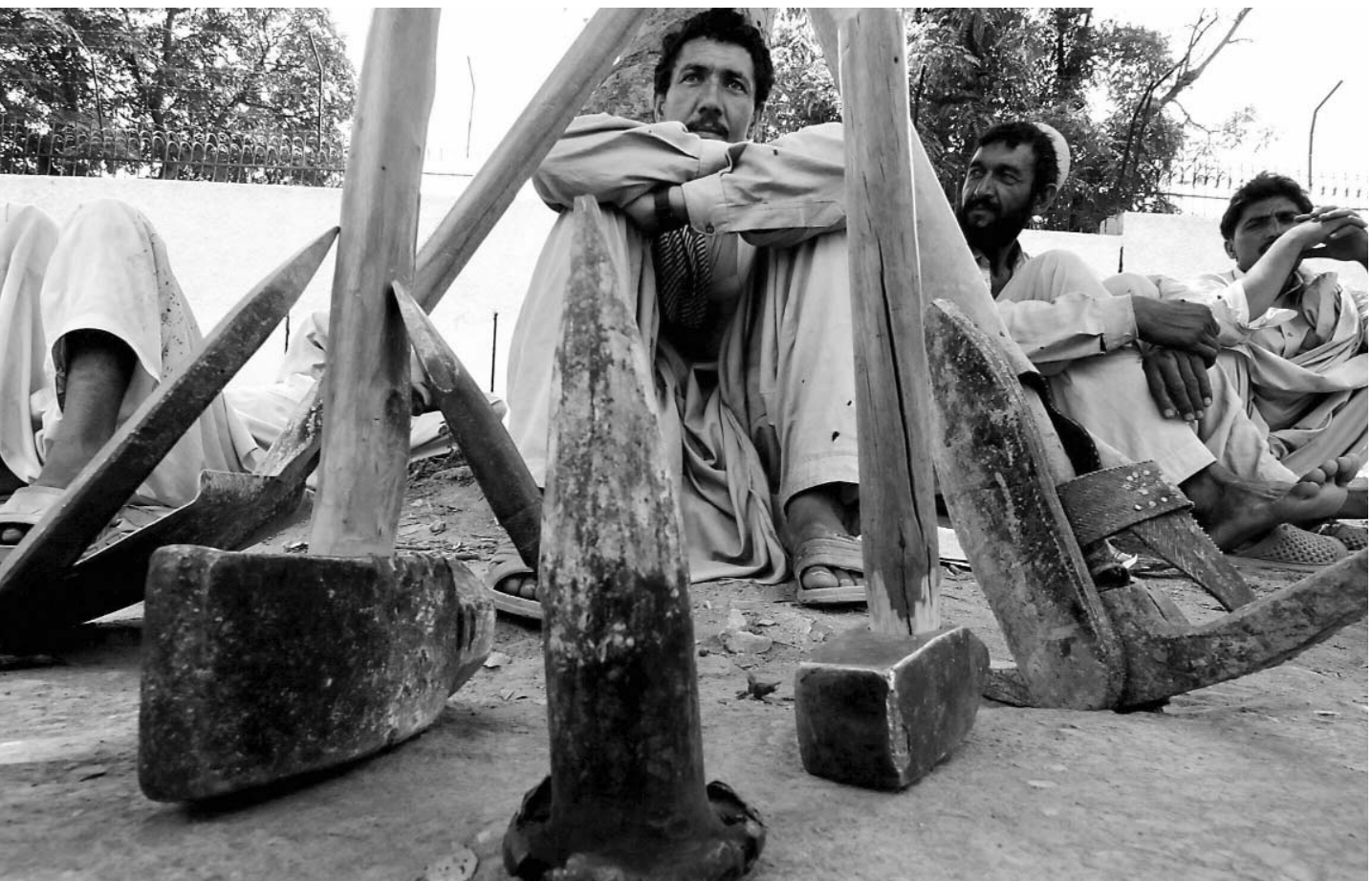
–World of Work Report 2011, ILO

This report continues the PILER tradition of sharing insights in much detail. We thank contributing friends of the labour movement.

A. Ercelawn

Section One





Introduction

National Context

The reporting year July 2010-June 2011 was marked by events impacting the country adversely. The devastating floods caused by extraordinary rainfall in July-Sept 2010 affected over 18 million people, causing 1,985 deaths and injuries to 2,946 people.¹ The disaster led to unprecedented displacement and destruction of livelihoods of 1,550,000 people mainly due to man-made factors: flawed infrastructure development, politically motivated breaches in dykes and poor governance. The infrastructure losses amounted to \$9.7 billion.²

The floods exposed the extent of poverty and deprivation of a very large segment of the rural populace neglected by the policy makers for the last 64 years. It laid bare the cracks of a fragile and unjust socio-political system and brought to fore the urgent need for structural reforms. The gaps in aid disbursement and relief provision dominated the media. In December, the National Disaster Management Act 2010 was passed to establish a full-fledged disaster management system (replacing the National Disaster Management Ordinance 2006).

Relief work by national civil society, international agencies and Pakistan government continued for six months and ended in January 2011. For rehabilitation and reconstruction, National Disaster Management Agency and related state departments chalked out an implementation plan at district level in collaboration with national and foreign NGOs. By June 2011 majority of the IDPs have returned and were engaged in reconstruction. Still, according to an estimate, more than 800,000 families were without permanent shelter and more than a million people remained in need of food assistance.³ The rehabilitation and reconstruction work was not satisfactory due to inadequate disaster management system, poor governance and a lack of co-ordination among various state and civil society

institutions and the absence of dynamic leadership in the communities.

War on Terror

The country continued to suffer from losses incurred due to 'War on Terror'. Drone attacks by the US and the NATO forces increased in 2010. A total of 118 attacks were carried out during January to December 2010 killing 1600 people.⁴ From January to July 2011, there were 50 drone attacks.⁵ Most of the persons killed were civilians. While several international and national agencies documented the number of dead, what happened to the survivors of the households whose members, including earning male members, were killed was not documented or studied by any quarter.

The direct and indirect cost of this war (since 2001) had amounted to \$ 67.93 billion in 2010-2011,⁶ impacting millions of livelihoods. The cost included destruction of infrastructure, displacement of million of citizens from war zones, decline in investment, fall in production, closure of tourism industry, increase in unemployment and additional expenditure in security.

An incident related to the War-on-Terror brought Pakistan in to limelight as in May 2011, the US Navy Seals attacked and killed Osama bin Laden, said to be hiding in Abbottabad. The US carried out the mission in secret at night which later caused strained relations between the US and Pakistan. Drone attacks in the Federally Administered Tribal Areas continued, killing more civilians than terrorists. Violence in Karachi during the first half of 2011 escalated. The disturbances and accompanying shutdowns on the strike calls given by MQM and other parties often brought this city of more than 15 million to a standstill, resulting in heavy losses to business and industrial activity. On June 28, the MQM, an important ruling coalition partner, resigned from the federal and the provincial cab-

inets. This added to insecurity and fear of further political and ethnic violence in the city of Karachi.

Legislative Changes

The most important legislative event of the reporting period was the passage of the 18th Amendment that modified more than 100 sections of the 280-article Constitution in summer 2010 and abolished the concurrent list—a long-standing demand from political and civil society forces. The passage of the 18th Amendment is being considered as rewriting of the social contract between the citizens and the state, opening up space and opportunities for renegotiation of social and labour development. A number of subjects, including labour, have been devolved and the provinces are entitled to legislate and run the concerned departments independent of the intervention from the federal government.

But the immediate impact on labour tuned out to be adversarial as the biggest province Punjab legislated a more restrictive industrial relations law in the province in December 2010, while in Sindh, the draft law prepared by the state and the employers was criticized by the trade union leaders and labour activists. The draft was not presented in the provincial assembly till June 2011. In Kyber Pakhtunwa and Balochistan, the earlier Industrial Relations Act 2008 was adapted verbatim. The provinces were asked to make administrative arrangements to take over the new responsibilities by June 2011. But the provincial departments, particularly of the smaller provinces—Balochistan and Kyber Pakhtunwa—lack capacity hence devolution process has been slow and disruptive as well, impacting workers adversely, particularly in accessing labour judiciary.

On 30 July 2010, a three-member bench of the Supreme Court of Pakistan ordered the inspectors generals of the four provinces to register brick kilns in their areas and register cases against the brick kiln owners who enslave their workers under the Bonded Labour System (Abolition) Act, 1992.⁷ On 23 August 2010, the Punjab Government raised the minimum wages of the brick kiln workers in the province through a notification and, in collaboration with the ILO, launched a project for the elimination of bonded labour in brick kilns in Lahore and Kasur districts. The project included the facility of non-formal schools at the site and interest-free loans to kiln workers to help them pay back the advances to come out of bondage.

An important, and much awaited pro-labour legislation was the enactment of the Sindh Fisheries (Amendment) Bill 2011 passed by the Sindh Assembly in January 2011 abolishing the lease and contract system of fishing, replacing it with the license system that enables the individual fisher to obtain a 2-year license at a nominal price and access in-land water bodies for his livelihood. Earlier the license system was operating through a notification issued in 2007 but was not incorporated in the law. The Assembly recommended formation of implementation committees at district level to ensure implementation. The Pakistan Fisherfolk Forum facilitated the process through training of personnel at the relevant district departments.

The National Implementation Watch Committee for Anti-Sexual Harassment Legislation, established in May 2010 by the National Commission on the Status of Women, formulated its strategy, focusing first on facilitation and then on monitoring, chalked out a plan and met regularly at a designated venue (NCSW office). The National Committee (a mix of government, private sector, NGOs reps) targeted first the federal ministries and the regulating bodies (i.e. SBP, PEMRA, OCRA, PTA). The presence of the Prime Minister Secretariat representative on the Committee was great help as for non-responsive ministries/departments a phone call from the PM secretariat got the job done. By mid 2011, 21 federal ministries/departments have put the mechanism in place in compliance with the Protection against Harassment of Women at Work Place Act 2010. Overall 250 organizations/institutions in the corporate, private and public sector had reported compliance to the Watch database at <http://www.sexualharassmentwatch.org>. The compliance at the provincial ministries was nil. Also, in the informal sector, there was hardly any awareness of the law passed for the benefit of women workers. The outreach of a few labour and women's groups and organizations, who reported awareness raising sessions on the legislation, was limited.

Economic Overview

With defense spending of 2.5 per cent of GDP, debt service 4.0 per cent, subsidies 2.2 per cent, and pensions 0.5 percent, there was a gap between revenue and expenditure of about 1.7 per cent of GDP. Development spending was cut to 2.6 per cent to provide for flood relief and to contain the deficit. Public debt as percentage of GDP stood at 55.5 per cent while the domestic debt was recorded as 30.2 per cent. The saving

grace was, however, provided by the workers' remittances that reached \$ 9.1 billion, indicating an increase of 23.8 percent.⁹

The economy suffered drastically due to floods, the on-going war on terrorism and an upsurge in fuel and food prices. The floods caused negative growth in agriculture and also affected manufacturing and services sectors. The economy grew only 2.4 percent, investment dipped to 13.4 of GDP and inflation rose to an all-time high—18 per cent—causing severe hardship to workers, particularly daily wage earners.

The hardships were aggravated by the energy crisis. Electricity shortage and load shedding caused closure of small industrial units, particularly in the textile and light manufacturing sectors, leading to increasing unemployment and underemployment. Large-scale manufacturing grew by mere 0.98 per cent due to power outages and lower domestic demand caused by eroding purchasing power though small-scale manufacturing recorded a growth of 7.5 per cent. In agriculture, major crops registered a negative growth of -4.0 per cent as the floods washed away the standing crops and destroyed the fields.¹⁰

Per capita income grew by a meagre 0.7 per cent to \$ 1254, or to Rs. 8,987 per month. Average family size was recorded at 6.38 and the number of earning members decreased to 1.84 persons.¹¹ Average monthly income for the first quintile (poorest 20 per cent) per household was Rs.11,386 translating into Rs. 59.48 per person per day (or less than a dollar a day). The household income for the fifth quintile (the richest 20 per cent) was three times more—Rs. 37,728.¹² Share of household expenditure on food rose to 48.91 per cent in 2010-2011, concomitant with a decline in clothing, education, housing, transportation and miscellaneous, indicating an overall deterioration in the living conditions and in access to education of the household members.¹³

Labour Force Participation and Employment Structure

The employment in the informal sector increased from 73.3 per cent in 2009-10 to 73.8 per cent in 2010-2011. Small to medium-sized enterprises (SMEs) comprise 85 per cent of entrepreneurial businesses and employ 78 per cent of the non-agricultural labor force.¹⁴ Almost all of these units/enterprises are characterized by informal terms and conditions of work (i.e.

contractual, piece-rate work without written contract, long hours, lack of social security benefits and occupational health and safety measures).

The year noted an overall decline in labour force participation rate (down to 32.8 per cent from 33 per cent in the preceding year) indicating shrinking employment generation. Unemployment increased to 6.0 per cent from 5.6 per cent in 2009-2010.¹⁵ Unemployment in urban areas noted a sharp increase—from 7.2 per cent in the previous year to 8.8 per cent in 2010-2011—contributing to rising street crimes and violence in the cities. Total number of unemployed people rose to 3.4 million in 2010-2011. It is to be noted that Pakistan's labour force is increasing at the rate of 3 per cent per year and to absorb this workforce a growth of 7 per cent is required.

The work force falling in to the category of 'vulnerable employment' (own account workers and contributing family workers) rose to 62.6 per cent in 2010-2011 from 61.0 per cent in the preceding year. Wage employment increased but slightly: from 35.4 per cent in 2009-10 to 36.0 per cent in 2010-2011.

Agriculture remained the sector with the highest absorption of labour force at 45.1 per cent, indicating a slight increase from 45.0 per cent in 2009-2010.¹⁶ In contrast to the volume of work force, the share of agriculture in GDP stood at a low 20.9 per cent in 2010-2011, indicative of deeper, structural malaise in the sector that impacts the workers the most: the average monthly wages in agricultural sector was recorded as the lowest of all the sectors at Rs.5,473 per month in contrast to the national average monthly wage of Rs. 8,362.¹⁷

Child Labour

Globally, child labour among children aged 5-14 is on decline. The number of child labourers declined by 10 per cent and the number of children in hazardous work by 31 per cent. According to official data, the rate of participation of children aged 10-14 in productive labour force has been decreasing (see table below) in Pakistan.

Age Specific Labour Force Participation Rates (10-14 years)

Year	Total	Male	Female
2010-11	11.8	14.3	8.8
2009-10	12.6	15.4	9.2
2008-09	13.1	16.2	9.5
2007-08	13.7	17.1	9.7
2006-07	13.3	16.9	9.2
2005-06	15.2	20.7	9.2

Source: Pakistan Labour Force Surveys

Child Labour in millions (10-14 years)

Year	Total	Male	Female
2010-11	2.73	1.78	0.95
2009-10	2.86	1.89	0.97
2008-09	2.85	1.88	0.95
2007-08	2.79	1.89	0.89
2006-07	2.77	1.88	0.89
2005-06	3.06	2.18	0.88

Source: Pakistan Labour Force Surveys

Yet, anecdotal reports and unofficial estimates indicate increase in the number of child workers. Child labour is linked to informalisation and the expanding low-paid, unprotected, home-based work that does not generate decent income and compel adults to supplement the household income through child labour. A major contributing factor is lack of schooling, particularly in rural areas and small towns. Over 6.8 million children are reported to be out of school in Pakistan.

The national survey on child labour, first carried out by the Federal Bureau of Statistics (FBS) with the ILO support in 1996, was scheduled for a

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2005-06	15.2	20.7	9.2

Source: Pakistan Labour Force Surveys

Adoption of the ILO Convention No. 189 on Domestic Workers

Pakistan was one of the member countries where all three stakeholders— government, workers and employers—voted in the favor of the Convention No.189 on Domestic Workers, adopted by the ILO in its 100th session on 16 June 2011 in Geneva. The Convention No. 189 on Domestic Workers was adopted by a vote of 396 to 16, with 63 abstentions and the accompanying recommendation by a vote of 434 to 8, with 42 abstentions. Over 9000 participants from around 150 countries of the world participated in the proceeding. Pakistan's delegation comprised thirteen members, including four workers' representatives and two as employers' delegates.

The debates on the Convention were in circulation from past couple of years and the Pakistan's role in international lobbying for the instrument was significant. According to Article 21 of Convention 189, it shall come into force for any Member twelve months after the date on which its ratification is registered. As Pakistan is the signatory of C189, now it is the government's turn to ratify it without delay and to make necessary legislation for the implementation of the Convention including the creation of effective mechanisms to ensure delivery of its benefits to the domestic workers.

The adopted instruments—the Convention and the Recommendations—address all four strategic objectives of the ILO Decent Work Agenda— employment; fundamental principles and rights at work; social protection; and social dialogue. Member States, employers and workers now have the responsibility to ensure that national laws, regulations, practices and collective agreements reflect the consensus reached in the Committee, and to work towards ratification and implementation of the instruments

second run in 2003-04 but it was not initiated during the year and neither in later years. Now, after a gap of 15 years, the ILO is providing technical assistance to the FBS to conduct the second national Child Labour Survey during 2011-2012. Until the survey is undertaken and the results shared, it is difficult to get an exact picture of the magnitude of child labour in the country.

Labour Force Indicators at a Glance

Civilian Labour Force (Millions)

	2010-11		
	Total	Male	Female
Pakistan	57.24	34.95	13.29
Rural	39.70	28.69	11.01
Urban	17.54	15.26	2.28

Labour force Participation Rate (%)

	2010-11
PAKISTAN	
Total	45.7
Male	68.7
Female	21.7
RURAL	
Total	49.1
Male	70.0
Female	27.6
URBAN	
Total	39.5
Male	66.4
Female	10.7

Employment by Sector (%)

	2010-11
Agriculture	45.1
Industry	21.2
Services	33.7

Employed Distribution by Major Industry Divisions (%)

	2010-11		
	Total	Male	Female
Total	100.0	100.0	100.0
Agriculture/forestry/hunting & fishing	45.1	36.2	45.4
Manufacturing	13.7	14.5	10.9
Construction	7.0	8.9	0.2
Wholesale & retail trade	16.2	20.4	1.6
Transport/storage & communication	5.1	6.6	0.1
Community/social & personal services	10.8	10.8	11.5
*Others	2.1	2.6	0.3

Source: Pakistan Labour Force Surveys

Employment Status (%)

	2010-11		
	Total	Male	Female
Employers	1.4	1.8	0.1
Own account workers	34.9	40.5	15.6
Contributing Family workers	27.7	17.3	63.4
Employees	36.0	40.4	20.9

Employed - Pakistan and Province (%)

	2010-11		
	Total	Male	Female
Pakistan	53.84	41.73	12.11
Rural	37.85	27.55	10.30
Urban	15.99	14.18	1.81
Punjab	32.26	23.59	8.67
Sindh	13.36	11.22	2.14
KP	6.05	4.97	1.08
Balochistan	2.17	1.95	0.22

Unemployment Rates (%)

	2010-11
PAKISTAN	
Total	6.0
Male	5.1
Female	8.9
RURAL	
Total	4.7
Male	4.0
Female	6.4
URBAN	
Total	8.8
Male	7.1
Female	20.7

Literacy Rates (%)

	2010-11
PAKISTAN	
Total	58.5
Male	70.2
Female	46.3
RURAL	
Total	50.2
Male	64.5
Female	35.6
URBAN	
Total	73.7
Male	80.5
Female	66.4



Labour Struggles 2010-2011

The workers' resistance against harsh conditions and violation of labour laws gathered pace in both formal and informal sectors during the reporting period. In most cases the struggles were sporadic and short-lived, called off by the workers on promises by the employers that often, though not always, proved false. In several cases the workers put up a prolonged and systematic resistance, took legal recourse, were able to highlight their issues through strikes, rallies and sit-ins and succeeded in making some modest gains. The main issues pushing workers for collective protests and resistance were lay-off and retrenchment, contractual employment, low wages, non-payment of wages and lack of occupational health and safety measures.

In the public sector, the Karachi Electric Supply Corporation (KESC) workers' struggle against the termination of 4,500 workers, PTCL workers' demand for wage increase, and the lady health visitors' movement for minimum wages were prominent. In the informal industrial sector the workers in the ship breaking industry (Gaddani), power loom units (Faisalabad) and salt mines (Karak) took to strike and rallies against excesses and labour rights violation. In the formal industrial sector, the workers of the Maple Leaf Cement Factory (Mianwali) and the Machine Tool Factory (Karachi) struggled for regularization of contract workers. In the global supply chain, Coca-Cola's local bottling plants workers fought for decent work and trade union rights.

Some prominent and many more sporadic incidents of workers' resistance, reported in the media, indicate the tip of an iceberg. Underneath lay widespread violations of labour rights and a rising tide of both muted resistance and legal battles that never make it to the media and neither are documented by any rights-based organizations and public or private research institutes.

Also, it is sheer street power, or the number of workers on strikes in thousands, that lead to coverage of labour issues in the print and electronic media. If workers' resistance takes legal recourse, which is often the case, it seldom attracts the attention of the media. In any case, there are no follow-up reports and the struggles, after creating ripples for a little while, die down and fail to channelize in to a sustained, over arching labour movement. A deeper look reveals that divisions and rifts within trade unions are often a major cause of this failure. Also, in view of the threat of dismissal, trade unions often settle for a compromise with the management.

In each sector, the workers resort to specific strategies for their struggles. The public sector that has a long history of trade unionism, though now weaker and splintered, rely on both—display of street strength through lock-outs, and legal recourse. Hence the struggles by the workers at the nation-wide PTCL and Karachi-based KESC were prolonged, used traditional 'right to strike' and simultaneously went to the court. In the public services sector, the case of lady health workers was unique. Though the lady health workers are a part of a formal national programme, yet their employment has not been integrated in to formal service structure and they remain contractual, semi-informal cadre of health providers. Hence about 130,000 lady health workers, mobilized by a core team of active LHWs who had leadership qualities, took to rally their demands on the streets, formed linkages with other health workers' associations and also took legal recourse. In contrast, the few hundred workers, employed by the multi-national Coca-Cola Company, sought support of international trade unions and the national federation of workers in the food sector, employed modern methods (i.e. electronic networking, emailing) and also fought the battle legally, hence succeeded in garnering international pressure on the MNC for social compliance.

The struggles by workers' movements in specific sectors (i.e. fisheries, power looms, agriculture) have turned out to be more complex and marred with violent repercussions of the conflict between stakeholders that these struggles unleash. The factor that makes these struggles stand out is the threat posed to status quo, or entrenched socio-economic and political structures of society. Another factor is the involvement of the third element, or citizen sector organizations, who become allies to the marginalized workers, fascinated by the sheer number of the people mobilized, fantasizing the movement as 'harbinger of revolution' in the country. Also, there are many deep divisions (of caste/tribes, class, religious ideologies, political alignments) within the society at large, including the workers' communities. And these divisions, and the multiple identities, at times complicate the struggles and it becomes difficult to entangle the many threads and see clearly what is happening to the struggle and where it is leading to.

Below are presented some of the struggles in various sectors that throw a light to the complexity of each.

Informal Sector

Ship Breaking Industry

Gadani Ship Breaking Democratic Union Workers continued their struggle against sub-human work conditions during the reporting period and in June 2010 demanded a 100 per cent increase in wages, provision of occupational safety measures, clinic and ambulance at each yard, safe drinking water and canteen facility, registration with Social Security and Old age Benefits Institutes, end of contract system and recognition of the union. When the negotiation failed with the Pakistan Ship Breaking Owners' Association, the workers went on strike on 5 July with an 8-km march along the Gadani shoreline joined by 10,000 workers. The campaign included press conference at the Karachi Press Club, rallies and sit-ins. The workers' struggle was supported by left-wing political parties—Balochistan National Party, Pakistan Workers' Party, Labour Party of Pakistan, Awami Party, Jeay Sindh Mahaz—and a couple of trade unions—National Trade Unions Federation and Pakistan Telecommunication Staff Lines Union. The protesting workers were harassed by the police and the Anti-Terrorist Task Force. The workers were also implicated in a false case filed by the pocket union.¹

Gadani ship-breaking yard is the third largest in the world and currently, according to an estimate, 15,000 workers are directly engaged in the industry. It has 132 plots and most of these are owned by a local Baloch tribal leader while 31 plots are owned by Balochistan Development Authority.² Once the largest yard in the world and a thriving industry in the 1980s employing 30,000 workers, ship breaking went in to decline. The industry revived in 2009 with fiscal incentives. Yet, the terms and conditions for labour remained pathetic: daily wages of Rs. 200-300 for 12 to 14 hour long labour, no safety measures for most hazardous occupation of dismantling ships (that includes torch cutting, heavy lifting, dangerous height, exposure to dangerous metals, chemicals, fumes) lack of provision for safe drinking water, food and shelter, and no properly equipped clinic and ambulance on site. Since 1992 till 2010, 175 workers lost their lives in major accidents at the Gaddani ship breaking yards.³ The pocket union, formed in 1980, holds the status of the CBA, while the representing Gadani Ship Breaking Democratic Union Workers, registered in August 2009, throughout confronted harassment, suffered threats, offered bribe (Rs.2 million) to close shop and finally a case was filed when the union challenged the referendum held by the pocket union and the Gadani Ship Breaking Democratic Workers' Union was de-registered in June 2010.⁴

The July 2010 struggle of the workers was partially successful: the Owners' Association gave a 16 per cent raise in wages of all categories of work; one ambulance is now available for the entire stretch of ship-breaking yards; group insurance for workers is operative; death grant is raised to Rs. 500,000. The other demands (i.e. occupational health and safety measures, safe drinking water, food, shelter, registration with EOBI and SESSI) have remained unmet.⁵

Fisheries Sector: Struggle against Land Mafia

The fisheries sector workers, under the Fisherfolk Forum Pakistan, continued their struggle at several fronts for decent work and life conditions. The struggles mainly focused on access to livelihood resources: water and land. Fisheries sector workers' hardships increased manifold after the floods 2010 that caused immense economic damage to the fishers' communities in the Indus delta in Thatta and Badin districts. In addition, influential landlords illegally gained control of recharged water resources and parts of the river and deprived the fishers of

their right to catch fish.

Fishermen are traditional custodians of scattered water ponds of the River Indus in *katcha* area. Though the government has officially abolished the contract system and issued Shaheed Benazir Bhutto cards to fishermen as individual licenses to catch fish from fresh water, but land mafia put their armed people to guard the waters and deprive fishermen from their rightful catch.

Meanwhile, the fishers had to wage a long battle, during the reporting period, with the land mafia that has been occupying the mangrove forest land in Karachi's coastal areas, especially in Kakapir, an old village, by cutting mangroves and reclaiming the sea, destroying the eco-system of the area and threatening the right to life and food security of 350 families with population of more than 2500 living in the village. The PFF, running the campaign against the land grabbing and cutting of mangroves forests for quite some time, got engaged in a long unending battle with the land mafia at Kakapir village. The PFF activists mobilized the communities to rally against the illegal mangrove cutting at the Karachi Press Karachi on 18 January 2011. Subsequently, land grabbers abused and threatened the villagers, cut off drinking water supply. Two of the PFF activists, Abdul Ghani and Haji Abu Bakar, who first lodged the complaint, had to go in to hiding because the land mafia threatened them of dire consequences.

The PFF approached the government officials for protection and organized a march from Kakapir village on Feb 8 that reached Karachi Press Club the next day. On 5 May, the two activists were kidnapped by the land mafia gangsters, a crime witnessed by some of the villagers. On 6 May 2011, bodies of the murdered activists were recovered. The police initially refused to register the case against the alleged murderers but the case did get register finally. The report by the medico legal officer was refuted by the PFF in the court. The court then ordered a post mortem but the families of the victims refused to get it done. The incriminated individuals in turn filed a case against the PFF leaders. Both the cases are pending in the session court and the accused and the PFF activists were released on bail.

The PFF struggled for justice on various fronts and sought solidarity from civil society and political parties. In June, the Joint Action Committee

(JAC), an alliance of Karachi's active civil society organizations, convened an All Parties Conference to highlight the issue of the fishers and the threats to their lives and livelihood. All political parties, except the ruling Pakistan People Party (PPP), supported the PFF seeking justice. The Human Rights Commission of Pakistan (HRCP) sent a fact-finding team, comprising representatives of different civil society organizations, to visit Kakapir village to investigate the issue independently. The Asian Human Rights Commission (AHRC), a Hong-Kong based human rights organizations, urged the government of Pakistan to take action against the criminals.

The members of the World Forum of Fisher People (WFFP), network of fisherman at global level, wrote letters to the embassies of Pakistan in their respective countries urging them to ask the Government of Pakistan to take immediate action against land grabbers. The International Network for Economic, Social and Cultural Rights (ESCR), the largest global network of 180 organizations and 43 individuals from 66 different countries working for human rights, wrote a joint letter to President of Pakistan and other authorities as well to the UN Special Rapporteur, urging to take immediate action for arrest of the murderers and check degradation of mangroves forests. Sadly, there is no impact and the incriminated murderers as yet remain free. So strongly entrenched is the nexus of political elite, law-enforcing agencies and the land mafia, and so vulnerable is the marginalized community of fishers in the country, that the struggle is too arduous and may take much longer to yield any results.

Power Looms Workers

The power looms workers in Faisalabad, united under the Labour Qaumi Movement, continued to expand its membership in other districts and struggled for improved wages and implementation of the minimum wage law during the reporting period. The Movement suffered a setback when Mustansar Randhawa, one of its founding member and President of the National Trade Union Federation, Faisalabad, was shot dead on 6 July while he was advising a fellow worker in the union office. His older brother Naseer Randhawa, an active member of the LQM, was also killed. Mustansar Randhawa had been receiving death threats from the loom and textile mill owners since the LQM announced a strike scheduled for 6 July. Instead of lock-out for wage increase, the workers protested against

the murders and the LQM leadership registered the FIR. Later, the LQM came to know that the murders involved personal enmity or clan conflict.

On 20 July 2010, the workers went on strike demanding 17 per cent increase in wages as announced by the government in May. The rallies were taken out despite the imposition of Section 144 in the district. The strike was marred with scuffles between workers and power loom owners and between workers and the police. Several workers were injured and over 100 were detained by police. Some of the owners termed the workers as terrorists. Four Labour Quami Movement (LQM's) leaders, Akbar Ali Kamboh, Babar Shafiq Randhawa, Fazal Elahi, Rana Riaz Ahmed were arrested on 22 July 2010 under terrorism charges by Faisalabad police. Sustained lock-out of power looms for about two weeks finally led to a meeting of the workers and the owners at the Commissioner's office where the owners agreed to raise the wages by 17 per cent.

The LQM's campaign for registering workers with the social security institutions continued during the year. The movement printed pamphlets and held meetings with the workers of those looms that have been recently registered by the owners as a result of the LQM's campaign and advocacy efforts. In July 2011, power loom workers in Faisalabad and Toba Tek Singh took to demand annual increase and implementation of the minimum wage law. The reconciliation meeting between the owners and the workers' representatives was held at the office of the District Officer Labour and the owners agreed to raise wages by 13.5 per cent.

Public Sector (formal)

Telecom Industry: PTCL

26,000 workers of Pakistan Telecommunication Company Ltd (PTCL) went on nationwide partial strike on 2 August 2010 demanding a 50 per cent increase in basic pay as announced by the government for public sector employees. Lack of response from the management led the workers to resort to total strike from 16 August and then to sit-in outside the PTCL headquarters in Islamabad from 31 August. On 3 September the management called the police. Fifty workers were arrested, with three key leaders charged under anti-terrorist laws and 35 others under Anti Terrorist Act. As a condition for receiving their wages, PTCL workers were forced to sign a

statement disassociating themselves from the strike. Allegedly '...the treasonous and purchasable trade union leaders sold this victory to the rulers in return for their vested interests.'⁶

On 6 September the strike ended. Over 250 workers were terminated. The management stopped the annual bonuses for more than 2,000 employees and refused to pay wages to 300 others while 550 workers have been getting one-third of their wages since then. The management approached the National Industrial Relation Commission which decided the matter in favour of the workers and suspended the termination orders, but the PTCL management did not accept the orders, instead it approached the Lahore High Court and filed a petition against trade union activities.

Fully owned by the government since its inception in 1947, the PTCL's privatization process, initiated in 1996, took ten years to materialize as the workers strongly resisted it. The resistance had culminated in stark confrontation with the state when the PTCL workers occupied head-quarter and installations countrywide in May 2005. Ironically the resistance fell through when the PTCL trade unions' alliance Telecom Strike Action Committee leadership signed an agreement with the PTCL management in September 2005. The government was able to finally sell only 26 per cent shares in 2006, instead of 51 per cent as announced earlier, to Emirates Telecommunications Company (Etisalat) with full managerial control.⁷ With 12 per cent shares already sold to the general public, the government owns 62 per cent of the shares of the company. A petition was filed in the Supreme Court challenging the sale of 26 percent shares of PTCL as illegal. After privatization, estimated 32,000 workers left through the voluntary separation scheme (VSS).

KESC Workers' Struggle

The struggle of some 4,500 workers of Karachi Electric Supply Company (KESC) began in December 2010 when the KESC management announced the Voluntary Separation Scheme to the lower cadre of its workforce it termed as 'surplus'—drivers, security guards, bill distributors, clerical staff, laboratory attendants, computer operators, telephone operators and messengers. The deadline given was 15 January 2011. The scheme though was 'voluntary', the management forced the employees to avail VSS or face dismissal. This brought out 9000 workers on 8 January out on the street in front of the

headquarters where the worker rejected the VSS. The workers were collectively mobilized by the six trade unions that are active in the KESC. The management filed a case against the Collective Bargaining Agent (CBA) union office bearers. By 14 January only 450, out of 4500, employees had accepted the voluntary retirement.

On January 19 the management sacked all those employees who had completed 25 years in service, stating that these workers did not avail the golden hand-shake scheme. They were offered just one month's advance salary and gratuity benefits. The union refuted the dismissal on the ground that the VSS was not mandatory. The workers occupied the headquarters for four consecutive days. Some violence and property damage occurred when a car was set ablaze in main building. KESC filed cases against the CBA union members. While the trade unionists denied involvement in the violent incident, the management placed the burnt-out car as monument with title "We will never forget", widening the gulf between the management and the workers.

Karachi Electric Supply Company Limited, employing about 18,000 work force, is an integrated electric utility, supplying power to the megacity of Karachi of more than 15 million people. The company, engaged in generation, transmission and distribution of electricity in Karachi, spanning an area of 6000 square kilometer, serves roughly 2 million customers, including 17,000 industrial units. The utility is thus extremely crucial to the economy and the politics of the city and the country.

Hence, the President of Pakistan had to constitute a three-member core committee for mediation to resolve the conflict between the management and the sacked employees that threatened to paralyse the city. The Chief Minister Sindh also constituted a 9-member committee with representation of different political groups. The two-month long dispute between the KESC management and its workers ended in early February. When the Federal Minister for Water and Power accompanied by MQM Deputy Convener announced in a press conference that the KESC management had withdrawn its order of dismissal of employees with immediate effect. The next day the management said that the announcement was made under the pressure of the government and the management is extending the date of the Voluntary Separation

Scheme as the workers would have to leave anyway.

The second round of protest started in April 2010 when the management dismissed 294 workers on 19 April. The dismissed workers and the union leaders went on hunger strike. Various political groups and trade unions—Pakistan Railway Workers Union, PTCL Workers Union, Pakistan Trade Union Defence Campaign (PTUDC), All Pakistan Trade Union Federation (APTUF)—showed solidarity with the KESC workers. On 6 June, complete strike was observed in Karachi, supported by major political parties, trade unions and federations, civil society and the transporters. Meanwhile, Sindh High Court annulled the decision of the KESC management to sack 294 of their workers that brought some relief and moral support to the workers.

The conflict was apparently resolved by the end of July when negotiation between the management and sacked employees produced an agreement that the management would implement the verdict of Sindh High Court and the employees who had been sent in surplus pool would be adjusted in various sections according to their proficiency. However, none of the sacked worker has been reinstated as yet. The media went silent on the issue. The labour circle alleged that the KESC management took 22 journalists to a pleasure trip to Dubai to keep their mouth shut about the workers' struggle and the management's violation of labour laws.

The KESC was privatized in December 2005 when the government sold 73 per cent of its shares to a consortium of investors led by Al-Jomaih Group of Saudi Arabia and National Industries Holding of Kuwait. In October 2008, Saudi Al-Jomaih, sold to Abraaj Capital—a leading private equity firm based in Dubai—significant equity stake in KESC granting Abraaj Capital full management control. Abraaj Capital brought in a professional management team with over 41 senior managers.

Lady Health Workers

Though the protest rallies against low wages, organized by the country's Lady Health Workers (LHWs) had initiated in late 2008, the intermittent acts of resistance took a definite shape in 2010 when the LHWs across the four provinces took to streets to demand wage increase and regularization of their work. From Batkhela in Kyber Pakhtunkhwa to Naudero Feroze in Sindh, from Khanewal in Punjab to Quetta in

Balochistan, women health workers across the country's towns and cities came out and demanded decent work conditions under the umbrella of All Pakistan Lady Health Workers Employees Association, an informal union formed in December 2008. The phenomenon was unique, as never before in Pakistan's history women workers in any sector had waged a collective struggle, or exercised the right to 'collective bargaining'. In February 2011 the Lady Health Workers announced to boycott the vaccination campaign demanding to be paid their 5-months dues first.

According to an estimate there are 130,000 Lady Health Workers providing health services to rural population and the communities living in urban slums. Under the National Programme of Family Planning and Primary Health Care, initiated by the government in 1994, each Lady Health Worker, who has finished 8 years of schooling, is expected to cover 5 to 7 households door-to-door and carry out over 20 tasks that include family planning services, antenatal referrals, immunization services and basic curative care.⁸ In addition, the worker's residence is declared the 'Health House' to make the '...community aware of their presence and access services in case of need or emergency'.⁹ This renders a long and erratic work hour schedule, commuting in arduous weather conditions to places that could be extremely unsafe plagued with dacoits, religious intolerance, tribal conflicts and resistance to vaccination. There have been incidences of LHWs being abducted in tribal areas. The LHWs are at risk of Hepatitis and dehydration. In summer during the polio vaccination drive, LHWs waded through water in rice fields, risking snake bites.

As first-level care facilitators to the community, Lady Health Workers have been instrumental in improving the delivery of primary health care services and led to the increase in contraceptive prevalence rate (CPR), improved Tetanus toxoid, increased skilled birth attendance rate and extended children's immunization. Despite the success of the program and the significant role of the lady health workers, the government has not integrated their services to the mainstream healthcare system. Thus their employment remains ad-hoc and on contract basis, without any social security and work-related benefits, including maternity leave.

It was a death of a Lady Health Worker in December 2008 who died at delivery that com-

pelled Bushra Arain, a Lady Health Supervisor, to rebel against the irony: health providers' own deprivation of health facilities and lack of decent work conditions, particularly the issue of delayed payment of wages. She set on foot to travel to all districts, mobilized the Lady Health Workers in each district and founded the All Pakistan Lady Health Workers Employees Association registered under the Social Welfare Ordinance. In early 2009, each district has a *Baji*, dynamic activist-lady health worker, who would mobilize the group strategically for rallies and other matters.

In June 2010 the Lady Health Workers staged a sit-in in front of the Parliament House, Islamabad, and demanded timely payment of wages, increase in wages and regularization of their jobs. The health workers were paid a stipend of Rs. 3,190. In November 2010, the Supreme Court issued an order raising their wages to Rs.7000, the national minimum wages. The benefits of implementation of this order has yet to reach the workers because wages continue to be paid irregularly, often after 4 to 5 month, and that too in partial payment. The Lady Health Workers Employees Association continued its struggle, and supported by a woman parliamentarian, filed a petition in March 2011 in the Supreme Court for regularization of their work.

During their struggles, the Lady Health Workers and the active members of the association, have been harassed, baton-charged and maltreated during protests, detained in jail under false cases. The association is being supported by All Paramedical Staff Welfare Association, particularly its Sindh branch and the Vaccinators Welfare Association. Different political parties-PML-Q, SNP, PML(N), PTI, MQM, PPP(SB) are also supporting the struggle of the lady health workers.

Private Formal Sector

Workers in the MNC: Coca-Cola Beverages Pakistan Ltd.

The workers employed in the global supply chain continue to resist violation of labour laws through the strategy of combining national legal recourse and the pressure of international trade unions. After a year-long struggle by the workers of the Coca-Cola Beverages Pakistan Ltd (CCBPL), Multan plant, against unlawful dismissal and for the right to unionize, the local

Coca-Cola company signed an agreement at the end of July 2010 recognizing the People's Employees' Union (PEU) as the CBA at the Multan bottling plant and reinstated all unfairly dismissed workers with full compensation. All 187 workers at the bottling plant were given the status of permanent employees. The IUF (International Union of Food)-affiliated National Federation of Food, Beverage and Tobacco Workers (NFFBTW) played a crucial role in mobilization and subsequent struggle of the plant workers.

The IUF and the NFFBTW pressurized TCCC (The Coca-Cola Company) and CCBPL to respect trade union rights in Multan as the management resorted to threats, extortion, physical abuse and abduction of the activists when they filed for registration of the union with the District Labour Officer. The IUF and the NFFBTW also provided tangible support to the threatened union officers' families to move into hiding.¹⁰

The success in Coca-Cola Multan gave impetus to the workers at Coca-Cola Pakistan's

Faisalabad plant to push for registration and the union was officially registered in August 2010. Efforts to organize a union at Coca-Cola Faisalabad in 2002 had met with severe repression from the management. Finally, after eight years the workers at the Faisalabad bottling plant succeeded in 2010 to register a union with the assistance of the Coca-Cola Karachi union and the newly formed union at Gujranwala.

The Gujranwala union submitted its charter of demands to the management in July 2010 while the Faisalabad union submitted its claims in October 2010. The Karachi, Lahore and Rahim Yar Khan unions submitted their charters of demands on 1 January 2011 and at the same time asked for a joint negotiation of the CBAs at the national level. By August 2011, six Coca-Cola unions (Karachi, Lahore, Multan, Faisalabad, Rahimyar Khan, Gujranwala) jointly negotiated their plant-level Collective Bargaining Agreements (CBAs) with Coca-Cola Pakistan Beverages Limited (CCBPL) through national bargaining for the first time ever.



The Floods 2010: Impact on Vulnerable Lives and Livelihoods

The floods affected 78 districts out of 141 districts in Pakistan, impacting more than 18 million people.¹ The floods destroyed 2.1 million hectares of agricultural land, 0.3 million large and 1.2 million small animals.² Basic utilities such as electricity and gas supply and key social services – water, sanitation, health-care, housing/shelter, and education suffered serious damage. The floods destroyed many dikes, embankments, water channels, link roads and rural infrastructure.

An earlier preliminary damage assessment carried out by the government reported that approximately 80 per cent of the population in the flood-affected areas depended on agriculture - inclusive of crops, livestock, fisheries and forestry - for their livelihood. In three out of four areas surveyed (Gilgit Baltistan, Punjab and Sindh), the majority of households interviewed in the worst-affected districts reported losing 90-100 per cent of cropland. Farming and landowning was reported to be the main source of income for nearly half of the households surveyed. Key crops such as rice, maize, vegetables, and sugar cane were lost just before the harvest and crop land damaged just prior to subsequent rabi wheat planting season.³

Attribution and the Affected

Though a natural disaster accentuated by global warming and climate change, the extensive flooding and devastation caused by it were attributed largely to man-made factors: poor land-use resulting in heavy encroachment (including human settlements and physical infrastructure) in the floodplain, or katcha areas, weak management of watershed and catchment areas, deforestation and poor regulation of existing reservoirs for flood control, and the control of dykes by the rural elite. Construction of barrages and flood protection embankments has reduced the floodplain, diverting the excessive flood water in to the canals which over-

flowed and inundated the large swath of settled areas away from the floodplain.⁴

The overwhelming majority of the flood affected people belonged to the settlements and villages located at the floodplain or katcha areas. Historically, people have used the fertile alluvial land of the 500 km long floodplain for seasonal, temporary and shifting cultivation of minor crops, fodder and forestry, leaving the katcha area in case flooding occurs during and after monsoon season, and let the river meander its natural course. Persistent poverty and population pressure since the last three decades, however, brought about a change for the worse in the land-use of floodplains. Entire settlements, comprising mud houses, sprang up in the floodplains, encouraged earlier by the absence of any policy on floodplain and riverine area management, and later through flawed policies.

Government Response and the Gaps

The National Disaster Management Authority (NDMA) developed an initial response plan in consultations with UN agencies in August. The relief phase of the plan ended on 31st January 2011 followed by the Early Recovery phase implemented through the Early Recovery Working Group via decentralized provincial groups and district sectoral working groups for housing, health, education, water and sanitation, community physical infrastructure, non-farm livelihood, governance, agriculture and food security. Four cross cutting thematic groups worked to supervise gender, environment, protection and disaster risk reduction concerns. There were 252 projects in the Early Recovery Phase out of which only 67 were funded.⁵ Cluster approach was adopted to coordinate efforts of state agencies, UN agencies, NGOs, philanthropists and media. District coordination committees were formed and the work in union

councils distributed cluster-wise to avoid duplication. The government diverted a substantial portion of the development fund to rehabilitation. Among the prominent features of the government's response, cash transfer through distribution of 1,670,550 NADRA Watan Cards was significant as it provided short-term financial support to the families. In the process NADRA also issued 221,384 new National Identity Cards to the people who did have the cards before.⁶ Also, the Government of Sindh recovered 95,000 acres of state land and distributed it to 5,800 landless families.⁷

The extent and the scope, and the benefits accrued to households from the recovery and rehabilitation work differed in each district due to several reasons including geographical accessibility, participation of beneficiaries, dynamism of local activists and influence of political elite in the district. By June 2011, several issues had been identified by various agencies active on the ground. The repair of the embankments was slow and in Sindh, the embankments were reportedly raised by only two or three feet, rather than the recommended six feet. The shelters built, mostly of concrete, did not meet the cultural needs of the communities. The sun flower seeds distributed to the farmers, who had not cultivated this crop before, did yield good harvest but did not benefit the farmers as they had no access to its market hence were pushed to sold the crop to middlemen at low price.

Aside capacity constraints of the state institutions and lack of coordination within these and with other actors-UN agencies, NGOs, international donor agencies and philanthropists-the issues that hampered recovery included shifting of responsibility from the NDMA to the Council of Common Interests and the formation of National Oversight Disaster Management Council that '...added a further layer of confusion for stakeholders as which was the key oversight body.'¹⁸ Also, the implications arising out of the 18th Amendment and the NFC award created tension and ambiguity regarding fiscal and administrative arrangements for relief and recovery.

The Displaced Population

The disaster led to displacement of millions of people from flooded areas to dry places, mostly closer to homes and to urban centres in the home districts. Almost all the IDPs in Khyber Pakhtunkhwa and Punjab returned to their devastated abodes soon as the water receded

downstream to the flood plains. In Sindh, most of the districts remained flooded till early 2011 as the water was trapped between raised infrastructure (roads, bridges, settlements). By the first quarter of 2011, majority of the IDPs left the camps and returned to home districts. A large number of people from the affected districts in Sindh, took refuge in the cities of Karachi and Hyderabad. The families who had resources, assets and support systems in dry districts' cities stayed with their relatives and friends. Those who had no asset back home and were indebted, remained in the cities and struggled to eke out a living from manual labour.

The displaced persons overwhelmingly belonged to the lowest stratum of society. Rural and marginalized, poorest of the poor, a significant number of the IDPs have been agricultural workers-tenants, share-croppers and manual labour. Several international humanitarian bodies, donor agencies and national civil society organizations investigated and documented the conditions at relief camps and of the relief measures. A few probed the socio-economic indicators and livelihood status of the displaced families prior to 2010 floods. PILER also undertook a profiling and livelihood needs assessment survey to gauge socio-economic indicators and the livelihood status of the IDPs prior to the floods.

The profiling of 3,000 IDPs, undertaken by PILER, indicated a life of deprivation, denial of opportunities for dignified livelihood and violation of fundamental human rights as enshrined in the constitution of the country. It was not the flood that devastated the people: they were already living a life at the fringe of society, excluded from the mainstream, suppressed by the local elite and abandoned by the policy makers. The floods proved the last straw and pushed them off the precipice, depriving them of the meagre assets they had. The discussions with the IDPs revealed a rural society deeply mired in relational issues and concentration of power in the hands of few. It emerged that rebuilding decent lives and livelihoods of the flood affected population needs more than aid packages and projects: it would require a new social contract of the state with the people and a massive overhaul of government priorities and policies.

Meagre Incomes, Poor Livelihoods

Relatively high number of IDPs-48 per cent-reported a living through manual labour, while a

significant 31.7 per cent were engaged in farming. A very small number, 5 per cent, were employed in offices (government/private) and 8.5 per cent made a living through petty trade. Almost 50 per cent earned an income between Rs. 4,000 to Rs. 8,000 per month (US\$ 48 to 96 per month or \$ 1.6 to \$3.2 per day), while 17 per cent reported an income below Rs. 4,000. The overwhelming majority of the household, 85.7 per cent, had only one earner in the family of 7 members.

Only 37 per cent of the IDPs reported that they owned a piece of land: 63 per cent did not own land. Almost half of those who owned land had just 1 to 5 acres of land whereas 40.44 per cent reported landownership of between 6 to 25 acres and 10 per cent had land up to 50 acres. Of the landless IDPs, 21 per cent worked as *haris* with different landlords while 30.6 per cent reported to be engaged in casual labour in different farms. A significant number 39.3 per cent eked out a living through manual labour (i.e. construction, transportation, blacksmith, shoe-making) while 4 per cent engaged in petty trade or hawking. The number of daily wage earners was reported to be 42.2 per cent. A very large number of the flood-affected population, 67 per cent, reported debt (compared to 23 per cent Sindh households under debt as reported in the Agricultural Census 2000). With their meagre source of livelihood jeopardized in the floods, a significant number expressed their desire to find a different vocation if possible and wanted to relocate away from the katcha plains where they lived prior to flooding.

Social Deprivation and Insecurity

The issues shared by the IDPs included inadequate opportunities for schooling and skill development. Some of the villages were reported to be bereft of even primary school. The IDPs narrated how the school buildings were being used by *waderas* for their own purposes. The use of school grounds and buildings by tribal leaders—often involved in tribal conflicts—make the schools unsafe. Lack of health facilities was yet another major constraint in the life of the flood affected people.

The rural Sindh is riddled with social stratification. Many flood affected people, particularly of Shikarpur, Jacobabad and Kashmore districts shared stories of how tribal conflicts, vendettas and killing of innocent people of the warring clans have impacted their life and livelihoods. The conflicts emanate from property disputes,

theft of livestock, whimsical allegations or relate to karo-kari. The tribal chiefs, or feudal lords, mostly members of the provincial assembly or linked to political parties, use political clout or show of power, displaying weapons, to terrorize the poor peasantry of the warring tribes who are not a party to the conflict. A number of flood affected people reported a life marred by high handedness and exploitation by land lords who deprive the poor of even the zakat money and their national identity cards to access government benefits. The IDPs told of the complex *wadera-dacoit-police* nexus that works against them. The state institutions are totally under the influence of *waderas*. The share croppers are cheated and deprived of their due share from the crops. A high prevalence of gender discrimination and violence against women was reported in the home districts of the IDPs. Minority communities i.e. dalits or scheduled Hindu castes suffer discrimination and marginalization.

The narratives of turmoil and distrust at micro level in rural society indicate a weakening of collective human values that sustain a community and help it flourish. Lack of good will and empathy for fellow beings, and exploitation of the weaker members characterize the contemporary rural society. Absence of social cohesion and connectedness is also evident in usurpation of traditional community institutions and gross misuse of state institutions by the powerful. Disintegration of democratic institutions and prevalence of elite-driven customary judiciary was identified by the IDPs. The *jirgas* settle not only civil disputes but all types of criminal offences. As told by the IDPs, the court is subservient to *wadera* and his *jirga* has powers as legislature, judiciary and executive authority and it go unchallenged by the courts which are almost dysfunctional in rural areas.

According to an estimate it would take ten years to rebuild the physical and social infrastructure washed away in floods, and bring the affected population back to the level of pre-flood existence. Unless structural changes are initiated and an institutional framework for inclusive growth and development is established at macro and micro levels, the lives of the flood affected people would remain deprived and mired in issues despite efforts for rehabilitation, rebuilding and reconstruction.

At this juncture, when the grossly inequitable system has been exposed to its roots through a natural disaster, it is pertinent to right a histori-

cal wrong perpetuated on the rural citizenry and ensure their access to the mainstream development. This can be achieved through a '...change in Pakistan's economic policy paradigm for achieving economic democracy in order to provide economic citizenship to all of the people rather than a few.'¹⁹

End Notes

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Section Two





Economic Crisis: Impact on Labour

Dr. Pervaiz Tahir

The economy of Pakistan has been in the throes of a serious crisis. Economic growth fell to 2.4 per cent in 2010-2011, a negligible growth given the population growth rate of 2.05 per cent. With inflation persisting in double digits at 14.1 per cent, and food inflation even higher at 18.4 per cent, poverty inequality and food insecurity have risen.

The economic survey quotes an Asian Development Bank study, showing that a 20 per cent rise in food inflation can push up the percentage of those living below the \$1.25-a-day poverty line by as much as 4.5 percentage points. No numbers have been provided for the extent of poverty based on the national poverty

line since the controversial results related to 2004-05 and 2005-06. Information on inequality also does not go beyond 2007-08. It is reported that the survey related to 2010-11 is underway. Until then, there is no knowing the true extent of poverty. Similarly, the unemployment rate of 5.6 per cent is grossly underestimated. Public expenditure on education has fallen to 1.8 per cent of GDP and that on health to an all-time low of 0.2 per cent of GDP. Overall, the economy looks like a rudderless ship, lacking policy direction. Social sector has been squeezed, subsidies for the poor have been slashed and labour has been left to the vagaries of the market.

Table: GDP growth

Items	Share in GDP		Growth	
	FY09	FY10	FY09	FY10
Commodity Producing Sector	47.1	47.6	1.8	4.7
1. Agriculture	21.8	21.2	4.0	0.6
- Major Crops	7.3	6.9	7.8	-2.4
- Minor Crops	2.5	2.2	-1.2	-7.8
- Livestock	11.3	11.4	3.1	4.3
- Fishing	0.4	0.4	2.3	1.4
- Forestry	0.3	0.3	-3.0	2.2
INDUSTRIAL SECTOR	25.3	26.4	-0.1	8.3
2. Mining & Quarrying	2.5	2.5	-0.5	2.2
3. Manufacturing	18.2	18.6	-3.6	5.5
- Large Scale	12.1	12.3	-8.1	4.9
- Small Scale *	4.7	4.9	7.5	7.5
4. Construction	2.06	2.55	-11.2	28.4
5. Electricity & Gas Distribution	2.5	2.8	59.0	17.7
Services Sector	52.9	52.4	1.7	2.9
6. Transport, Storage and Comm.	10.2	10.1	3.6	2.8
7. Wholesale & Retail Trade	16.8	17.0	-1.4	4.6
8. Finance & Insurance	5.7	4.9	-7.6	-11.3
9. Ownership of Dwellings	2.8	2.7	3.5	3.5
10. Public Administration & Defence	6.1	6.0	3.6	2.5
11. Services	11.3	11.8	8.9	7.8
12. GDP	100.0	100.0	1.7	3.8

Source: State Bank of Pakistan, Annual Report 2009-10

Instead of going for homegrown programme of national austerity and pro-poor socio-economic reform, the elected government went to the IMF for emergency assistance. Small wonder, the period 2008-11 has been an unending struggle to arrive at the elusive balance between the IMF conditionalities and the political compulsions. Economic growth took a nosedive in 2008-09 at 1.72 percent. As population growth was higher than the economic growth, there was a negative growth in GDP per capita. Growth revived in 2009-10 to 3.8 percent, but it was clouded by a higher fiscal deficit as percent of GDP of 6.3 per cent and an inflation rate of 11.7 percent. At the very start of the fiscal year 2010-11, huge floods ravaged the economy and inflicted a loss of over \$10 billion on an economy already struggling to stabilize and grow. The heaviest floods in living memory impacted severely on livestock and the output of cotton, rice and sugarcane. Disruption of transport systems and damages to vegetables and pulses crops set in motion a new wave of food inflation.

Agriculture: Agriculture sector as a whole experienced a decline in growth from 4 per cent in 2008-09 to 2.2 per cent in 2009-10 and showed a negative growth of -0.4 in 2010-2011. Scarcity of irrigation and rainwater and then the flooding, shortages of certified seeds and volatility of the world market in rice and sugarcane reduced area under cultivation. Large farmers now respond to market signals, which make the output growth cyclical. Yield per acre also declined in certain cases. Scarcity of water also depressed growth in the fisheries subsector, which declined from 2.3 per cent in 2008-09 to 1.4 percent in 2009-10 and picked up slightly at 1.9 per cent after flooding in 2010-2011. The positive overall growth of agriculture sector was mainly due to an impressive growth in livestock subsector of 3.7 percent in 2010-2011, up from 3.1 percent in 2008-09. Demand for meat and its preparations, live animals and milk and its preparations have been growing in the world as well as domestically. Prices have been rising steadily and the opportunities to make profits expanding. Livestock exports have doubled in the past 3 years. There has, however, been no policy initiative to reduce pressure on domestic prices.

The year 2010-11 started with floods playing havoc with *kharif* crops, but higher prices encouraged farmers to sow cotton and wheat over a larger area. Yet, the improved soil quality as a result of floods did not improve yields as

expected and the major crops showed a negative growth of -4.0 per cent in 2010-2011 though the minor crops fared better and registered a growth of 4.8 per cent. Agriculture growth in 2010-11 was recorded (provisionally) at 1.2 per cent.

Industry: Industrial sector includes manufacturing, mining, energy and construction. As a whole, the sector posted a growth higher than the agriculture sector, mainly due to improved global demand. Industrial growth stood at 8.3 per cent in 2009-2010. Manufacturing and construction sectors led the way, propelled by consumer durables in the case of the former and lower material costs in the case of the later. Large-scale manufacturing registered a growth of 4.9 percent in 2009-10, compared to negative growth in the previous year. Higher farm incomes resulting from better prices, rising remittances and global demand spurred recovery in consumer and export industries.

Higher demand resulting from hefty increases in salaries and pensions in the public sector without significant increase in production capacity of different sectors fuelled inflation for all, particularly for workers who could secure an increase of 16.7 percent only in the minimum wage when it was increased from Rs 6,000 to Rs 7,000 in May 2010. In fact the increase encouraged employers to hire as much informal labour as they could.

Services: Until 2007-08, GDP growth has largely been services-led. In 2008-09, however, the services sector growth was the lowest in a decade. Growth in the sector returned in 2009-10, recorded at 2.9 percent and that nearly doubled in 2010-2011 at 4.1 per cent. Wholesale and retail trade picked up in line with the agricultural and manufacturing growth. Telecom was another growing sector, while financial sector posted a negative growth. The services sector also was the beneficiary of a high growth in the unproductive subsector of public administration and defence.

In 2010-2011, the wholesale and retail subsector grew at 3.9. This is encouraging because of the relatively greater employment absorption in this subsector. This sector is modernizing rapidly, from traditional self-employment to the small as well large super markets and chain stores. It has created skilled jobs in sales, but automation has also displaced workers in some categories. Use of skill-based and trained manpower and

automation are also visible in the transport and communication subsector. Increasing use of security equipment has created demand for skilled workers, along with ordinary security staff.

Every time the opinion gathers that information and communication technology (ICT) subsector has reached its saturation point, the subsector beats the pundits. It recovered from a contraction in 2008-09 to expansion and growth in 2009-10 in domestic as well as export market. Completion of projects under the Universal Services Fund and fiscal measures to facilitate imports contributed to this revival. Tele-density as well as cellular subscribers' base has been expanding and contributing to the strength of the subsector. Brain drain is causing local skills shortages. Local market is small and competition in the world market is severe. Despite being hi-tech, the sector is more labour intensive than capital intensive. Its unorganized part is contributing significantly to the rising inflow of remittances. ICT has the potential to support higher growth in the economy.

Revival of commodity sectors did not find a matching growth in transport services, which grew at the rate of 3.7 per cent in 2008-09 and 3.6 per cent in 2009-10 and it declined sharply to 1.3 per cent in 2010-2011. The historical underinvestment in infrastructure such as railways and shipping continues to take its toll.

2. Work and wages

Informal sector provides 73 per cent of the total employment, with the formal sector contributing the balance. The avenues of decent work continue to be a smaller proportion of total employment.

Unemployment: With the economy on the downhill, the unemployment rate indicates an insignificant movement in the official data. There is, however, a continual increase in the rate of unemployment since 2007-08 when it was 5.2 per cent. In 2009-10, the unemployment rate was 5.6 per cent, higher only by 0.1 percentage point from the previous year unemployment rate of 5.5 per cent. The increase in unemployment has largely affected women workers in urban area, with their unemployment rate rising from 17.6 per cent in 2008-09 to 20.8 per cent in 2009-10 (see Table below).

Even at these very slowly rising rates of unemployment, the absolute numbers provide enough cause to worry. It may be noted that the total number of the unemployed in 2009-10 was as high as 3.05 million. Perceptions that this may only be the tip of an iceberg are not very far from reality. In all provinces except Sindh, the number of rural unemployed was higher than the urban unemployed. This suggests that the higher rural incomes resulting from higher support and export prices are not translating into higher rural

UNEMPLOYMENT RATES - BY AREA AND SEX

Area/Sex	2008-09			2009-10		
	Total	Male	Female	Total	Male	Female
Pakistan	5.5	4.5	9.0	5.6	4.4	9.5
Rural	4.7	3.9	7.2	4.8	3.9	7.2
Urban	7.1	5.6	17.6	7.2	5.3	20.8

Source: Federal Bureau of Statistics, Labour Force Survey 2009-10

Despite higher sales of commercial vehicles, the high cost of fueling road transport disabled it to pick up the slack caused by railways and frequent disruptions of pipelines. Inter-city private bus services are thriving. Improved service fetches higher price also. But frequent adjustment in fares forced by fuel price revisions leads to public resentment. The operators do not have much room for manoeuvre as fuel is their main operating cost. Intra-city travel continues to lack policy attention.

employment. The unemployment data corroborates with the poverty data, which shows rural poverty to be higher than urban poverty. In Sindh, the number of urban unemployed was higher than the rural unemployed. But the rural unemployment is catching up, as the size of the rural unemployed rose sharply by 64.3 per cent between 2008-09 and 2009-10 compared to the rise of only 10 per cent in the size of the urban unemployed. Khyber Pakhtunkhwa continues to suffer from the deteriorating security

UNEMPLOYMENT RATES - BY SEX AND AGE

Age Group	2008-09			2009-10		
	Total	Male	Female	Total	Male	Female
10-14	9.3	9.7	8.7	10.8	9.8	12.9
15-19	9.5	8.9	11.3	8.9	8.3	10.9
20-24	7.3	6.2	11.5	7.9	6.8	12.1
25-29	4.3	3.5	7.1	4.8	3.4	9.3
30-34	2.6	1.9	4.9	2.6	1.5	5.8
35-39	1.7	1.1	3.5	2.3	1.5	4.8
40-44	1.5	1.1	3.1	1.8	1.3	3.8
45-49	2.4	1.5	5.7	2.8	2.3	4.5
50-54	4.6	3.1	11.2	4.4	2.9	10.1
55-59	6.1	4.4	13.6	5.9	3.9	13.4
60 years and above	12.7	8.9	30.8	10.6	7.3	28.6

Source: Federal Bureau of Statistics, Labour Force Survey 2009-10

situation. The size of the unemployed in this province in 2008-09 was higher than Sindh and about the same in 2009-10, although its population is a little over half of the Sindh's population.

Pakistan has a relatively young population, which can be a boon if gainfully employed and a bane if not. Data reveals that the highest rates of unemployment prevail in teens and twenties. In 2009-10, it was 7.9 per cent for the age group 20-24 years and 8.9 per cent for the age group 15-19 years, well above the overall unemployment rate of 5.6 per cent. With unemployment rates like these, the country may well be facing

week and seek or are available for alternative or additional work. Underemployment rate is the time related underemployed population expressed as a percentage of the currently active population. This rate declined from 1.44 per cent in 2008-09 to 1.25 percent in 2009-10. The decline was higher for women workers as well as for rural areas. Rising inflation and economic stagnation has forced workers to adopt various coping strategies, the most important being multiple jobs. This feature is reflected in the decline in the rate of underemployment.

Wages, nominal and real: The Labour Force Survey 2009-10 reveals a number of interesting

UNDEREMPLOYMENT (TIME-RELATED) RATES OF PAKISTAN- BY AREA AND GENDER

Area	2008-09			2009-10		
	Total	Male	Female	Total	Male	Female
Pakistan	1.44	1.20	2.29	1.25	1.10	1.73
Rural	1.61	1.48	1.99	1.39	1.31	1.61
Urban	1.05	0.67	3.72	0.91	0.71	2.31

Source: Federal Bureau of Statistics, Labour Force Survey 2009-10

a demographic threat rather than an opportunity. Also reported is the decline of unemployment rate for the age group 15-19 years from 9.5 per cent in 2008-09 to 8.9 percent in 2009-10. It seems that the employers are recruiting younger workers in flexible contracts or at piece rates.

Underemployment: Underemployment is defined as all employed persons who, during the reference period, work for less than 35 hours per

features about nominal wages. First, average wage for all occupations was Rs 8,623. Secondly, the average wage for elementary (unskilled) occupations was Rs 5,716, i.e. less than the minimum wage officially fixed at Rs 7,000 in May 2010 and just above the minimum wage for skilled agricultural and fisheries workers. Thirdly, the overall occupational average monthly wage for women was 64.6 per cent of the average for men, and less than minimum

AVERAGE MONTHLY WAGES OF EMPLOYEES BY MAJOR INDUSTRY DIVISIONS

Major Industry Divisions	2008-09			2009-10		
	Total	Male	Female	Total	Male	Female
Total	7635	7997	5189	8623	9017	5821
Agriculture, forestry, hunting and fishing	4194	5096	2972	4968	5730	3358
Mining & quarrying	7661	7666	7333	6976	6963	9600
Manufacturing	6769	7385	2912	7534	8080	3437
Electricity, gas and water	12383	12401	10050	14548	14398	25325
Construction	6510	6531	5020	7389	7397	6207
Wholesale, retail trade, restaurants & hotels	5705	5708	5479	6609	6660	4013
Transport, storage and communication	8069	8026	11139	9396	9328	13685
Financing, insurance, real state and business	16440	16363	18158	18174	17897	31240
Community, social and personal services	9718	10519	7104	10984	11771	7761

Source: Federal Bureau of Statistics, Labour Force Survey 2009-10

wage. It was less than minimum wage in four occupational categories. Unless it is a sampling error, average monthly wage for women was higher than men in the category of professionals, and skilled agricultural and fisheries workers. Data shows that minimum wage rules in manufacturing, but not for women. It also shows that in mining and quarrying, average monthly wage for women is Rs 9,600 and Rs 6,963 for men. This certainly seems to be one of the cases where caution is recommended by the authors of the Labour Force Survey. They state: "Since females constitute much lower proportion of wage earners, a sort of anomalous position in their case is observed in certain categories, which may be attributed to sampling effect and consequential scariness of response."

Pakistan has experienced very high rates of

inflation since 2007-08, with serious consequences for the real wage and purchasing power. The table below depicts the increases in nominal wages for various occupational groups between 2007-08 and 2009-10 and compares it with the increase in inflation for the same income group. As is the convention, inflation is measured by the changes in the Consumer Price Index (CPI), which is calculated for four income groups and for all income groups combined. The income groups for various occupational categories in the labour force were decided on the basis of nominal wage in 2007-08. The occupational categories have been listed in ascending order of average monthly nominal wage.

It would be seen that the overall increase of 30.4 per cent in the nominal wage has been beaten by an inflation of 34.9 per cent. Out of the 9

TRENDS IN REAL WAGES 2007-10

Occupational groups	% increase in nominal wages	% increase in inflation by income group	Real wage increasing/decreasing
Elementary unskilled	26.5	36.8	Decreasing
Skilled agri/fisheries	41.5	36.1	Increasing
Crafts & related trades	31.0	36.1	Decreasing
Services/shops/market sales workers	31.3	36.1	Decreasing
Plant/machine operators, assemblers	32.9	36.1	Decreasing
Technicians/associate professionals	43.4	36.1	Increasing
Clerks	16.8	36.1	Decreasing
Professionals	32.1	37.5	Decreasing
Legislators/senior officers/managers	34.9	37.5	Decreasing
Overall	30.4	34.9	Decreasing

Source: Federal Bureau of Statistics, Labour Force Survey 2009-10

occupational groups studied here, only two experienced an increase in real wage. These included skilled agricultural and fisheries workers, and technicians and associate professionals. The worst sufferers were clerks and elementary unskilled workers. In the case of the former, the gap between nominal wage and inflation was as high as 19.3 percentage points, while in the case of the latter it was 10.3 per cent. In general, the erosion of real purchasing power was relatively greater for the low wage earners than for the high salary groups. The minimum wage of Rs 7,000 has become meaningless.

3. Budget reprioritization and workers

A focused way of looking at the impact of budgetary reprioritization on workers is the shifting balance of pro-poor expenditure. As a share of GDP, this expenditure increased only marginally. Education experienced the lowest percentage increase in expenditure, i.e. 7.97 per cent. Overall human development constituted 32.5 per cent of the total expenditure in 2009-10 compared to 33.7 per cent in the previous year, a decline of 0.2 percentage points. Market access and community services registered the lowest growth, with a decline in their share in the total expenditure. The share of social safety nets also declined, especially the subsidies and food support programmes. Related to the security situation in the country, the highest growth of 37.3 per cent was witnessed in the expenditure on law and order.

The situation is becoming worse in the current year, i.e. 2010-11. For the first six months,

Govt. Expenditures (as % of GDP)

Indicators	2008-09	2009-2010
As % of GDP		
Total Administrative Expenditure	19.9	20.3
Defence	2.6	2.5
Interest on Foreign Debt	0.6	0.4
Repayment/Amortization of Foreign Debt	1.8	1.3
Development Expenditure	3.8	3.5

Source: Federal Bureau of Statistics, Labour Force Survey 2009-10

expenditure on social security and social safety nets has declined to Rs 5.3 billion from Rs 19.1 billion in the comparable period of the last year. Subsidies have also been reduced and food support programmes discontinued. Expenditure on

education revived. Expenditure on law and order has become one of the major claimants. Total expenditure for the six months works out at 2.7 per cent of the GDP, which means that this ratio for the year as a whole is likely to be less than last year.

In regard to budgetary matters, a development of profound significance for workers is the implementation of the Seventh National Finance Commission Award with effect from the fiscal year 2010-11. In the first place, the share of the provinces has been increased from 45 per cent in 2009-10 to 56 per cent in the current Fiscal Year, 2010-11. It will rise further to 57.5 from 2011-12 onwards. As a result, the 2010-11 budget has projected a resource transfer of Rs. 1,077 billion to the provinces, an increase by 69.8 per cent over the actual transfer of Rs. 634.2 billion in FY2009-10. Secondly, population has been replaced by a multiple criteria for sharing resources between the provinces. The weight of population has been reduced to 82.0 percent, with poverty and backwardness allowed 10.3 per cent, revenue collection/generation 5.0 percent and inverse population density 2.7 per cent.

It is noticed that the relatively poorer provinces of Balochistan and Khyber Pakhtunkhwa have gained, while the slight decline in the share of

Provinces' Share in the NFC

	Existing	7th NFC Award
Balochistan	7.17%	9.09%
Khyber Pakhtunkhwa	14.88%	14.62%
Punjab	53.01%	51.74%
Sindh	24.94%	24.55%
Total	100.00%	100%

Sindh has also been compensated by a special provision.

4. The Eighteenth Amendment and labour

The Constitution (Eighteenth Amendment) Act, 2010 was passed by the Parliament in April 2010. The Amendment has significantly increased the quantum of provincial autonomy. Provinces now have a greater number of subjects to deal with and, as already indicated, a larger share of resources under the 7th NFC. The 18th Amendment gives provinces vast control of

EOBI progress: 2008-09/2009-10

Programs	FY 2008-09 (July 01 - June 30)		FY 2009-10 (July 01 - June 30)*	
	No. of Beneficiaries	Disbursement (Rs. Millions)	No. of Beneficiaries	Disbursement (Rs. Millions)
Old Age Pension	185,600	3,704	197,216	4,156
Invalidity Pension	4,600	174	4,893	96
Survivors Pension	97,900	1,851	106,369	2,149
Old-Age Grants	1,900	58	1,774	21
Total	290,000	5,787	310,352	6,442

Source: Employees' Old Age Benefits Institution (EOBI).

the social sectors, especially as the Concurrent Legislative List has been abolished and changes have been made in Federal Legislative List, Part I&II. All subjects not falling under the Federal Legislative List belong to the provinces. Labour and manpower is one of them. All matters related to labour have been entrusted to the provinces, which has important implications for workers and their organization.

In addition to the functions already performed by the Provincial Departments of Labour, the 18th Amendment has given the following subjects to the provinces:

- 1) Welfare of labour; conditions of labour, provident funds, employers' liability and workmen's compensation, health insurance including invalidity pensions, old age pensions
- 2) Trade unions; industrial and labour disputes
- 3) The setting up and carrying on of labour exchanges, employment information bureaus and training establishments
- 4) Regulation of labour and safety in mines, factories and in oilfields

5) Unemployment insurance

In view of this comprehensive devolution, the Federal Ministry of Labour and Manpower becomes completely redundant. Provinces are empowered to have their own labour policies, with different minimum wage levels. Organizations like the Employees' Old Age Benefits Institution (EOBI) and the Workers Welfare Fund (WWF) will have to be provincialized, as also the skills and vocational training schemes and institutions. EOBI and WWF are key labour welfare organizations, meriting separate discussion.

Employees' Old Age Benefit Institution (EOBI): Employees' Old Age Benefit Institution (EOBI) was established under EOBI Act 1976. It maintains the Employees' Old Age Benefits Fund, which provides old age benefits to insured persons working in industrial, commercial and other organizations in the private sector employing 10 or more workers. In 2007-08, the number of registered establishments was 56,632 with 2.7 million eligible workers. The EOBI is financed by contributions/payments made by the employers, income from investment and donations. All

WWF progress: 2008-09/2009-10

Welfare Measures	FY 2008-09 (July 01 - June 30)		FY 2009-10 (July 01 - June 30)*	
	No. of Beneficiaries	Disbursement (Rs. Millions)	No. of Beneficiaries	Disbursement (Rs. Millions)
Education Schemes	36,314	945	52,746	1,228,73
Scholarship Cases	15,721	345	7,640	433,73
Marriage Grant Cases	9,499	473	9,074	495,80
Death Grant Cases	339	17	-	-
Total	63,008	2,087	70,403	2,432

Source: Workers Welfare Fund (WWF), Ministry of Labour and Manpower, Islamabad

insured persons, men and women, with 15 years of contribution are entitled to a monthly old-age pension. In addition, it provides invalidity pension, survivors' pension and old age grants.

The table below indicates that between 2008-09 and 2009-10, total disbursement increased by 11 per cent, number of beneficiaries increased by 7 per cent. In 2009-10, Old Age Pension, the major programme, constituted 65 per cent of the total disbursement, Survivors Pension Programme 33 per cent, Invalidity Pension Programme 2 per cent and Old-age Grants Programme less than 1 per cent.

Workers Welfare Fund (WWF): With a contribution of Rs. 100 million, the Federal Government set up Workers Welfare Fund (WWF) in 1971 with a view to financing housing projects for the workers as well as taking welfare measures in areas such as education, training, re-skilling, apprenticeship, marriage and death grants and post matric scholarships. The central secretariat of the WWF is in Islamabad with provincial Workers Welfare Boards as operational arms. It has a tripartite governing body with the representation of government, workers, and employers. Benefits can be accessed on the basis of standard criteria. A standard eligibility criterion has been developed to access benefits. Between 2008-09 and 2009-10, the WWF's activities experienced a modest increase. Data shows that in 2009-10, education schemes claimed the largest share of 51 per cent, followed by 20 per cent under marriage grants, 18 per cent under scholarship, 11 per cent under death grants.

EOBI and WWF are in the nature of employment-based income guarantee schemes benefiting a substantial segment of working population. The

disbursements and the number of beneficiaries have increased over time, providing some succor to the worst sufferers of erosion in real wages in the face of rising inflation.

The EOBI has assets valued at Rs 148 billion, which have been misused in the past to make bad investments. Recently, projects related to wind power and some others have been under consideration. Conceiving these investments, clearly beyond the mandate of the EOBI, and at a time when the institution has to be devolved by June 2011, is unlikely to serve the interests of over 3 million beneficiary workers.

Surviving in a chaotic economy

Since 1988, the economy of Pakistan has been under one IMF programme or other. All regimes without any discrimination have made their contributions to the neo-liberal agenda of deregulation, liberalization and privatization. While there has not been much success in achieving the stated outcome of macroeconomic stability in the form of lower fiscal deficit, lower current account deficit, lower inflation and sustained GDP growth, the rollback of the state has continued at a steady pace. Total government spending as a percentage of GDP has declined, reflecting the reducing size of the government. Within the total expenditure, the reduction in pro-poor, pro-worker expenditures on education, health and social protection have been the sharpest. Changing rules of the game have been limiting the space for organized labour and collective bargaining for a living wage at a time of rapid erosion of real wages. Restoration of the spirit of the original 1973 Constitution through the 18th Amendment is a welcome development, but there is not enough understanding of

EOBI and WWF: Disbursements and the number of beneficiaries

Years	EOBI disbursements (Rs million)	EOBI beneficiaries (000)	WWF disbursements (Rs million)	WWF beneficiaries (000)
2002-03	1592	108	2236	60
2003-04	1742	115	1944	63
2004-05	1929	121	2006	94
2005-06	2899	281	2609	161
2006-07	3466	260	2791	166
2007-08	4227	273	7840	169
2008-09	5787	290	2087	63
2009-10	6442	310	2432	70

Source: EOBI and WWF

its implications for the workers and their organizations as well as official bodies set up for their welfare.

In more recent years, the collapse of growth, especially in the industrial sector, due to energy shortages, deteriorating security, floods and falling global and domestic demand, has reduced the demand for labour. The economy grew by a meagre 1.72 per cent in 2008-09, implying a decline in income per capita. Large scale manufacturing output shrank by 8.1 per cent. Total investment fell from 22.1 per cent of GDP to 18.2 per cent. By 2009-10, it was as low as 15.4 per cent. It appears that the trend may continue to be downwards in the current year. As a result, even the notoriously low official unemployment rate has begun to rise.

End Notes

1. Economic Survey 2010-11,
2. Ibid
3. Ibid.
4. Ibid.
5. Labour Force Survey 2007-08,
6. Labour Force Survey 2009-10,
7. Ibid
8. Labour Force Survey 2009-10, Pg: 32.
9. Labour Force Survey 2009-10, Pg: 32.
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12. Labour Force Survey 2009-10, Pg: 37.
13. Federal Budget 2010-11, Chapter Budget in Brief, Pg:24
14. Federal Budget 2010-11, Chapter Budget in Brief, Pg:17
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Emerging Shape of Labour Markets and Women

Dr. Nadia Saleem

A simplistic supply-demand view of the labour market blames labour market institutions for creating obstacles to its optimal clearance and improved economic performance. The evidence presented in support of this contention is far from convincing. Regulation of labour market is no less or no more important than regulatory authorities. In fact, the absence or weakening of such regulations saddles the economy with working poor, which aggravates the already rising poverty, as in Pakistan. With poverty having the face of a woman, a weak regulatory framework will prevent proper engendering of the labour market.

It has been found that women's work is not only invisible but also not recognized. There is no data available on women's work because most of the time their work is unpaid and non-monetized. Furthermore, the rate of income that women in the informal sector earn is usually found to be low in comparison with those that are associated with the formal sector. The crucial factors for women employment are household size, the number of children in the household, dependency ratios, fertility patterns and housing characteristics. Most of the women work because of poverty, which in Pakistan has been on the rise.

Pakistan has experimented with a number of development strategies since independence. Women's economic contribution, however, began to be mentioned only in the past two decades. Three basic official documents analyze the situation of poor—Medium Term Development Framework (MTDF) 2005-10, Millennium Development Goals (MDGs) to be achieved by 2015 and Poverty Reduction Strategy Paper (PRSP). The MTDF recognized the under-enumeration of women's contribution to the GDP and the lack of accurate sex-disaggregated data. However, it did not provide much guidance on what needs to be done to rectify the

situation. Evaluations of the MTDF performance do not suggest any directional change. Most of the information about the informal sector and especially women's involvement comes from individual studies [Shaheed and Mumtaz (1981), Mumtaz and Saleem (2010)] that have highlighted the key characteristics of the sector i.e. long hours of work, lack of continuity, absence of contracts and its often hazardous nature. A consequence of the exclusion of women in the informal sector from data collection is their not being prioritized in national, provincial or district policies or budgets. PRSP I was implemented but PRSP II has remained a draft document. The framework is, however, used to monitor the so-called poverty related expenditure. In the indicators chosen to monitor progress on the MDG related to women empowerment, women's work found recognition. Planners are now required to monitor the share/proportion of women employed in the non-agricultural wage sector. It was about 8 per cent in 1991 and has slowly moved up to 10.6 percent by 2008-09. The MDG target is 14 per cent for 2015.

In 2008, the United Nations adopted a new MDG Target (1B)—Achieve full and productive employment and decent work for all, including women and young people. It was to be monitored by four indicators: growth rate of labour productivity (GDP per person employed); employment-to-population ratio; proportion of employed people living below the poverty line; and proportion of own-account and contributing family workers in total employment (vulnerable employment rate). Pakistan has not yet started reporting of these indicators.

Women's position in the neoliberal market structure: review of literature

Market is gender insensitive because it, among

other things, has no human face. Neoliberal agenda was presented as gender neutral: it never paid attention to family and the position of women in a family (Coulter 2009). In actual practice, gender neutrality is "implicit masculinization of these macro-structural models" (Freeman 2001). The explicit gender neutrality never adequately analyzed unpaid care, household work and the role of women in agricultural labour or role of women in the informal sector (Smith 1987). These activities do not enter the analyses or are assumed to be in unlimited supply (Elson 1994). The omission of women's unpaid work created serious biases in understanding negative consequences of neoliberal policies (Bergeron 2001). "Gendering" the debate exposes the realities of women's and men's lives in global processes (Gibson-Graham 2002).

"Gendering" the neoliberal policies provides a better understanding of the issue. Market never accounts for the unpaid work so it is unable to care about the vulnerable state of women in a society while claiming to resolve the question of economic choices.

There are various negative effects of the neo liberal policies on women because on average asset poverty is higher amongst women. Women are not only economically poor but their mobility is low and it makes it difficult for them to avail opportunities and alternatives. "Freedom without opportunity is a devil's gift, and the refusal to provide such opportunities is criminal. The fate of the more vulnerable offers a sharp measure of the distance from here to something that might be called 'civilization' "(Noam Chomsky, 1997). Women are responsible for their families and they have to share the time between work and care. Women are usually on the lower tier of the workforce and work in the informal sector. All these aspects make women more vulnerable. Neoliberal policies have worsened the position of women in the globalized world (Hutton & Giddens, 2000).

Neoliberal policies affect men and women differently and their impact on various women groups is discriminatory (Pearson, 1998; Standing, 1999). These policies have increased gender inequalities and poverty. The share of women in the export oriented industries has increased but "international institutions and trade agreement rarely take the gendered nature of globalization into account" (Bell and Brambilla, 2002). Trade liberalization policies are often implemented in

a social context that discriminates against women (Elson, 1996). Trade policy affects income, employment and consumption patterns. Gender dimension of trade liberalization focuses on income and employment only (Demery and Addison, 1986).

These policies have negative consequences for working class families because these families have reliance on the social welfare programmes which are scaled down or even eliminated. Women are not only affected as a family member of the disadvantaged group but also because of their role in the division of work. Family responsibility and reduction in public expenditure on social welfare make women more vulnerable to the precarious job market conditions. Women have to accept lower quality jobs, with less labour protection and social security in order to meet their family living cost (Royanian, 2003). Women have to pay more for the health care in child bearing age and have to work harder for meeting these expenses. Many women live without marriage in their productive age. Ratio of single women increased with the implementation of these policies. Free market policies make health and education inaccessible, which results in more social exclusion and discrimination against women (Obando, 2003).

Women's participation in the labour market has led to a new model for labour market. Neoliberal policies have set the trend of exploitation and the core features of job market are identified as rising labour force participation, especially of women. More women have joined the informal sector where wages are low and social security is nonexistent. Increased labour market flexibility resulted into income inequalities and poverty. Expansion of women in informal workforce has reduced collective bargaining capacity. Women have to deal with patriarchal social relations. They rarely enjoy the right to spend their income. They usually spend their income on household needs and children. Women are considered more sacrificing and devoted workers. There is not much into union activity. It means the rules of the game are long working hours, low wages, insecure working conditions and no social security.

Neoliberal policies have widened the gap between different classes of women. The living standard between rich women and the poor working class is incomparable (Jeong and Choi 2003).

Table -1: Labour force in Pakistan

Years	Total labour force (Millions)	Male labour force (Millions)	Female labour force (Millions)	Male share of the labour force(%)	Female share of the labour force (%)
2001-02	42.4	35.6	6.8	84.0	16.0
2005-06	50.33	39.92	10.41	79.3	20.7
2007-08	51.78	40.82	10.96	78.8	21.2
2008-09	53.72	41.91	11.81	78.0	22.0
2009-10	54.92	42.92	12.48	78.2	22.7

Source: Relevant Labour Force Surveys

Effects of neoliberal policies on labour market

Pakistan has no long-term strategy to harness its labour force potential. The economy observed reasonably high growth during 2002-07. Consumerism and speculative investments played an important role in this growth. Government adopted market liberalization policies: it failed to benefit from the windfall gain of foreign assistance and remittances. The lack of will to facilitate trickle down growth advantage to benefit the poor working class appeared as inapt neoliberal policies. Economy grew and there is huge informal sector which is the part of formal economy. During 2008-11, growth has slowed down and employment opportunities have been shrinking. With already low participation rate in the labour force, women have been pushed further into informal employment.

Asad and Sohail (2001) in their paper on women workers in Karachi compare the characteristics of women working in the informal and formal sectors. They found that informal sector women had more children, and among them home-based workers had larger number than those engaged in small scale industry. Home-based workers made up the higher proportion of the sector (37%, whereas women in small and large scale industry were 32% and 31% respectively).

Their income was found to be lower: they worked longer hours (8-12 hours/day) and needed to work because of poverty. The choice of work depended on factors such as opportunity, age and the marital status of women and their relative skills. Other studies also disclose similar characteristics.

Although half of Pakistan's population consists of women, their participation in the development process is far from equal. Socio-cultural traditions reinforced by lack of access to opportunities and resources relegate the majority of women to traditional roles. In some direct market-oriented economic activities like agriculture, their contribution is substantial, but it remains largely undervalued and unappreciated. Low female participation in formal economic activities can lead to gender disparities in education and thus reduce future economic prospects.

Pakistan is the 6th most populous economy of the world with a total population of 173.51 million of which 84.2 million (48.5%) are females. The majority of the population, (approximately 63.7%) lives in rural areas. Women make up 48% of the population living in urban areas, and 49% in rural areas. In 2009-10 out of total population 54.92 million (31.65%) constituted the recorded labour force for all age groups. Labour force has slightly increased. In 2008-09, it was

Table -2: Employed Labour Force in Pakistan

Years	Total employed labour force	Male employed labour force	Female employed labour force	Total employed labour force (%)	Male employed LF share (%)	Female Employed LF share(%)
2001-02	38.88	33.19	5.69	91.7	78.28	13.42
2005-06	47.65	38.11	9.54	94.7	75.72	18.95
2007-08	49.09	39.06	10.03	94.8	75.43	19.37
2008-09	50.79	40.04	10.75	94.5	74.53	20.01
2009-10	51.87	40.58	11.29	94.4	73.89	20.56

Sources: Relevant Labour Force Surveys

53.72 million (30.96%). Labour force is primarily male (almost 78%). Compared with 2001-02, the male share of the labour force in 2007-08 showed a decline of six percentage points with an almost equal increase in the female share (Table 1). While this may be a reflection of change in societal and household-level view of women's formal employment it can also be interpreted as the compulsion to earn in the face of widespread poverty and rising inflation.

In terms of employment, according to the Labour Force Survey (LFS) 2009-10, total employed labour force in Pakistan was 51.87 million (94% of total labour force) out of which 11.29 million (22%) were females (Table 2).

Compared with the Labour Force Survey (LFS) 2007-8, total employed labour force in Pakistan has expanded from 49.09 million to 51.87 million but the share of employed labour force slightly declined from 95% to 94% of total labour force. At the same time more women have joined the labour force. Female employed

2001-02 and 2009-10, the male share of the employed labour force decreased by about 3 percent and there was almost 7 percent increase in the share of the female labour force.

Increased participation of women in the labour force

In Pakistan, the participation rate of the women work force has increased at a faster rate for rural females than urban areas and male. It is indicative of increasing poverty and inflation rate in the economy. Crude participation rate of (33%) of the recent LFS 2009-10 suggests very marginal improvement for both males and females. It was 32.2% in LFS 2007-08 as compared to LFS 2001-02 (29.6%). Interestingly, the participation rate increased significantly for rural areas from 29.9% to 34.5 % and for women from 9.9% to 15.5%. Overall, the female participation in labour force increased significantly. It is an indication of higher participation of women in the non-farm sector in rural areas and their being pushed into the informal sector in urban areas.

Table 3: Labour force Participation rate

Years		Pakistan	Rural	Urban
2000-01	Total	29.6	29.9	29.1
	Male	48	47.6	48.9
	Female	9.9	11.1	7.3
2005-06	Total	31.8	32.9	29.7
	Male	49.1	48.3	50.8
	Female	13.5	16.7	7.1
2007-08	Total	32.2	33.8	28.9
	Male	49.3	49.1	49.9
	Female	14	17.9	6.2
2009-10	Total	33	34.5	30
	Male	45.5	49	50.6
	Female	15.5	19.3	7.8

Sources: Relevant Labour Force Surveys

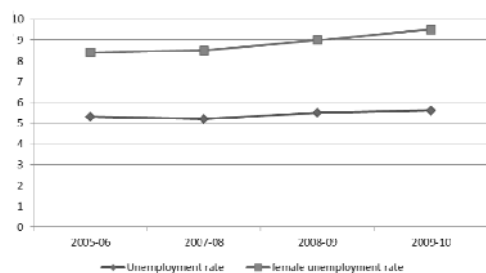
labour force share increased from 19% to 21% (Table 2). It shows that due to the increasing inflation rate and poverty women have to struggle more for the livelihood. They are seen as cheap, docile and peaceful workers available in a cost cutting environment. Moreover, it is easy to substitute them for expensive male workers who demand social security and better work environment.

Employment is dominated by the male labour force. The gap between male and female employment in Pakistan has been historically substantial and continues to be so. Between

Increasing unemployment and decreasing underemployment

According to the Labour Force Survey (2009-10) unemployment rate has increased from 5.2 percent in year 2007-08 to 5.6 percent in 2009-10. The alarming situation is for the female unemployment rates. Female unemployment rate is continuously high and increasing at a faster rate. It means more unemployment and more exploitation of the poor working women.

Overall, female unemployment rate increased from 8.4 percent in year 2005-06 to 9.5 percent

Figure 1: Unemployment rate in Pakistan

in year 2009-10. This situation is worse in case of urban unemployed females as the rate hits 20.8 percent. This means unemployment for the unskilled and agricultural worker has increased. The situation aggravates when we account for the fact that unemployment rate for the middle age group (from 15-44) is on the rise for the both sexes but increasing at a faster rate for the female workers. The opportunity for the demographic dividend is not being exploited. Instead it is becoming a threat because the younger population is dependent on the older population and there is every possibility that this unemployed youth will get involved in anti-social activities as poverty is increasing. The underemployment rate declined significantly in case of rural women. Rural women have no option other than to work more to cope with the increasing cost of living.

Distribution of employed labour force

Agriculture is the main source of employment in Pakistan absorbing about 45% of the employed labour force with industry accounting for about 22% (2009-10) and the services sector another 33%. Compared with 2007-08 distribution of employed labour force has almost remained same. According to the Labour Force Survey (2009-10), female employed labour force is the highest in the agricultural sector (74.9%) and their share is increasing as well. From the gender perspective, the share of employed female workers increased in agriculture and trade sector. It again depicts that liberalization has allowed exploiting women at lower than subsistence wage rate.

The occupational distribution indicates that women's strongest participation cluster is found in agriculture and fisheries (62.7%) and its share has increased by almost 2 percentage points

from 2007-08. There is also a slight increase in the professionals and managers category (0.3%) in 2009-10. The share of technician females declined from 7.2 % in 2007-08 to 6.2 % in 2009-2010.

The employment status showed that most women are unpaid family workers (66.3%). Compared with the situation in 2008-09 the share increased by 1.3 percentage points. Only 0.1% women are employers and 13.6% are self-employed workers. Women thus concentrate in low value activities. Neoliberal policies encourage the perpetuation of low value chain for women workers.

Educational levels especially of the female population are important determinants of the nature of employment and opportunities available to them. In recent years, the total literacy rate for the population aged 15 years and above has increased only slightly, improving from 52 percent in 2003-04 to 55 percent (72.3% urban; 47.5% rural). In 2009-10 literacy rate continued the increasing trend and it has reached to 57.7 percent (73.2% urban and 49.2% rural). Female literacy rate has increased marginally from 43% in 2007-08 to 45.2 % in 2009-10. But the urban female literacy increased at a rate of 5 percentage points during 2007-08 to 2009-10 as compared to the rural female literacy which grew by 1.7 percentage points during the same period.

Growing informalization

Informal workers are not recognized as members of organized labour force recognized by laws. They have low incomes, live at subsistence level and have no link and interaction or access with the Government. They have no voice, no recognition and no visibility. Informal workers rise and fall with the fate of formal sector due to its linkages with formal sector industry and trade etc. It is cost effective for the large firms to hire cheap labour at the lower wages. Informal enterprises exist because of the cumbersome procedure and rules of registration for the firms and to save taxes (Soto *et al.*, 1989). The informal sector in Pakistan, as its population, is more or less evenly distributed across rural and urban areas (Table 4). Almost 91 percent of the informal sector workers are male. Women seem to be non-existent in the informal economy according to official figures.

According to LFS 2009-10, 55.04 percent of the total employed labour force was engaged in the non-agriculture sector and the informal sector,

Table-4: Percentage Distribution of Major Sectors of Employment in Pakistan

Pakistan	2007-08			2009-10		
	Total employment	Male	Female	Total employment	Male	Female
Total	100	79.5	20.4	100	78.21	21.79
Agriculture	44.7	29.3	15.3	44.97	28.63	16.33
Non Agriculture	55.3	50.2	5.1	55.04	49.58	5.46
- Formal	15	13.6	1.4	14.69	13.22	1.47
- Informal	40.3	36.6	3.7	40.35	36.36	3.99

Sources: Relevant Labour Force Surveys

Figures in table are in percentage

which falls within it, accounted for 40.4 percent (19.8 million) of all employment. Thus, the employment contribution of the informal sector in the non-agriculture sector was approximately 73 percent over the period from 2007-10 (72 per cent in 2005-06). However, women's share of the informal non-agricultural employment was a miniscule 4 per cent of all employment (though still more than double that of women in formal employment in the same sector, Table 4). The share of the informal sector has not changed but more women are joining the informal sector as it increased from 3.7 per cent to 3.99 per cent.

One of the major issues regarding the informal sector is the invisibility of women workers in the national statistics and in policy discourse. This is due to definitional problems and socio-cultural

constraints as well as gender biases and flaws in sample sizes and data collection methods. As a result activity patterns of women workers remain ignored, not because they are not working but as many independent studies have highlighted, their work does not get counted or recognised. On almost every site of the Pakistan Participatory Poverty Assessment (PPA), 2003 for instance, women were found to be engaged in productive work (sewing shoes, footballs, peeling nuts, etc.). A number of reasons may be offered for the invisibility, including the fact that women do not seem to own businesses in the informal economy; that women are less likely to be reported as self-employed and much more likely than men to be reported to be unpaid family workers.

Similarly, one sees that men in the informal sec-

Table 5: Percentage Distribution of Employment Status in Informal Sector by Sex & Area

		Pakistan		Employer	Self employed	Unpaid	Employee
2009-10	All area	Total	100	2.49	41.98	11.22	44.3
		Male	90.12	2.42	38.85	9.25	39.6
		Female	9.88	0.07	3.13	1.97	4.71
	Rural	Total	50.83	0.58	21.45	4.82	23.98
		Male	45.53	0.55	19.65	3.68	21.66
		Female	5.3	0.04	1.81	1.14	2.31
	Urban	Total	49.17	1.91	20.53	6.41	20.33
		Male	44.59	1.88	19.2	5.58	17.94
		Female	4.58	0.03	1.33	0.83	2.39
2007-08	all area	Total	100	2	41.6	12	44.5
		Male	90.8	2	39.2	10	39.6
		Female	9.2	0	2.4	1.9	4.9
	Rural	Total	51.1	0.5	21.3	5.5	23.9
		Male	45.7	0.5	19.8	4.3	21.1
		Female	5.4	0	1.5	1.1	2.8
	Urban	Total	48.9	1.5	20.3	6.5	20.6
		Male	45.1	1.5	19.4	5.7	18.5
		Female	3.8	0	0.9	0.8	2.1

Source: Relevant Labour Force Survey

tor form 90% of the total employed in it whereas women barely form one-tenth of the sector. The LFS 2009-10 (Table 5) reveals that there are only 0.07 percent of the female women recorded as employer. Compared to this, in 2007-08 there was no women recorded as employer. Unpaid family workers were 1.97%, another 3.13% as self-employed and 4.71 % as employee in the sector. Women employment in the informal sector for all categories and areas has slightly increased but it contracted for males.

Women in the new economic set up

Pakistan's economic direction has changed from a centrally regulated and planned dispensation towards liberalization, deregulation and privatization—the key elements of neoliberalism. Private sector has taken the lead in industry as well as services. Even education and health sectors have seen the emergence of a large private sector. Private-public partnership has been sought in infrastructure. Economic decentralization has been accompanied by sizeable devolution towards provinces. All these changes in the organization of economy and society have affected women in many spheres. While the market has emerged as the dominant feature of the economy, the promised economic stability and GDP growth has not been delivered. The economy has witnessed slowgrowth with galloping inflation.

The economy has failed to pursue a labour intensive strategy of growth to generate jobs. Public sector spending is falling, especially on social sectors. There are inadequate provisions for social security and employment based income guarantees. Poverty and food insecurity has increased. Deteriorating law and order and security situation and energy shortages have seriously affected lives and livelihoods. A lax enforcement of even the low level minimum wage of Rs 7000, flexible wages with respect to time and gender, weakening writ of labour courts and reduced role of collective bargaining are now the characteristic features of labour market. These changes and wayward government policies are shaping labour markets to the disadvantage of women.

Neoliberalism is an ideology which protects the interests of the big business and leaves the poor and vulnerable working class to the vagaries of free market. In the last 30 years, neoliberalism emerged as a doctrine which emphasizes free market and globalization. It declared state as

fragile and a source of government failure. These government failures are drastic in nature and impede growth. The government should, therefore, not intervene to the markets. It has weakened the relationship between the market and the state. Economists from the days of Adam Smith believe that free market can create an efficient economy which can promote welfare on the basis of non-interventionist policies of state. Free trade nurtures entrepreneurial class and in this way it makes a case for survival of the fittest.

The trouble is that societies grow with justice and not just with market efficiency. The efficiency of growing markets does not necessarily lead to automatic trickle down. What does trickle down takes the form of poorly organized cheap labour in a flexible labour market. Greater trust is reposed in individual and corporate social responsibility of the private sector. Public spending is cut and the supply of public goods is limited. In essence, the neoliberal state moves away from welfare and redistributive objectives to create conditions for efficient markets. Social programmes, especially for women are slashed. At a global level, capital moves in search of low wage flexible labour and the developing countries compete with each other to attract foreign investment. De-unionization kills the gains of the labour movement made after long periods of struggle. The outcome of pursuing neoliberal policies in the case of Pakistan is an economy which has lost its way. It is not on a trajectory of high growth. Labour absorption has declined and rights have been undermined. Competition Commission and Securities and Exchange Commission exist but special interest groups and monopolies are wielding more power. As Stiglitz (2003) put it: "For a quarter-century, there has been a contest among developing countries, and the losers are clear: countries that pursued neoliberal policies not only lost the growth sweepstakes; when they did grow, the benefits accrued disproportionately to those at the top. This mixture of free-market rhetoric and government intervention has worked particularly badly for developing countries." Noam Chomsky (1997) laid bare the strategy of private profit at the cost of public in these words: "free enterprise means that the public pays the costs and bears the risks if things go wrong; for example bank and corporate bailouts that have cost the public hundreds of billions of dollars in recent years. Profit is to be privatized, but cost and risk socialized, in really existing market systems."

IMF policies

In 2007-08, the economy of Pakistan was in dire straits. The consumption-based growth of the previous 5 years had run out of steam. Commodity and oil price shocks created a massive current account deficit and the failure to pass on the burden of oil price caused debilitating budgetary imbalance. Reserves were depleting fast. Inflation was galloping at 22 per cent. Pakistan had to go to the IMF for 23-month Stand-By Arrangement (SBA) in November 2008. The IMF imposed a strict regime of fiscal discipline. However, Pakistan has failed to achieve the target of fiscal deficit. It has also failed to complete the reform programme either. The imposition of Reformed General Sales Tax has been stalled in the face of stiff political opposition, amendments in the State Bank Act to protect its autonomy are pending in the Senate and restructuring of public sector enterprises is being resisted by workers. While inflows from the IMF have stopped, the repayments will fall due next year. For a government already pressed for resources, the debt servicing burden will rise enormously. The problem is worsened by the fact that the World Bank and the Asian Development Bank have also stopped budget support until the IMF gives a green signal. As a result, the development programme has been cut drastically. The most serious cuts have been made in the social sector. Education and health spending is at their historic low. As education, health, women development, indeed the entire social sector, is devolved to the unprepared provinces under the Eighteenth Amendment to the Constitution, there is every likelihood that social sector will be further short-funded in the period of transition.

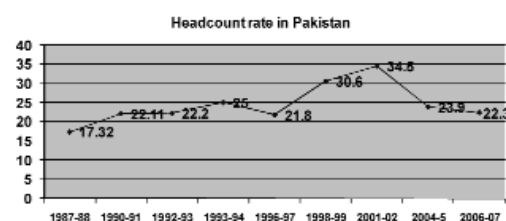
Poverty in Pakistan

Given the correlation of poverty and informal employment it is important to give an overview of the state of poverty in the country, even though poverty estimates are the subject of considerable controversy. Official figures on the basis of head count suggest that poverty increased in Pakistan up until 1993-94, fell by 13 percent in 1996-97 and increased again in 1998-99. By 2001-02 it was estimated that 34.5% of the population was living below the poverty line. Subsequent figures showing decline in the numbers living below the poverty line to 23.9 percent (2004-05) and to further 22.3 percent in 2006-07 have been strongly contested on the basis of skewed sampling. Notwithstanding the debate on headcount and poverty line, there is enough evidence (as noted

above) to show that informal sector employment is the principal mitigating strategy of the poor. Moreover, Pakistan's security situation combined with inflation, high oil prices, energy crisis and the closure of industries has contributed further to exacerbate the condition of the poor in the country. Fig.2 shows the trends of headcount poverty.

Despite the absence of data for gender related poverty in Pakistan, studies have shown that indeed poverty has a female face. Poverty is declining but inflation rate and employment in

Figure 2: Poverty in Pakistan



informal sector is increasing. Poverty in Pakistan is associated with large family size and concentrated in rural areas where 80 percent of the poor of the country live.

Per capita food availability

Food availability per capita in Pakistan, despite bad harvests, is satisfactory though not according to norms. As can be seen in the Table 7, the

Table 6. Poor Population

Urban	Rural	
Headcount rate (%)	13.1	27.0
Share of poor population (%)	20.5	79.5

Source: Federal Bureau of Statistics, PSLM FY 2005-06, Government of Pakistan.

availability of cereals is stable, while it has increased for milk, meat, edible oils. It decreased for pulses and sugar. Per capita availability of proteins has also increased. Yet malnutrition is persistent in women and young children. Half of infant and child deaths occur due to malnutrition.

Food insecurity

Food insecurity is the major reason for malnutrition. A World Food Programme report in 2003 found that 37.6 percent of rural population was food insecure. A follow-up report for 2009 concluded that food insecurity had increased fur-

Table 7. Per Capita Food Availability

	2006-07	2007-08	2008-09 (E)	2009-10 (T)
Cereals (Kg)	148.8	166.3	166.1	159.8
Pulses (Kg)	7.2	7.2	6.1	7.2
Sugar (Kg)	32.2	31.5	25.6	30.8
Milk (Ltr)	170.1	172.1	175.2	176.2
Meat (Kg)	20.6	20.1	20.8	21.6
Eggs (Dozen)	5.4	5.3	5.7	6.0
Edible Oil	12.8	13.3	13.4	13.3
Protein per day	69.0	72	72.5	72.9

Source: Pakistan Economic Survey 2009-10

ther: 61 percent of the districts compared to 45 percent in 2003 were food insecure. Similarly, districts with reasonable conditions for access to food have declined from 13.3 per cent to only 7.6 per cent. Increased poverty has increased average household expenditure share on food to 61.6 per cent in 2009 from 55.6 per cent in 2005-06. Food absorption, an important element in food security, is influenced by female literacy rate, which is only 23 per cent in 25 per cent of the districts. The prevalence and persistence is significantly related to gender-based inequalities "from farm to plate". Their role first at the level of agricultural production and in food and nutritional security at the level of household is not fully recognized. Women are crucial in the translation of the products of a vibrant agricul-

ture sector into food and nutritional security for their households. Women choose food and its preparation, the care and feeding of children lies in their domain. In fact, they are the key to ensuring food security (Quisumbing & others, 1995). Within the household, division of labour between men and women, control over resources and income and social status impact upon food security.

Poverty Reduction Strategy

As noted above, the government formulated PRSP I & II with a view to reducing poverty. It also identified the poverty related government expenditure, which is monitored every quarter. It covers 17 important sectors falling in 5 broad categories. These expenditures are not gender

Table 8. Poverty Related Expenditures (Rs. Billion)

	01/02	07/08	08/09	09/10
I. Market Access and Community Services	11	104.5	121.8	123.9
II. Human Development	86.8	256.8	329.4	361.0
Education	66.3	187.7	240.4	259.5
Health	19.2	62.4	83.7	94.4
Population Planning	1.3	6.7	5.3	7.1
III. Rural Development	24.3	151.5	140.0	163.2
Agriculture	10.1	122.9	88.9	104.8
Land Reclamation	1.9	3.1	2.7	2.0
Rural Development	12.3	22.8	20.4	24.6
Peoples Works Programme-II	0	2.7	28.0	31.8
IV. Safety Nets	11	435.2	272.8	303.9
Subsidies	4.3	398.5	220.6	234.9
Social Security & Welfare	3.7	22.5	29.1	54.6
Food Support Programme	2	4.3	-	-
Peoples Work Programme-I	0.8	1.9	3.3	8.4
Natural Calamities & Disaster	0.2	7.4	10	12.6
Low Cost Housing	0	0.6	0.6	1.8
V. Governance	33	94	113.9	154.6
Law & Order	31	88	104.7	143.6
Justice Administration	2	6	9.2	11.0
Total	166.1	1042	977.2	1,110.8
As % of GDP	3.8	9.7	7.5	7.6

Source: Ministry of Finance

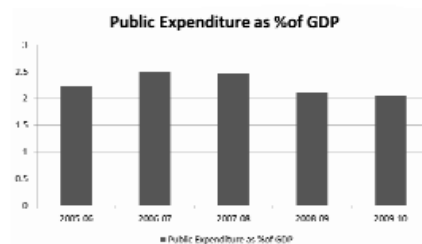
disaggregated. During 2001-02 to 2007-08, a total amount of Rs 2,441.5 billion was spent. As percentage of GDP it went up from 3.8 to 9.7 in the same period. After that there has been a decline to 7.5 per cent of GDP in 2008-09 and 7.6 per cent in 2009-10. However, poverty has been on the increase. In this situation, expenditure on safety nets, instead of rising, has been falling. A 5-time increase in the expenditure on law and order is a reflection on increasing human insecurity.

Socio-economic inequality in gender

Although half of Pakistan's population consists of females, their participation in the development process is far from equal. Socio-cultural traditions—reinforced by lack of access to opportunities and resources—relegate the majority of women to traditional roles. In some direct market-oriented economic activities like agriculture, their contribution is substantial, but it remains largely undervalued and unappreciated. Low female participation in formal economic activities can lead to gender disparities in education. The role of education and health for creating level playing field which empowers the vulnerable and poor, is proven. It not only empowers the poor but also reduces social and income inequality. The constitution of Pakistan gives equal rights to both men and women. But men are preferred in all areas of social and economic opportunities. Table 8 indicates only a modest increase in the expenditure on education. Over the years, the share of education as a percentage of GDP has declined.

In the shrinking pie of the expenditure on education, even fewer resources are allocated for women. This disproportionate allocation results into gender inequality and a hindrance for women's empowerment. Gender gap in school enrollment reflects constraints that impede both school attendance for girls and female teacher

Figure3 : Public Expenditure as % of GDP in Pakistan



availability. It is one of the reasons for poor

achievability and performance of Millennium Development Goals (MDGs).

The Gross Enrolment Rate (GER) for primary schools (Age 5-9) has remained constant at 91 per cent between 2006-07 and 2008-09 and GER for the middle level has increased negligibly from 51% to 53% (Table 9). The Net Enrolment Rate (NER) was 57% in 2008-09, substantially lower than the GER. The Gender Parity Index (GPI) is the ratio of female enrolment to male enrolment. The GPI for Pakistan as a whole in 2008-09, is 0.65 compared to 0.64 in 2007-08. Pakistan's progress on MDGS is slow. It has missed the GPI goal in primary and secondary education. With the current scenario there is every possibility that GPI will remain unachievable by 2015. It is possible to deal with socio-economic gender gap with appropriate policy measures. A new Article 25A Right to Education has been inserted in the Constitution under the Eighteenth Amendment, which states: "The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law." As education is a provincial subject, the provincial assemblies are required to legislate within a maximum period of two and a half years. No progress is in evidence in this regard.

Table 9. Disparities in Education

	Literacy rates (10 years & above)			GER Primary (age 5-9)			NER Primary (age 5-9)		
	2006-07	2007-08	2008-09	2006-07	2007-08	2008-09	2006-07	2007-08	2008-09
Male	67	69	69	99	97	99	60	59	61
Female	42	44	45	81	83	83	51	52	54
Both	55	56	57	91	91	91	56	55	57
Rural	45	49	48	84	83	85	52	51	53
Urban	72	71	74	106	106	106	66	66	68
Gender Parity Index	0.63	0.64	0.65	0.82	0.86	0.83	0.85	0.88	0.87

Sources: Relevant Labour Force Surveys

There are also serious gender gaps in health. A recent estimate of rural malnutrition rates shows 65 percent of rural girls to be chronically malnourished (low height for age). Health indicators reveal a range of female disadvantages. When the various indicators are pieced together to explain the existence of excess female mortality in Pakistan, it appears that gender differences in access to preventive and curative medical care are responsible for the pattern of gender gaps in health outcomes observed. According to a report compiled by the Ministry of Women Development, the health status of women in Pakistan "is poor as compared with other countries in Asia. Some 30,000 women die each year due to complications of pregnancy, and 10 times more women develop life-long pregnancy-related disability. Many girls die prematurely because of common infections and malnutrition, which could have been easily prevented and treated." There is some progress in the area of maternal mortality ratio as it is declining in Pakistan. It was 350 in 2001-02 and reported as 276 in 2006-07. However, it is one of the highest MMR in the South Asia and far more efforts are required to bring it down to half by 2015.

Overall expenditure on health has been low and declining as a percentage of GDP. This can be seen in Table 10. Of the total amount spent, the share of women is far less than for men.

Low expenditure on human development and inefficiencies in spending related to women produce poor outcomes in key indicators. According to the Human Development Report 2010, Pakistan ranked 112 out of 169 countries in terms of Gender Inequality Index (GII). The GI measures women's disadvantage in reproduc-

tive health, empowerment and the labour market. It reflects human development lost due to inequality between female and male achievements in the aforesaid dimensions. Gender Empowerment Measure (GEM) rank of Pakistan among 109 countries was 99, really at the bottom. The GEM quantitatively measures empowerment of women and includes the measure of inequality in control over earned economic resources, participation in political decision-making and economic decision-making.

Social security and underemployment

People without social security coverage in developing countries usually work in the informal rather than the formal economy. No access to social security coverage is usually part of the definition of informal employment. Even in developing countries with high economic growth, increasing numbers of workers—most often women—have less than secure employment, such as casual labour, homework and self-employment, lacking social security coverage. This has an enormous impact on their lives and on work itself. What little earning power the impoverished have is further suppressed by marginalization and lack of support systems—particularly when they are unable to work because of old age, illness or disability.

The social security net in Pakistan is far from exhaustive. The distribution of assets is highly skewed and something to fall back on in rainy season is simply not available to most of the populace. Thus, a miniscule minority can afford to remain off the work. Further, employment scene is preponderated by agriculture and informal activities with low threshold of entry, exit and paraphernalia of requisites. As such,

Table 10. Health & Nutrition Expenditures 2000-01 to 2009-10 (Rs. billions)

	Total Health Expenditures	Development Expenditure	Current Expenditure	Percentage Change	Health Expenditure as % of GDP
2000-01	24.28	5.94	18.34	9.9	0.72
2001-02	25.41	6.69	18.72	4.7	0.59
2002-03	28.81	6.61	22.21	13.4	0.58
2003-04	32.81	8.50	24.31	13.8	0.57
2004-05	38.00	11.00	27.00	15.8	0.57
2005-06	40.00	16.00	24.00	5.3	0.51
2006-07	50.00	20.00	30.00	25	0.57
2007-08	60.00	27.22	32.67	20	0.57
2008-09	74.00	33.00	41.10	23	0.56
2009-10	79.00	38.00	41.00	7	0.54

Source: Pakistan Economic Survey 2009-10

most of the people tend to get engaged into some sort of economic activity irrespective of any consideration regarding size of reward and working age, in order to make both the ends meet. Thus, unemployment rate in Pakistan tends to be estimated lower than perceived.

Weak labour legislation and implementation

Conventionally, the issues of labour market fall within the domain of social policy. Legislation and proper implementation is part and parcel for providing efficient work environment and decent work in labour market. Government has to provide enabling environment which can protect the workers' right with proper legislation. All workers have to enjoy basic work rights and the employer has to take care of labour standards. The ILO Declaration on Fundamental Principles and Rights at Work requires that government should protect all types of workers.

Right to work and earn a decent living under conditions of freedom and dignity is recognized as one of the fundamental human rights. According to the Constitution of Pakistan, *"the state shall make provision for securing just and humane conditions of work..."* (Article 37c), and *"...shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability, to each according to his work"* (Article 3). Pakistan is a signatory to the UN Universal Declaration of Human Rights 1948 that recognizes *"the right to work, to freely choose employment and to have just and favourable working conditions."* Pakistan has ratified all eight core conventions that codify four most basic human rights related to the world of work—right to organize and engage in collective bargaining, right to equality at work, abolition of child labour and the abolition of forced labour. The constitutional framework, ratification of ILO conventions and labour policies fail to satisfactorily secure labour rights in Pakistan, particularly of women. Implementation of the policies needs will and determination for resolving the labour issues.

Role of institutions

Institutions play vital role for the decent work, improvements in living conditions, reduction of poverty and developing linkages between informal and formal sector. Labour institutions relate to working hours, training and unemployment insurance. Within the neoliberal framework, World Bank has developed an indicator of work-

ing time regulations. It disregards essential regulatory distinctions and says nothing about actual work time. There is need to apply the insights of new institutional economics to understand the relevance of unemployment insurance systems in developing countries. A number of institutions exist in Pakistan, but their working leaves much to be desired.

In Punjab, the Centre for the Improvement of Working Conditions and Environment (CIWCE) is responsible for ensuring better employment conditions. The Centre is part of the Labour Department. It provides training to the labour and government official. It also deals with occupational health and safety. Finally, CIWCE carries out and sponsors research on various issues facing labour.

Wages are a key channel through which labour market institutions are thought to affect economic performance. In particular, wage floors can be created by collective bargaining agreements, unemployment insurance benefits (argued to raise the "reservation wage"), and through minimum wage policies. The negative effect of the minimum wage on employment is often overestimated by standard quantitative methods, while its positive effects in reducing wage inequality, sustaining the demand for goods and services and contributing to social cohesion tend to be ignored.

Poor unionization and bargaining position

Rise of neoliberalism is associated with the weak enforcement of existing labour laws foot dragging on improving legislation. It has adversely affected unionization and collective bargaining. Women workers should benefit from the application of ILO Convention on Equal Remuneration, 1951 (No. 100), ratified by Pakistan in 2001. Minimum and above-minimum wages have 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 111 concerned with equality and non-discrimination respectively. Women workers are also entitled to 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.

**Table 11. Average Monthly Wages of Employees (in Rs.)
by Major Industry Division**

Major Industry Divisions	2008-09			2009-10		
	Total	Male	Female	Total	Male	Female
Total	7635	7997	5189	8623	9017	5821
Agriculture, forestry, hunting and fishing	4194	5096	2972	4968	5730	3358
Mining & quarrying	7661	7666	7333	6976	6963	9600
Manufacturing	6769	7385	2912	7534	8080	3437
Electricity, gas and water	12383	12401	10050	14548	14398	25325
Construction	6510	6531	5020	7389	7397	6207
Wholesale & retail trade and restaurants & hotels	5705	5708	5479	6609	6660	4013
Transport, storage and communication	8069	8026	11139	9396	9328	13685
Financing, insurance, real estate and business Services	16440	16363	18158	18174	17897	31240
Community, social and personal services	9718	10519	7104	10984	11771	7761

Source: Relevant Labour Force Survey

However, labour rights, especially of women workers, have suffered in Pakistan as a result of the rising openness to the world market and linkages to globalization. Export processing zones and special economic zones are no-go areas for unions. Whether stronger trade union rights and higher wages in formal employment give rise to more informal employment is a matter of empirical evaluation. The common finding is that stronger trade union rights are associated with higher shares of formal employment.

As women are mostly contract workers, piece workers, informal workers and least unionized, their wages are generally lower than male workers across industries as well as occupations. Table 11 relates to major industry divisions. It shows that for all industry divisions total nomi-

nal wage has risen by 12.9 per cent between 2008-09 and 2009-10, but it increased by 12.2 per cent for women. Monthly wage for women was 64.9 per cent of monthly wage for men in 2008-09 and 64.6 in 2009-10. Generally, the nominal wage for women increased between these two years. There was, however, an absolute decline in the wholesale and retail trade, and restaurants and hotels, the most important subsector in services. In mining and quarrying, electricity, gas and water transport, storage and communication, financing, insurance, real estate and business services, monthly wages for women were higher than men. This, however, is a sampling error as women constitute a very small proportion of the sample. Wage differentials by occupation are given in Table 12. In the categories of professionals and skilled

Table 12. Average Monthly Wages of Employees by Major Occupational Groups

Major Occupational Groups	2008-09			2009-10		
	Total	Male	Female	Total	Male	Female
Total	7635	7998	5189	8623	9017	5821
Legislators/senior officials & managers	18612	18653	17849	21688	21707	21365
Professionals	15368	15322	15650	17761	17510	19463
Technicians & associate professionals	9878	10975	7525	12154	12385	8071
Clerks	10903	10935	9390	11125	12181	10905
Service workers/shop & market sales workers	6888	6900	5777	7942	7989	5867
Skilled agricultural & fishery workers	6187	6402	6550	7220	7182	8263
Craft & related trades workers	6412	6985	2536	7586	8141	3167
Plant/machine operators & assemblers	7149	7155	5784	8560	8577	6024
Elementary (unskilled) occupations	5305	5691	3095	5716	6118	3474

Source: Relevant Labour Force Survey

agricultural and fishery workers, the higher wages for women relative to men are the result of the same sampling error.

Policies and actions

Two major women-specific programmes have been started by the government, the Benazir Income Support Programme (BISP) by the federal government and the land distribution programme by the Government of Sindh.

A cash transfer programme, the Benazir Income Support Programme (BISP) was started with an allocation of Rs.34 billion in 2008-09. It was allocated Rs. 70 billion in 2009-10 and Rs 50 billion in 2010-11. The objective is to cover almost 40% of the population below the poverty line and 15% of the total population. Woman head or an adult female member of the family is eligible to receive cash grants. In 2009-10, a total of Rs. 32 billion was actually disbursed to 2.29 million beneficiaries against Rs.15.8 billion and 1.76 million respectively in 2008-09. The disbursement under BISP's cash grants was almost doubled and beneficiaries increased by 30 percent in comparison with previous fiscal year. The registered families are given a monthly cash assistance of Rs.1000 at their doorsteps. The programme has been extended to all four provinces, FATA, Azad Kashmir and Islamabad Capital Territory. It has now become the main social safety net programme of the country. The vulnerable are identified on the basis of poverty scorecard and a countrywide survey is being conducted for the purpose.

In addition, the BISP is envisaged as a platform for other social assistance programmes. These include transition to a Conditional Cash Transfers (CCT) programme, complementary poverty exit programmes, health insurance programmes, and workforce programmes. One member from each qualifying household will be equipped with technical and vocational skills making them employable. In the second phase, micro finance will be made accessible for poor families to start small businesses. The component of health insurance will cover the entire family including household head and spouse, children up to 18 years, dependent parents, and unmarried daughters aged 18 and above. The policy benefit will cover full hospitalization, pregnancy, daycare treatment and diagnostic tests. Accident compensation for bread earning family member will also be given insurance cover. To avoid dependency, there is an exit strategy. The Management Information System of BISP does

not provide exact beneficiary details about the graduating clients and the new clients separately for each province. It is not possible to assess how many have actually exited from abject poverty.

Disbursements have lagged behind budgetary allocations. This is not just because of the macroeconomic difficulties. Utilization has been slower than the release of funds. There are a number of implementation bottlenecks. Stories of corruption and political favouritism have been reported in the media.

In Sindh, a significant section of those below the poverty line are landless haris. Their number is variously estimated at round 2 million. The Government of Sindh has prepared a programme to distribute state land to these haris. In giving the titles to land, preference is given to women. In the first year of the programme, i.e. 2009-10, 43,000 acres were allotted to 4100 beneficiaries. Women constituted 70 per cent of the beneficiaries. These haris are too poor to buy required inputs. In addition to land, they were also provided seed and fertilizer free of cost. Official estimates claim there was an average income of Rs one lac per family from the *Kharif* crop of 2009. In the second phase of 2010-11, the target for land allotment has been increased to 53,000 acres. The Government aims to allot land to 5000 landless peasant women. Free inputs and other services will continue to be provided. After the completion of Darawat Dam, another 50,000 acres will be allotted to peasant women without land. The same policy will apply to the forest land.

Although no substitute for a genuine programme of land reform in the feudal dominated province, Sindh's state land distribution programme is unique in the sense that the preferred allottees are landless women. It will contribute to the objective of economic and social empowerment of women. As rural poverty has the face of a woman and it is significantly associated with increasing assetlessness, the programme will also contribute to poverty reduction. This will however be a drop in the ocean as mass poverty continues to rise at an increasing rate.

Laws and measures by the government

A number of women-specific laws have been enacted. Despite being a support to the family, women in the work force face domestic violence. To address this, Prevention of Domestic

Violence Act was passed in 2008. Harassment at work place is another serious issue faced by the working women. It violates their right to work with dignity. The Parliament has passed Protection against Harassment at Work Act, 2009. Employers are required to implement the Act, institute a code of conduct and set up an inquiry committee. Relevant amendments were also made in Pakistan Penal Code and the Code of Criminal Act. 25. Women Centres have been set up in selected districts for legal and other assistance.

In the Federal Government jobs, the quota for women has been increased from 5 per cent to 10 per cent. Two new women universities have been approved for Multan and Sukkur, and a third one is proposed for Sialkot. Pilot projects for economic empowerment have also been set up. A land allotment policy has been made to allot state land to peasant women. Federal Ministry of Women Development is spending 3-4 per cent of its total development budget on the advancement of rural women on a programme called Jafakash Aurat Programme. Its other major overhead is for building crisis centre in major cities of Pakistan.

International Labor Organization's project Women Employment Concerns and Working Condition in Pakistan (WEC-PK) funded by CIDA has been implemented in collaboration with Ministry of Labour and Manpower to enhance the quality and number of women employment in Pakistan with ultimate goal of economic empowerment of women in rural and urban areas. A number of productive programmes have been completed under this project aimed at creating conducive working environment for women such as sensitization and capacity building of policy makers and implementing partners in public and private sectors; direct assistance to women in getting decent employment; promoting gender equality in private sector employment in Pakistan; and promoting women's participation and leadership in trade unions in Pakistan.

Another project titled "Towards Gender Parity" was initiated in January 2010 in collaboration with Ministry of Labour for a period of one year. The focus of the project activities is the capacity building of stake holders in relevant areas and International Labour Standards (ILS); establishment of coordination mechanism among partners to monitor, learn and share experience; promotion of gender-responsive data collection,

analysis and reporting through a joint effort of all stakeholders; strategy for gender equality in skill development; small and medium enterprise programme; strategy for implementation of Women Empowerment Act; Advocacy for the implementation of national policy of home-based workers and pilot activities for integration of HBWs into main stream.

Conclusions and Recommendations

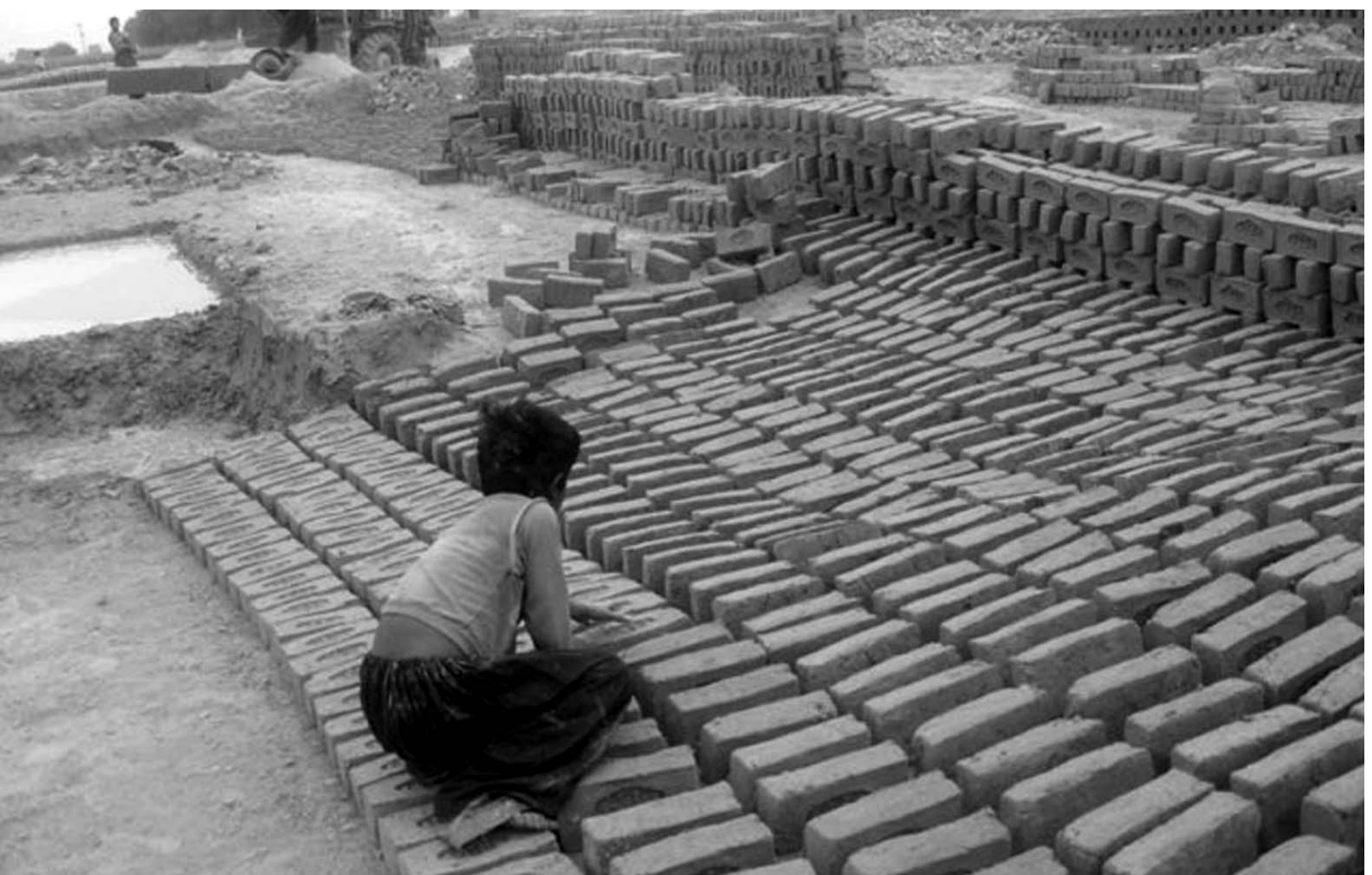
In various policy documents, the Government has declared its commitment to provide women with equal opportunities for employment and has promised to re-examine existing legislation to ensure that women are not denied access to suitable jobs that are arising due to Pakistan's changing labour markets. However, the agreement of the Government with the IMF since 2008 has led to further strengthening of the policy prescriptions of the neoliberal economics, which essentially views women as low-cost substitutes for organized workers.

The problem in Pakistan is not labour inefficiency but poor economic performance, low and falling growth and rising inflation. These problems, macroeconomic in nature, cannot be solved by the microeconomic approach of deregulating labour markets, union busting and soft enforcement of minimum wages. The situation is made worse by the grossly inadequate social security arrangements. Domestic market has to be developed and the global market engagement has to be a strategy to maximize work opportunities rather than holding on to a false notion of real wage resistance. Good labour institutions and regulations continue to add economic and social value.

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Occupational health and safety in the brick kilns of Shahdadpur

Dr Naheed Nabi

Introduction

Occupational Health is a multidisciplinary field which encompasses healthy and safe working environment leading to good health of industrial workers. Safe environment should not only be made available to all workers but should also take care of health and safety of their family members, customers, suppliers, nearby communities, population and environment as a whole. Every worker has a right to healthy and safe work environment and needs to be made aware of the effects of his/her particular industrial environment. The conditions at work place should promote the highest degree of quality of working life by protecting the worker's health, enhancing physical, mental and social well being and preventing work related diseases, injuries and accidents.¹

According to revised definition (1995) by Joint ILO/WHO Committee on Occupational Health:

Occupational health should aim at: the promotion and maintenance of the highest degree of physical, mental and social well being of workers in all occupations; the prevention amongst workers of departures from health caused by their working conditions; the protection of workers in their employment from risks resulting from factors adverse to health; the placing and maintenance of the worker in an occupational environment adapted to his physiological and psychological capabilities; and, to summarize, the adaptation of work to man and of each man to his job.²

A well-placed occupational health and safety system helps in identifying and assessing health hazards in the work place. This could be achieved by surveillance of working practices, work processes and the factors in the working environment which may affect worker's health. A proper record keeping of accidents/injuries

and occupational diseases is essential. Workers should be made aware, trained, educated and informed on occupational health, safety and hygiene and also on ergonomics. The occupational health services are the component of the primary healthcare applicable with the principles of occupational health.³

Occupational health and primary Healthcare in Pakistan

Primary healthcare is essential healthcare provision at the first level of contact of individuals, the family and communities. Although occupational health is a part of primary healthcare which runs the basic healthcare system in many countries, however, these services are available to only 10-15 per cent of workers worldwide. In areas where these services are available, their quality and appropriateness may not be enough. Basic occupational health services are mainly required for those countries and sectors that do not have primary healthcare system in place and if it exists it does not provide coverage for most of the people.

Pakistan does have a good primary healthcare system on paper but in reality it is very much disorganized and deprived of facilities. It not only covers very few people but also most of the time very low quality services are being provided.

Occupational health has always been a big issue in under developed countries. In recent decades the situation got worse because of the shrinking full-time or permanent employment and an expanding contract-based employment culture. Laws related to the provision of occupational health and safety at work places are in place but in practice these laws are not implemented and monitored. Non applicability of these laws has further deprived workers from safe working environment. Ultimate result is an increasing number of accidents/injuries and physical and

mental illnesses among workers in many sectors and particularly in hazardous occupations.

In Pakistan most of the workers are not aware of their rights related to occupational health and safety. Even if they have some knowledge, they are forced to work without availing those facilities. As a result, they suffer from many treatable and preventable diseases. The data about occupational health and safety in Pakistan is not available, however, what is available relates mainly to accidents and injuries at work, and very little is known about diseases caused by occupational hazards. No epidemiological data about incidence and prevalence of occupational diseases is available although it is presumed to be very high because of poor working conditions.

There are no checks on prevalent health hazards in different industries. Lack of awareness about health hazards by owners and workers, denial on the presence of diseases and hazards and lack of implementation of existing laws are presumed to be main factors for high prevalence.

According to ICD classification of occupational diseases by WHO, an occupational disease is not characterized merely by the disease itself, but by a combination of disease and exposure, as well as an association between these two. Diseases can be caused either by agents—chemical, physical or biological agents—or by target organs such as respiratory diseases, skin diseases, musculo skeletal diseases, occupational cancers and some other diseases.⁴

Epidemiological research in different parts of world has shown that there is increase in incidence and prevalence of pharyngitis, chronic cough, eye allergies, bronchitis, allergic rhinitis, asthma, emphysema, silicosis, chest pain, difficulty in breathing and diseases like lung cancer and skin diseases in workers associated with brick kiln industry.

Brick kiln industry

The brick manufacturing is as old as about 4000 BC. The first sun-dried bricks were made in Mesopotamia (present day Iraq), in the ancient city of Ur.

Brick is a major building material in many developing countries because not only buildings last longer but also it is a perfect material for curved designs and structures in confined places.

There are 300,000 brick kilns worldwide.

Seventy-five per cent of global brick production is done in four countries of South Asia. Out of the total production, China produces 54 per cent (700-800 billion/year), India 11 per cent (140 billion/yr), Pakistan 8 per cent (100 billion) and Bangladesh 4 per cent (50 billion).⁵

According to an estimate, there are 11,000 brick kilns in Pakistan and about 5000 are situated in Punjab, and around 1500 each in Sindh, Khyber Pakhtoonkhwa and Balochistan.⁶ Brick kiln manufacturing industry in Pakistan contributes about 1.5 per cent of GDP according to recent estimates, however, it is an unregulated sector. The performance of brick manufacturing is affected by many factors which in turn lead to low productivity. Most of the brick kiln related data available in Pakistan is in the context to bonded labor, technologies of manufacturing, and social analysis of the brick kiln production. There is hardly any data available related to occupational effects of this industry on the health of human beings, on agriculture and the environment.⁷

Scoping study at Shahdadpur

A survey was conducted in March 2011 to collect qualitative data through a mix of tools—focus group discussions, one-to-one unstructured interviews with select stakeholders and observing the occupational health environment and its effects on the health of brick kiln workers in six brick kilns located near Shahdadpur city. Since health has a strong relationship with living conditions, water supply and sanitation, data was also collected related to these issues. Information was collected by interviewing workers and their wives, family members, children at field and home and the administrators at the kilns called munshis.

City of Shahdadpur

One of the oldest cities of Sindh, Shahdadpur, located in district Sanghar, was founded by Mir Shahdad Khan in 1713. Today the city is inhabited by a mix of castes and communities (Talpur, Soomro, Chandio, Abbasi, etc.). Majority of the people living in the city are Sindhi-speaking (70 per cent), Urdu is the language of 25 per cent and 5 per cent speak different languages.

Selection of the Site

Shahdadpur was selected because of the presence of a PILER partner, a registered union, Bhatta Mazdoor Union Shahdadpur, formed in 2002. The union is dynamic, autonomous and engaged in rights-based activities for the benefit

of workers. The union has about 250 members and has good linkages with relevant stakeholders, i.e. brick kiln owners and the the Labour Department. The union facilitated the PILER research team to access workers and employers at the site.

Kilns in Shahdadpur

There are 17 brick kilns in Shahdadpur with a workforce of around 1800. Town Jalal Noonari, situated near the city, has a large concentration of brick kiln workers who commute to and from the kilns scattered in different towns located around Shahdadpur city, i.e. Bahadar Kaloi, Allahyar Town, Swai Road, Bacahal Khan Bodani, Nai Basti, Aqsa Colony, Sohni Nagar. According to the president Bhatta Mazdoor Union Shahdadpur, all brick kilns of this area are registered with the labour department. However, the workers are not registered with the Sindh Employees Social Security Institution (SESSI) and neither with the Employees old-Age Benefits Institution (EOBI). Hence, the workers cannot access medical care facilities and cash benefits from these institutions. The union is currently working with the Labour Department to get all the workers registered with SESSI and EOBI so that they can avail the benefits provided by these state-run labour welfare institutions.

Living on-site versus off-site

Almost all brick kiln workers, approached for this survey at different kilns around Shahdadpur city, belonged to nearby villages located at a distance of 2-4 km and were of the same community, known as Noonari. These workers commuted daily mostly on donkey carts and a few used motor cycles. In these kilns there was no woman worker as Noonari caste does not allow its women to work and also because the workers were not residing on-site.

In the Noonari village living conditions were better compared to on-site shelter of brick kiln workers. Almost all houses were brick-walled/pakka houses. There was open drainage system throughout the village, hand pump in every house, proper roads, electricity and gas cylinders supplied by a company for cooking. However, there were garbage dumps, open drainage lines were full and blocked with plastic bags and sewerage water overflowed. This group of brick kiln community seemed to be more economically sound and secure and their women were also skilled in cloth designing, stitching and rilli-making.

At Bhattai Brick Kiln, the workers were migrant from Ranipur, district Khairpur, which is at a distance of about 500 km. The workers of this kiln were residing in the vicinity of the kiln with their families in mud dwellings or katcha houses. There were 18 families living in that area. The dwellings had one small room for a family of five to six. There was a small kitchen in the open area with unhygienic surroundings and one hand pump used by 18 families for all purposes including cooking and drinking. There was no toilet facility and all of them used open land. There was no drainage system.

Thirty-year old Rajab Ali, working as a *munshi* (administrator) of Bhattai brick kiln had been working at the kiln for last many years. This kiln is at about one to two kilometers distance from Shahdadpur city. Total number of workers was 150 including men, women and children. The ages of children were mostly between 10-12 years.

Imran and Shafique, who were currently at *nikasi*, were working for the last 10 years and had entered this industry at the age of 18 years. The common diseases or symptoms they described were cough, breathlessness, fever, skin diseases and body aches. They drank a lot of water and washed their hands before every meal in order to keep themselves healthy and to prevent body aches. They were not able to tell how many glasses of water they drank per day. Both of them told that once in the past, they were provided with protective goggles and helmets. Although they knew that these devices were for their health and safety still they did not use them. According to them, it hindered their work speed and made it difficult for them to achieve their targets. On enquiry, they told that were never encouraged/forced by the owner or administrator of the brick kiln to use these protective devices on regular basis.

All family members, including women and children, were involved in brick making processes at different levels and stages. The Bhattai kiln was the only brick kiln where two women were pregnant. Many of the workers were smoking. According to the *munshi*, more than 50 per cent of workers are smokers including some women. The pregnant worker, who was working on the field along with her husband, said that she usually worked till the last days of pregnancy. There was no concept of ante-natal checkups. Nor the family was aware of supplementary nutrition during pregnancy, neither they could have

afforded it.

When questioned about the health facilities, the women said that they usually went to nearby clinics or the government hospital. In the government hospital presence of medical staff and physician has always been an issue. However, if staff is available, the women at the kilns said they ask the patients to get investigations done from private laboratories and to purchase all medicines at their own expense. The cost of treatment is so unaffordable that they prefer to either use some home remedies or wait for symptoms to resolve on their own. They visit private doctors in case of emergency or severe symptoms.

Malnourishment among children was noticed. A mother was worried about her malnourished boy who looked about 10-12 years of age but his actual age, according to her mother, was 17-18 years. Almost all children in the area looked malnourished and much smaller than their age and none of them were going to school. The other pregnant worker at the site was almost full term but never had any antenatal checkup. She was looking very pale and had not been vaccinated for tetanus.

Najma, 20 years old, was working at the kiln from last one year. She made 1000-1500 bricks per day through molds and put them away for drying. She had two children and lived in a one-room house with another wife of her husband. She said that when pregnant, her working hours are reduced to 7-8 hours /day. However, there was not much change in diet except, if available occasionally, she did have some milk.

Munshi at the Abdul Hakim Brick Kiln, Nizam told that the kiln was set up three years back and there were fifty workers, manufacturing 20000 to 25000 bricks per day, and manufacturing was mostly done at night.

Mushtaq of the New Saifla Brick Kiln, established in 2008, said that there were 85 workers and daily manufacturing of bricks was 25000-30000 units. He was working as a munshi for the last one and half year. He shared that during this period there were two major accidents, one was a serious burn to a worker and another was a fall which resulted in serious injury. According to him in both cases, 70 per cent of the medical cost was shared by the owner.

Common disease symptoms noticed by him and

also shared by other workers were almost the same as at other kilns, such as upper respiratory symptoms, asthma, body aches, skin rashes and backache.

There was a small child who was very shy to tell his name but was working from the last 2 years at the Saifla brick kiln. He comes daily with his father and worked for six to eight hours. Once the bricks are dried, he changes their side and did mixing of brick material and sometimes also transports them to other places.

There was no health facilities close by, nor any concept of antenatal care and neither awareness about vaccination during pregnancy, particularly for tetanus. All deliveries are carried out at homes by available dai (birth attendant) or any older woman in the vicinity.

Children are immunized when government vaccination team comes, but they were not aware of any schedule. Community women did mention polio teams coming to their place from time to time.

At other brick kilns, like Abdul Hakim brick kiln and Saifla brick kiln, most of the workers came everyday either by donkey carts or by motorbikes to the place of work from their village Noonari which is at about 3-4 km.

At the brick kilns, men work 10-12 hours and women and children 6-8 or 8-10 hours daily at different wages, usually from late evening to early morning. Most of the time of the year-weather is quite hot except in winter when they work during day time. The workers do not have any health coverage for themselves and their families. In case of work-related injury sometimes they are provided with little money by the owner as compensation.

Available Healthcare

In case of any acute or chronic illness, workers have to seek help from the local healthcare provider and pay from their own pockets. Local healthcare providers are usually paramedics running their own clinics and even if they are qualified doctors, majority do not have any training in dealing with occupational health issues.

Dust Inhalation

The traditional fired clay brick manufacturing passes through many processes which include mining, crushing, screening, forming and cutting, drying, kiln loading, firing and kiln unload-

ing and supplying to major cities where majority of construction is carried out. These multiple processes lead to environmental pollution almost at every stage if precautionary measures are not taken.⁸

After completing the process of mixing of mud, molding and drying, clay is baked at a temperature of 900-1000 °C.⁹ The area where bricks are extracted after baking, stored and later on loaded to donkey carts or Suzuki pick up was full of dust which is a by-product of brick manufacturing.

Although the workers were aware that protective masks could protect them from inhalation of dust (a worker told that once masks were provided to them), but they do not use masks. All of them were of the view that mask makes breathing more difficult and it takes longer time to finish their work. They feel discomfort rather than being at ease. They denied any long term respiratory problems. However, when visiting their houses a worker's wife mentioned that in their village many people had respiratory issues but they hide or deny the symptoms because of the fear of losing jobs.

Research has shown that long term inhalation of dust can lead to a lung disease known as silicosis which makes breathing difficult. There is no specific therapy for silicosis cure or alteration of the course of the disease. Prolong dust inhalation does not only affects the health of workers but impacts the people living in nearby communities. It can also hamper the productivity of workers.

Fuel used in brick kilns and air pollution

Brick kilns causing air pollution has always been a great concern not only for workers but also for the population of catchment areas. The fuel used at Shahdadpur brick kilns comprises mainly of animal dander, coal and waste of textile and wood industry. Brick kilns usually emit thick black smoke in the form of carbon monoxide, carbon dioxide, sulphur dioxide, nitrogen oxide and fine particulate matters. These gases are not only very dangerous to the workers but also to animals, plants and the nearby communities. There is no system of measurement of these emissions in any of the kilns hence there was no knowledge amongst workers about emission of different types of gases. There was no awareness that they could be harmful to human and animal health and can affect agriculture.

Almost all chimneys were fixed, cemented and Bull's Trench type but had a height of only about 50 feet (as told by the kiln in-charge). There was no information whether they had filters in them or not. The recommended size for chimney height is 115 feet. Higher chimneys have the advantage that their smoke and the gases spread in the upper atmosphere, so they do not come in contact with the population.¹⁰

Common diseases and symptoms

The common symptoms identified by different workers in Shahdadpur brick kilns were leg pains and frequent attacks of fever. These symptoms are mostly treated with multiple drugs and with a provisional diagnosis of malaria as no facilities are available to confirm diagnosis. Those working as *jalai wala* in areas where bricks are baked at high temperatures and transported either by donkey carts or by Suzukis either for storage or supply to end users, gave a history of symptoms such as cough, difficulty in breathing, frequent bouts of fever and abdominal pain. Different types of injuries to body parts mainly hands, feet and abdomen, were also identified by workers which they encountered during the shifting/loading/unloading of bricks. Backache was also mentioned by a number of workers and the reason is most probably lifting of weight with an inappropriate posture. *Jalai wala* are exposed to very high temperatures so symptoms of dehydration, heat exhaustion and burns were mentioned by the workers. Skin diseases are also common in workers.

All the mud mixing is done either by feet or by hand and filling of steel molds/frames is done mainly by hands. Since mud used is from the nearby lands, which are also used as open toilet, chances of parasitic infestations and infection in the working population cannot be ruled out. As most of the work is done in open fields, snake bite does occur, particularly in rainy season.

The brick kiln workers mostly belong to same village/community and are settled in isolated areas adjacent to brick kilns. Their social contacts with other relatives, friends and other members of society seem to be very limited. This isolation, along with poor living conditions, can have unhealthy psychosocial impact on the health of workers.

Prevalence of mental health problems in brick kiln workers is not known but there is some data which supports their existence, particularly in children, leading to alcoholism and drug abuse.¹¹

Young age marriages among blood relations are a norm in the brick kiln workers. It has been proved biomedically that consanguineous marriage could be a causative factor in the prevalence of genetic disorders from generation to generation. Apart from genetic components there could be increased chances of non-communicable diseases and presumably communicable diseases.¹²

Good health, safe working environment, proper housing and clean water supply can lead to increased productivity and increase in income for the employers. Based on this hypothesis, a study was planned in Kathmandu, Nepal to prove the outcome of reduced absenteeism due to water borne diseases in brick kiln workers. In December 2010, the result showed not only increased productivity and reduced work hours but also increased awareness among the workers' community of water borne diseases.¹³

Brick workers are known for their poor health and poor access to healthcare. A study conducted in 2010 in Gujrat, India, revealed that brick kiln workers suffered from three system diseases: majority were suffering from musculoskeletal disorders, second most common were respiratory and then digestive diseases.¹⁴

Mechanized brick kiln pilot project

Mechanized brick kiln making system, which was introduced at Bhitai brick kiln (imported from China), did not prove successful. Reasons need to be probed whether it was low quality machinery, unskilled and untrained people running those machines or fear of workers of losing jobs. According to the brick kiln owner, the bricks once come out of the mould would often break. The system required less labour, hence was cost effective for the owner. However, the number of damaged bricks was high and after a month, the owner shifted to the manual procedure. Another case of mechanized brick kiln system introduced in a Sukkur brick kiln suffered the same fate and was abandoned, according to a worker.

Recommendations

A proper health surveillance is required to assess the health status and impact of working environment on the health of brick kiln workers. This should include complete health examination to identify current health issues and risk factors mainly in relation to exposure to harmful gases, dust, extreme temperatures and their

long term effects on health and appropriateness to carry out particular job. The health examination should be planned and scheduled in the form of pre-employment and on-job physical periodic health checks related to exposure to risks, general health examinations and health checks at the end of services. Mental health assessment should also be included in health checks.

- There should be a first aid box present at all brick kilns and managers/munshis and few workers should be trained with the basic know-how of administering first aid.
- Workers should be advised to stop smoking. They can be helped in quitting smoking by arranging smoking cessation sessions for them.
- Workers should be immunized on regular basis for preventable diseases and those with respiratory symptoms for influenza and pneumococcal pneumonia.
- In order to minimize environmental effects, exposure to dust should be minimized by increasing awareness and education of both workers and employers and implementing preventive measures.
- There should be regular screening programs for those with symptoms mainly for tuberculosis and silicosis.
- Control measures should be adopted by occupational health services in the form of dust control, ergonomic measures, use of personal protective equipment and regulation of thermal control.
- Periodic checkups of women workers of reproductive age should be ensured and adequate referral system with taluka hospital be established.
- Employer should be aware of safety hazards, ergonomics hazards, chemical and biological hazards, physical and psychological impact on the health of workers.
- Regular checks on air pollution, sampling of soil and water for regular and safe water supply and appropriate sanitation should be the part of environmental checks. Every site should have a disaster plan and all workers and management staff should be aware and trained in dealing with disasters.
- There is a strong need to conduct an epidemiological research to find the impact of environmental pollutions from brick kilns on health of workers and community and to develop a structured program to improve the occupational health in Pakistan.
- There is a strong need for community

orientation program. The primary care physicians and paramedics working in Shahdapur should be trained in identifying occupational health hazards of the exposed populations and are enabled to manage such patients in an appropriate and cost effective manner.

- There should be regular health and safety education sessions for workers and employers.
- Health camps should be organized.

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Right to Shelter: Rural workers and residential land entitlements

Altaf Hussain

Overview

Pakistan is the world's sixth most populous country with an estimated population of 177.1 million.¹ According to recent estimates, 63 per cent of Pakistan's population resides in rural areas and 44 per cent of the country's workforce is engaged in agriculture. Though agriculture is a vital sector of Pakistan's economy, its share in GDP has shrunk to 20.9 per cent and the decline is attributed to structural issues and policy gaps. It is not just the agricultural sector but rural development at large has suffered neglect for decades. Physical and social infrastructure—link roads, basic utilities and services, markets and transportation—is in dismal condition. Overwhelming majority, 80.84 per cent, of rural population live in housing made of mud bricks and wood, 26 per cent households live in one-room shelter, 69 per cent use wood/charcoal as fuel for cooking and only 21 per cent have access to tap water and 33 per cent have no toilet facility.²

Sindh, the second most thickly inhabited province has bulk of its population living in the countryside with agriculture as their main source of living. But for the majority, working arrangements in agriculture—wage work, tenant farming, share cropping—are exploitative and/or yield little earnings. The households cannot survive on agricultural income alone and the members supplement income through non-farm manual labour or other activities. In addition to scarce livelihood resources, majority of the people who are concentrated in the rural areas of the province and associated with agriculture, seldom own (with legal documents/official authorization) the houses they live in. The landless agricultural workforce comprises sharecroppers who live either in their age-old villages set up by their ancestors or on the lands owned by landlords. Either way, in the majority of cases, the households do not have ownership documents/entitlement deeds. Lack of ownership of

the houses they live in makes them more vulnerable to exploitation by the feudal lords. Dependence for shelter/housing on landlord perpetuates the vulnerability of the poor that ranges from the extremes of forced eviction to bonded labour. The housing insecurity, therefore, continues to be used as an instrument of social marginalization which systematically excludes the poor from apparently open processes such as labour markets, public services and political representation.³

Objectives and methodology

This scoping study aims to investigate relevant laws, procedures and schemes of residential land management in rural areas introduced and implemented over the years by the state, focusing on 'village regularization' in Taluka Shahdadpur. The objective is to look in to the factors contributing to lack of access to legal ownership of the dwellings of rural citizens, and secondly, to help the landless access the government departments responsible for registration process and the issuance of legal documents.

Two villages each from three Union Councils of District Sanghar, Sindh, were selected for investigation. Province of Sindh was chosen for two reasons: one, Sindh has the most skewed land distribution, and consequently, exploitative working arrangements in agriculture; two, Sindh is the province where PILER is based (in Karachi) and its rural areas are accessible. District Sanghar was selected for its peculiar political dynastic characteristic of the feudal system, and for the fact it is the researcher's home district, thus access to stakeholders is relatively easier.

Sanghar District: Overview

Sanghar District, with an area of 10,728 kms and 1.4 million people as per census 1998,⁴ is situated in the centre of the province bordering

India to the east. Historically Sanghar is famous for the Hur movement during the British raj. Pir Syed Sibghatullah Shah Pagaro declared his community *hur* (free from the British rule) and organized them into a rebel military group which fought against the British. Hanged by the British in 1943, shaheed Pir Pagaro's family turned into feudal-spiritual dynasty.

Sanghar comprises six administrative units (talukas)—Sanghar, Khipro, Sinjhor, Shahdadpur, Tando Adam and Jam Nawaz Ali. Out of these six talukas four have considerable following of Pir Pagara. Besides, Sanghar also has followers of Makhdoom Amin Fahim of Hala and the *sajaada nasheen* of Bahauddin Zakaria of Multan.

Parallel to the tribal-based political and social system, the district has some huge land holdings owned by the spiritual-political dynasties who are masters of the people of the area and decide their fate when it comes to freedom of association, freedom of speech and the right to ballot. Due to the prevailing system of large landholdings the landless peasants—in particular sharecroppers—do not even own the shelter/abode they live in. Thus, in addition to the lack of ownership of the land they till, agricultural workers are deprived of access to the land ownership for housing and shelter.⁵ Land management and tenure systems, policies and legislation that help achieve adequate shelter and security to rural population are non-existing or obsolete.

The peasants, tenants, wage workers and small farmers live at the outskirts of the villages close to the agricultural lands. Though the villagers have had the abodes on the land for the last many years, or since several generations, they have no *sanad* (official certificate) or lease documents to prove the ownership of houses or hutments.⁶ The outmoded land record management systems and the vulnerability of peasants (low literacy, low status) deprive them of access to registration and documentation process. Even in the case of government land where people have settlements for years the local landlord with the help of Revenue Department can forcefully evict them and acquire that land.⁷

The practice of expelling poor peasants and tenants out of the villages has added insult to the injury of the tenants. The cases of forced eviction have been taking place in the district Sanghar, specifically in talukas Shahdadpur and Sinjhor time and again. Irony is that many of

these cases are not reported in the media because of the fear of the landlords and the fact that the affected people do not have legal course to follow and stand against the landlords.

Right to shelter

The right to housing or shelter is recognized universally as one of the basic human rights. Article 25 of the 1948 UN Declaration of Human Rights proclaims and renders it mandatory for the member countries that "every one has right to standard living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control".⁸ Pakistan is also a signatory to the Declaration.

International Conventions that include right to shelter

- 1 The Convention on the Elimination of All Forms of Discrimination against Women, 1979. Article 14
- 2 International Convention on the Elimination of All Forms of Racial Discrimination, 1965. Article 5
- 3 Convention relating to the Status of Refugees, 1950. Article 21
- 4 Convention on the Rights of the Child 1989. Article 27
- 5 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990. Article 43
- 6 International Covenant on Economic, Social and Cultural Rights, 1966. Article 11

Right to Shelter and the Constitution of Pakistan

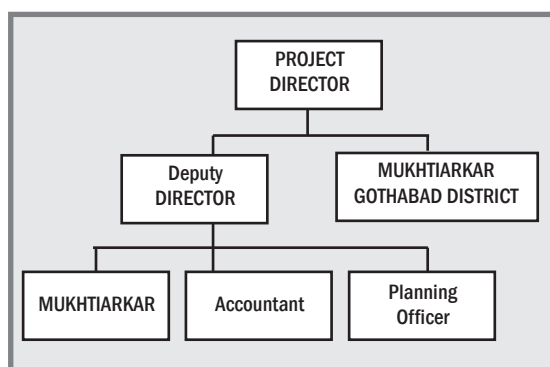
The Constitution of Pakistan has clauses dealing with the right to shelter and adequate housing to its citizens in line with the International commitments. Article 38 (D) makes the state responsible for providing basic necessities of life to the citizens such as food, clothing, housing, education and health irrespective of sex, caste, creed or race.⁹ However, the implementation of the rights enshrined in the Constitution is seldom materialized owing to the fact that politics and law making is dominated by the landlord-cum politicians who have kept the landless peasants and tenants at arm's length and tightened their own grip over the system.

Sindh Goth Abad Housing Scheme (SGAHS)

Provincial Rules

The Sindh Goth Abad (Housing Scheme) Act 1987 was introduced in February 1987 with an objective to confer institutional arrangements for undertaking of regularization of villages of rural areas of Sindh including Karachi. According to this Act, the Deputy Commissioner, now District Officer (Revenue), being Collector of his respective District, is authorized to sanction the village and issue *sanads* to the genuine persons residing in the village.¹⁰ However, the administrative structure of the SGAHS has been altered and is now led by a Project Director and a five-member team given as under¹¹:

According to Mukhtiarkar Gothabad, Sanghar, the scheme allows villagers to apply for the regularization (accessing *sanads*) of their houses/hutments. The regularization of a village



requires a group of people to extend a formal request/application to the District Officer (DO) revenue at the district level. The DO sends the application to the Mukhtiarkar Gothabad Scheme, while Mukhtiarkar, for further administrative procedures, mails the application to the taluka revenue department for survey of the concerned settlements.¹²

According to the officials, the SGAHS defines a village as a settlement of at least ten houses. The application should include documents, such as survey map, list of households, population, written consent of the landowner if the subject land is private, and 'no-objection certificate' (NOC) from the concerned government department which owns the land, electoral list and the copies of the Computerized National Identity Cards (CNICs) of the villagers living in those houses/shelters.¹³

Previously private land subject to regularization

was used to be acquired by the government by taking revenue department on board and compensation given to the land owning persons/landlords. This practice continued till late 1990s but was abandoned due to the allegations of corruption in the process.

The Allotment Committee formed under the auspices of SGAHS comprises Chairman (Project Director SGAHS), and six members—Deputy District Officer (DDO), Mukhtiarkar Revenue, Mukhtiarkar SGAHS of concerned district and three *naek mard* (honest men) of the area.¹⁴ The land regularized for one household under SGAHS is two *ghuntas*, equaling 2178 square feet. In the early days when this scheme was launched, specially during early 1990s, the rules pertaining to land regularization for single household were flexible and the regularized household had no limit on size of the land for housing.¹⁵

Village regularization in Shahdadpur Taluka

According to the official record of the Sindh Revenue Board under the SGAHS up to year 2008, out of 66,923 human rural settlements (according to the survey of 1987) in Sindh province, 11,872 villages have been regularized and 722,129 people have been issued *sanad* or certificate of ownership of the house.¹⁶

In district Sanghar, as per statistics of the Board of Revenue, Sindh, 339 villages, out of total 3261, were regularized by 2008 which clearly indicates that the process of regularization of vil-

Current status of village regularization at District Sanghar

S #	Taluka /Tehsil	Total Households in Taluka/Tehsil each	No of regularized villages in
	Taluka/Tehsil		
1	Sanghar	45,064	66
2	Shahdadpur	54,532	71
3	Sinjhor	34,635	107
4	Tando Adam	36,496	50
5	Jam Nawaz Ali	15,992	14
6	Khipro	64,476	117
	Total	251,195	425

Source: 1998 Population Census, Sanghar Report & SGAHS, Sanghar

lages has not been up to the mark.¹⁷ However, according to the SGAHS Sanghar, the number of villages regularized in Sanghar are 425 but by and large the process remains unsatisfactorily slow.¹⁸ According to the most recent statistics of SGAHS, Sanghar, following are the details of taluka-wise regularization of villages. However, only the number of total villages is available. According to the Population Welfare Department Sanghar, the total number of villages in district Sanghar stands at 6,055. Therefore, still a large number of villages are deprived of regularization benefits.¹⁹

Village regularization in Taluka Shahdadpur

Taluka Shahdadpur with eleven Union Councils (UCs) and the population of 340,778 (as per 1998 Census) is situated on the main railway line 50 miles north of Hyderabad and 25 miles west of Sanghar. Shahdadpur city, founded by Mir Shahdad Khan Talpur, has a railway station and is connected with Tando Adam, Sinjhora, Nawab Shah, Hyderabad and Sanghar by road. This is a bustling trade center for agricultural goods—cotton, wheat, oil seeds, sugar, bananas.²⁰

Village Maldasi

Village Maldasi, being one of the largest villages in Taluka Shahdadpur, comprises 500 households. Basic facilities including road, hospital, school, drainage system, water supply scheme. The village has traditional social system of landlord-cum political leader being in charge of affairs of the people of the village. The village is inhabited by different castes—Dero, Khaskheli, Hoat, Umrani, Soomro, Syed, Kumbhar and Malah. However, the day to day affairs—including balloting by the people of the village—are undertaken on the whims of the landlord.

This village was regularized and *asnaad* issued in the late 1980s when the SGAHS was introduced by the then Prime Minister of Pakistan, Muhammad Khan Junejo. The process of regularization of village under SGAHS to award entitlement deeds to the residents in village Maldasi started when the settlers were approached by the officials of the revenue department (Tapedar on the orders of Mukhtiarkar Revenue). According to Babal Dero, a resident of the village, most of the residents have got the deeds.²¹ When the people of the village were further asked of the advantage regularization have extended to them, they were unanimous in say-

ing that the landlord of the village can not expel them from the village and they are the legal owners of their homes. The people believe that the ownership document provides them with a sense of security and that they have some thing worthwhile they can rely upon. Settlers in the village are supporters of one of the largest political party (PPP) of the country, which they believe has not lived up to the promises of its leadership.

Village Hashim Khaskheli

Hashim Khaskheli village is part of the Union Council Maldasi. The village has 40 households, inhabited by Khaskheli tribe. The village is located on the government land owned by the Irrigation Department. According the people of the village, it was populated quite a few years ago. The village has one primary school for both boys and girls, and is electrified, but is devoid of basic health unit, gas and other facilities.

The village has a population of around three hundred people who are engaged in agriculture. They are mainly sharecroppers of different landlords. When asked about the regularization of the village under SGAHS, the villagers said they have never heard of the scheme. Atta Muhammad Khaskheli, a resident of the village, said the villagers feel the threat of encroachment by the influential people and wish to get legal ownership.

Village Murad Ali Rind

Murad Ali Rind is one of the cluster of villages called Deh (Murad Ali Rind) in Union Council Lundo. The village comprises approximately hundred households and is inhabited by three castes/tribes. The dominant among them are Rinds and the others are Lakha and Meerani. This village has a primary schools each for boys and girls, brick-paved streets, but has no water supply scheme, drainage system and the basic health unit (BHU). The village is among those settlements afflicted with severe water shortage in Deh Murad Ali Rind because of the high-handedness of powerful landlords who have large land holdings and who divert water to their lands depriving the people of the village of the very basic necessity.

The village was regularized and *asnaad* awarded in 1989 to the majority of the households. However, some of the people who have settled in the village after 1989 have yet to get their household regularized largely because of their own weary approach towards the issue. The vil-

lagers were not aware of the process of regularization which took place in 1989 till a Mukhtiarkar of Shahdadpur approached them through a Tapedar. Their village was surveyed by the Tapedar and a local school teacher. The village was located on the land of the government. According to the villagers the revenue department was accessed for No Objection Certificate (NOC) by the SGAHS, Sanghar, resultantly NOC was issued by the concerned department and official certificates awarded to them.

When asked about any leverage the ownership document could have brought, the villagers believe that with the regularization of village and having security of shelter, influential people of the area cannot evict them from the village. They are also aware of the fact that being the owners of their houses they could avail different government and private schemes initiated for agricultural purposes.

Village Wali Muhammad Rind

Wali Muhammad Rind is also located in Deh Murad Ali Rind, Union Council, Lundo. The village comprises 40 households inhabited by Rind caste. In terms of provision of basic facilities the village has electricity and a primary school, but no Basic Health Unit (BHU), water supply and sanitation facilities are available. The village, according to the residents, is located on the government land and no private person has ever claimed ownership of the land here.

The residents of the village, however, are confronted with an issue: an aspiring landlord, Muhammad Yousaf Rind, who belongs to another village called Bhajhi Khan Rind is claiming that he has got ownership of 12 acres in the village from the government which is occupied by the villagers and they should vacate their hutments. The proof available with the villagers of their residence is that their names are registered in the voters' list of village Wali Muhammad Rind.

Manzoor Hussain Rind, a resident of the village, says the issue was taken to the local MPA and leader of a political party but so far nothing worthwhile has come out of it and the issue remains a matter of concern between the two parties. People fear forced eviction because of the influence Muhammad Yousaf yields. When they were asked about the regularization scheme of the SGAHS, they were not aware of it and hence never accessed the ownership documents. The prevailing tension between the peo-

ple of village Wali Muhammad Rind and Landlord Muhammad Yousaf may culminate into serious conflict any time in future.

Village Izat Korai.

Village Izat Korai, Deh Shahdadpur, UC-4 Shahdadpur, is a cluster of 100 households. Majority of inhabitants of the village belongs to Korai tribe, and the remaining are Lanjwanis and Maghanhars.²² The village has a primary school and proper water supply scheme. Since it is located at a distance of just one km from the Shahdadpur town, the villagers can access health facilities.

According to the villagers only seven households are registered in the village and possess ownership document of the houses they live in, the rest did not avail this opportunity. The process of the regularization took place during the late 1980s when the villagers were approached by the Mukhtiarkar. The Tapedar, along with a government appointed school teacher, carried out the survey in which majority of the people due to lack of interest did not cooperate, as a result they were left out of the process. According to the villagers, the land on which the village is located was purchased by the Korai tribe from a local Hindu landlord about 80 years ago and was named after their elder (Izat Korai).

From the perspective of gender equality and women's rights, people of the village when questioned said that they would get the ownership document in the name of their women indicating less influence of the tribal and conservative mindset.

The sad part of the story of this village is that the dominant Korai tribe is least willing to allow Lanjwanis and Maghanhars to apply for the regularization of their households. The Lanjwanis, according to the people of the village, are also early settlers. The Korais consider Lajwanis to be associated with criminals. This dormant conflict also has the potential to surface if and when the regularization process begins in the village.

The benefits of regularization availed by the households include access to the soft agriculture loans from several banks and from the House Building Finance Corporation. The *Zarai Taraqiat Bank* also awards loan for agricultural and livestock development purposes.

Village Shafi Muhammad

Village Shafi Muhammad is part of Union

Council-4 of Taluka Shahdadpur and comprises 35-40 households. The village is located on government's land (irrigation department) populated by Arain, Mahesar, Sheikh, Hajana and Maachi with no caste having dominant position hence absence of tribal conflicts. The village has no electricity, water supply scheme, gas and primary school. People earn their living through agriculture and livestock.

Residents of the village submitted an application for the residential rights under the SGAHS in 2006. Survey of the village was undertaken twice during this period but Tapedar is unwilling to sign the application. The irrigation department has also written its consent on allotting the land to the residents. But the officers in local revenue department keep lingering on the issue of regularization of village Shafi Muhammad. The residents believe that corruption is the main reason behind their indifference towards signing the application of regularization of village under SGAHS.

Conclusions/Recommendations

The investigation reveals that most of the villages were regularized under SGAHS in the initial years of the announcement of the scheme in early 1990s. However, in recent years regularization has been minimal despite the fact that most of the people fear eviction and encroachment by the powerful landlords.

This study reveals that people living in the villages are without legal ownership documents of their abodes primarily due to their lack of awareness and indifference towards the Sindh Goth Abad Housing Scheme. The villagers by and large did not know that SGAHS was announced long ago and that they could approach the local offices any time and access the document. It is also evident that there has been no effort on the part of the concerned government departments to disseminate the information and the details of the procedure whereby the villagers could access entitlement deeds.

- Information about the village regularization scheme can be provided by the civil society organizations working with rural communities on human and civil rights.
- As powerful landlords, already in control of large chunks of agricultural lands, are out to grab more land to increase their power, it is of utmost significance that steps should be taken for land reforms and a ceiling must be put in place for land

holdings.

- The requirement of obtaining written consent from the landlord of the village if the said house is on private property should be done away with.
- Government must ensure that laws are implemented in letter and spirit.
- A well organized and wide scale village regularization movement should be launched by the civil society to make sure the majority of the rural populace is able to achieve residential security.
- Media can be mobilized on the issue of village regularization so that information could reach maximum number of people.
- The land records of village regularization in district offices of SGAHS are poorly maintained. Government of Sindh needs to make sure record keeping is computerized to diminish tempering of record.

End Notes

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13. Sindh Goth Abad Housing Scheme. SGAHS, Sanghar
14. <http://www.borsindh.gov.pk/index>
15. <http://www.borsindh.gov.pk/index>
16. Sindh Goth Abad Housing Scheme. SGAHS, Sanghar
17. Population Welfare Department, Sanghar
18. 1998 Population Census, District Census Report Sanghar, 1998

19. When contacted Babal Dero, nephew of the landlord of the village confirmed that village was regularized during 1980s when SGAHS was initiated and his family supported people in their bid to get (sanads)

19. Residents of the village Izat Korai confirm that the majority of residents is of Korai tribe, while the other two tribes, Langwanis and Maghanhars, are also part of the village

20. Amjad Rafee, resident of the village who has been involved in the process of regularization of village Shafi Muhammad.



Women Workers in Fisheries

Yasmin Qureshi & Sameena Haidermota

It is ironic that a country whose main city, Karachi, is named after a fisherwoman, Mai Kolachi, should so ignore the role of its fisherwomen that not a mention is made of them in *The Handbook of Fisheries Statistics of Pakistan*,¹ once an annual publication of Pakistan's Marine Fisheries Department. The oversight notwithstanding, the fact remains that women have, since time immemorial, played an important role in sustaining and developing the fishing industry in Pakistan.

Overview of the sector

About 200 million people around the world, almost half of them women, depend on fisheries for a living. In South and Southeast Asia, coastal fisheries employs around 6.7 million people directly and another 8.3 in ancillary industries.² Pakistan, with a coastline of 1,046 kms and an Exclusive Economic Zone of 240,000 sq. km, has a total maritime zone of over 30 per cent of the land area.³ The coastal ecosystem, rich in fisheries, mineral, and hydrocarbon resource, includes numerous deltas and estuaries with extensive inter-tidal mudflats and their associated wetlands, sandy beaches, rocky shores, mangroves, and sea grass beds. In addition, an extensive inland water system—rivers and their tributaries, canal irrigation system, natural lakes, storage reservoirs, and small and large sized ponds—covers another eight million hectares.⁴ All of these serve as an important source of livelihood for many. The total production of fish from marine and inland waters is 0.60M tons. Yet the country's fisheries sector—inland and marine—remains comparatively small, contributing one percent to overall Gross Domestic Product (GDP)⁵ and providing jobs to about one per cent of the country's labour force.

Defining workers

The Marine Fisheries Department of Pakistan defines fishers as crew members employed on

crafts playing offshore and on inland water bodies as well as those engaged in fish processing plants, curing yards, fish carriers, fish farming, and other auxiliary industries. Fishers are those who depend on the seas and freshwater bodies for their livelihood and who consider water resources their common property resource.

Based on earnings and work time spent in fisheries and related activities, the Marine Fisheries Department categorizes these workers into full time workers, i.e., those who spend 90 per cent of their time in fishing and its ancillary activities; part time workers, i.e., those who spend up to 30 per cent of their time in fishing and its ancillary activities; and occasional workers, i.e., those who spend less than 30 per cent of their time in fishing and its ancillary activities.

Interestingly enough while the Marine Fisheries Department restricts the definition of fishers to those directly concerned with fishries, the local community enlarge the definition to include women who work and are a part of the fishing community as fisherwomen.⁶

Employment

Employment in the primary sector was highest in 1997 with a record number of 416,405 fishermen, but this figure declined to 324,489 in 2006. The decline is most apparent in the inland sector which is somewhat more labour intensive and less productive (177,572 fishermen each producing an average of 0.80 tonnes per year) compared with the more mechanized marine sector (146,917 fishermen each producing 2.59 tonnes per year).

Karachi is by far the largest fisheries hub of the country. In addition, fishing communities are scattered all across the coastal areas of Sindh (in Thatta and Badin districts) and Balochistan. (Gwadar, Pasni, Jiwani, Ormara, Kalamat, Sur,

Sonminai, Damb, and Gadani). Other than marine fisheries, freshwater carp farming is a major aquaculture activity in the interior.

Different sources place the number of boats operating out of Pakistan at 16,000⁷ and 19,000⁸. Most of these are traditional wooden boats of 12-15 m, with capacity of 16 hp out-board engines operating in the shallow coastal waters and offshore areas of the country. Fishing trips range from a few hours to as long as 25 days depending on the nature of fishing and the type and size of the fishing boat. Several small marine landing centres exist along the coastal areas where traditional and motorized craft land their catches. There are four major fish harbours (two in Sindh and two in Balochistan), of which two serve deep-sea vessels. In addition, there are 15 major fish landing centres for inland fisheries. There are also 29 fish processing units with storage capacity of 10,000 tons around these harbours.⁹

General issues facing fishers

Occupational health and safety

Marine fishing is considered to be the most dangerous of all civilian occupations. According to an ILO report, 24,000 people die annually while fishing. The rate of loss of life and other casualties is much higher where small-scale fishermen fish in conditions for which their vessels, and their safety and communication, are less than adequate or non-existent.

Working in a difficult environment with long and irregular shifts increases the risk of work-related illnesses and accidents among fishers. On deck, fishermen are exposed to the weather and the sea, fishing gear and other equipment and usually to the catch itself. On or below deck they may face dangers associated with fish processing. There is always the possibility of fire, sinking and other traditional maritime dangers.

The ILO survey indicates that many fishermen suffer from skin and respiratory diseases, as well as from the effects of noise and vibration. Hypertension, coronary heart diseases, stomach, lip, and lung cancer are common. Some diseases, such as salt-water boils and injury by or allergic reactions to marine life are peculiar to fishing. Non-fatal accidents are common. Other common problems include occupational asthma, hearing loss, fatal poisoning and asphyxia, and skin diseases as a result of handling fish and other marine life without using gloves.

Lack of social protection

In Pakistan, the problems fisherfolk face are both natural and man-made. In addition to occupational hazards identified in the ILO survey, the fishing community in Pakistan lives on the fringes of society in endemic poverty. Illiteracy figures are high for lack of schools in fishing villages and those boys who do go to school tend to drop out after the fourth or fifth grade, opting for the unpredictable life at sea over an even more unpredictable future that a poor education would provide.

Since the Government clubs fishing together with agriculture, fishers, like farm workers, are excluded from labour rights hence are deprived of benefits offered by the state-run labour welfare institutions (ESSI, EOBI) to workers in the formal sectors. Workers in the fishing sector are marginalised and poorly paid and remain among the most vulnerable in society. Employer-worker relationship is informal. On an average, a fisherman works for 25 years but few, if any, are financially secure after retirement.

In addition to occupational hazards, the livelihood of fisheries' workers is under threat due to rapidly depleting fish resources. Fishing communities blame increasing population, overfishing, activities of foreign deep sea trawlers, use of harmful nets, pollution, and reduction in fresh water flow from River Indus as causes for the diminution of fish resources.

A major problem for the fishers is the depletion of the mangroves and the sinking of the *jazeeras* (sandbars) which the fishing communities use as landing posts on extended fishing trips. Shahid Amjad, a marine biologist, who until recently, headed up the National Institute of Oceanography is quoted as saying, 'Unplanned industrialization, and a lack of government regulation to prevent pollution is slowly but surely destroying the islands and the islands are eroding at an alarming rate.' This is corroborated by the fishermen themselves.¹⁰

Ever since the dams were made in Mangla, Tarbela, etc., it has been bad for fish. There is not enough fresh water coming down and the mangroves are dying. Because of the dams, not enough silt is coming downstream either and the jazeeras are no longer viable; since they do not get enough silt, they are sinking.

Till the time of Zulfikar Ali Bhutto, we used to fish in Ibrahim Hyderi and sell fresh fish from

here. We would also go on long trips—as far away as Sri Lanka at times. Now we go up to Balochistan for fish. The trip can take anywhere from 10 to 20 days. It is really bad nowadays. We don't earn any more from the fish. Nets, boat, ration, wood—we cannot cover the costs. There is very little fish here.

There was a time when fishermen used to eat the best of the catch. Now the situation is such we take daal with us so we can sell all the fish we catch. Fishermen don't eat fish anymore.

Mohammad Bajro

Fisherwomen in Pakistan: Then and now

While it is universally agreed that conditions of fishermen are not good¹¹, the changes the last four decades have wrought in the lives of fisherwomen have been more far reaching.

Till the 1960s, fishing was a family business. Entire families would embark on fishing boats to camp on small offshore islands for the duration of the fishing season. Temporarily lodged in small hutments and shacks, the women worked alongside the menfolk, helping in the actual fishing as well as in the cleaning and drying process and in marketing the fish. In cases, when the men left for major voyages lasting 10 to 20 days, the fisherwomen would continue fishing in the shallow waters of the coast selling their catch in nearby and remote markets. Many of these women were regarded as businesspeople in their own right. A case in point is the legendary Mai Kolachi, who was the chieftain of a small fishing community running her own trade in her village.

Since the *mahigeer* community was recognized as a single community, women moved freely amongst the men; there was no concept of purdah for women. With men away for extended periods of time, women assumed the role of heads of the families. Significantly, among the fishers everyone is still identified by their mothers, not their fathers.

Since all the fishing families belonged to one community, women had no reservations about going out on a boat. One did not do purdah from one's own community. It was also common for fisher families to go out on picnics. The hills around here were very beautiful once. There were a lot of open spaces. People used to come from afar to picnic here.

The *mahigeers* have a matriarchal family system. The community people recognize children by their mothers; so children are referred to as Tahira's children or Zebun's children and not by the father's name. Women are responsible for most of the decision making. Men go out to fish. Women stay at home and do the cooking and the housework.

Tahira Mohammad Ali

Changes in lifestyle and loss of warning power

However, with commercialization of fisheries in the 1960s, and the expansion of fishing into an industry came a change in practice. What had been a family business turned into a large-scale industrial business diminishing the role of women in the fisheries. Fisheries became 'professionalized' with only men being recognized as fishers; fishing crafts and gears were modernized with technical know-how restricted to men only and women's access to the common resource was restricted.

When our men used to go on the boats, we would go with them. At that time, I was very little. We used to catch fish and prawns and we would cook for the men and help the men catch fish; and we would help extract the fish from the net. There were all kinds of fish and lots of shrimp. Now some of the fish have become extinct. Men now go faraway—they are away for five days at a time and we don't go with them any longer.

Sughra Maasi

Mechanization of fishing also meant that women lost their role in the post-harvest activities of fish vending and marketing. In areas where export agents took over the catches, women workers lost access to fish for sale and were turned into wage labourers for sorting out and drying the fish for the exporters and others. From being co-partners with their menfolk, a number of women have ended up performing the most menial and hazardous tasks in the fish processing and prawn peeling units. These workers now form an integral part of the work force in the fisheries industry.

There were other changes too affecting the livelihood and lifestyle of fisherwomen.

A major source of income for fisherwomen in the past had been from the making of cotton

fishing nets, which gave them a stable, if modest, income. The earnings from net making depended on the complexity, strength and weight of the net. When nets were made exclusively of cotton thread, fisherwomen earned Rs. 5 to 10 per day.¹² In the late 1960s, the process of modernization and mechanization suddenly hit hard the indigenous cotton net-making profession of the fisherwomen. Nylon machine made nets replaced the home-made, cotton threaded nets which women used to weave depriving them of this livelihood in the same manner that they were ejected from fishing.

The commercialization of fisheries combined with the degradation of the Indus Delta also led to an influx of non-indigenous fishermen from the deltaic creeks and inland agricultural/inland farming to the deep waters off the coast-bringing with it a new, more conservative culture detrimental to the freedom of women. Traditionally, women from fishing communities had always enjoyed greater freedom in their everyday lives as compared to women in the agricultural sector. As mentioned earlier, among the coastal communities, the purdah system for women in fisherfolk society was virtually unknown.

While the freedom women enjoyed was perhaps inevitable with the absence of men for extended periods of time, it was also the result of being one of an extended unit. With the influx of outsiders, this was no longer the case.

People from other areas also started moving into Ibrahim Hyderi from the interior of Sindh; also Bengalis, Pathans, Punjabis, and Burmese moved in to this area. Because of this influx, women no longer felt comfortable coming out in the open. They stopped sailing with their men; they stopped going to the seashore and on picnics. Now, they mostly stay home. When it was just people from within their own fishing community, they did not mind going out but now they feel it is inappropriate to do so.

Tahlira Mohammad Ali

At present, there are two distinct and diverse trends among the fisherfolk communities with regard to the status of women. Among the traditional fisherfolk community, the *mahigeer*, settled along the coastline, women continue to participate in varied activities along with the men. However, women of those communities who have in recent decades migrated to the coastal

areas and switched professions from agriculture to fishing, continue to be governed by rigid traditions, their mobility relatively restricted. Deprived of their basic rights and freedom they remain confined within the four-walls of the house in the name of morality and decency. In case of inland fisheries too, women remain poorer, socially and economically weaker, and restricted in mobility.

Present status

Having lost their traditional livelihood, women from the fishing community have turned to other sources of livelihood. Many now seek work as maids in the richer localities of Defence Housing Society where they can earn as much as Rs 5000 a month. Some have taken to merchandising, buying goods from the city's wholesalers, mostly from Leah Market, and selling them in the local market. A popular item for trade is utensils for cooking and home use. Others, more enterprising, go as far as Quetta to buy cloth to sell in the villages. Some buy and sell dried fish. Yet others have taken to making *pakor*as, *cholley*, *samosas*, *achaar* to sell from small stalls set up outside their houses in the lanes.

Around 35 years ago, I used to go on long fishing trips, sometimes for up to a fortnight. However, the role of women in fishing activity slowly started diminishing and as a result, we had to search for other means to make a living. I started working in a chappra but that involved heavy lifting. So I started my own business: I opened my tea stall from where I now sell tea and kulfis.

Hawa Masi

Among the younger generation, however, the trend is towards education—becoming teachers or learning a skill like sewing so that they can be employed in garment factories. A very small number of women workers are involved in weaving/repairing nets and making fish baskets as wage labourers. Few women want their daughters to remain in the trade. Most look towards education to give their daughters a better life.

For the future, we want our children to be educated: if they are educated, they will be able to make a life for themselves. They will find different ways to earn money. If they get educated, they can become doctors, teachers etc. then we won't need people from outside. Teachers, doctors and professionals for this area can come from within our own community.

Hanifa Ebrahim

New migrants, mostly Bengalis and Burmese, now form the bulk of women working in the fishing industry. Far from being co-partners with their menfolk, these women work in dismal conditions as daily wage workers in fish processing factories and chappras (sheds) for the lowest wages possible.

Scarcity of clean water and gas in parts of the village force women to spend much of their time tracking down these essential resources.

We can buy water from the water tanks pulled by donkeys but these cost Rs 200 per tank. Big water tanks cost Rs 1000 to 1500. The fisherfolk with great difficulty barely earn Rs 50 per day. Then, how will they have the money to buy water?

Hawwa Maasi

In some areas, the Government has put up filters for clean water. In other parts, women and children wander around all day trying to get clean water for their requirements. If two women are working in the house, four go out in search of water because when the fishermen return from work, they need water for their baths.

The men go at dawn and come back at noon. Then they go out in the evenings again. They don't have time to look for water. The women are left to do this. They go to and fro with matkas on their heads and because of the load on their head, they tend to lose their hair. They go barefoot to fill water because if they have slippers on, they can slip. So they get pricked by thorns and sometimes their feet get cut by glass not to mention the germs they pick up along the way. Their mission is to get water so they do it irrespective of the problems they encounter in the process.

We have gas in Ibrahim Hyderi in most houses; where there is no gas, we buy wood from the stores, but in Rehri Goth, some women go waist deep in water or else they go out in small boats to the mangroves and cut wood for their daily requirements.

Tahira Mohammad Ali

Equally essential is the need to tackle the massive pollution problem.

Garbage dumps are all over the place. We burn the garbage or we throw it into the sea. The pollution that is caused by either of these methods leads to many diseases and illnesses. Women have been diagnosed with tumors in their uterus;

cancer is prevalent, especially oral cancer. Hepatitis is commonplace because of the utilization of unclean water. And illnesses like diarrhea, etc., in children and older people happens frequently.

Tahira Mohammad Ali

Lack of opportunities compels women to see work in the chappras and warrahs despite harsh working conditions and meagre pay. Interestingly enough while all the women we interviewed spoke of a better life for their daughters—education and employment in the garment factories—none complained about the hardships they face at work. The worry expressed over and over again was lack of work during the non-fishing season and a loss of income. While a return to the times when fishing was a family business and the community was held together through nurturing values of resource sharing is not possible, the government can take immediate steps to alleviate the lot of these workers.

Processing plants and women workers

Of the thirty registered processing plants in Pakistan, twenty-seven are located along the coastline of Karachi; twenty-three in the Fish Harbor at West Wharf; two in SITE and two in the Korangi Industrial Area. Four processing plants are located in Gwadar and Pasni.

In addition to the processing plants, there are more than fifty chappras (work sheds) in Karachi, located largely in Ibrahim Hyderi and Rehri Goth, which are run by contractors. The chappras mostly work in two shifts employing an average of twenty women per shift.

The overall employment in the processing/marketing sector is estimated at around 55,000.¹³ Of these, approximately 10,000 are women workers.¹⁴ The highest proportion of these are those who are engaged in peeling, sorting, and packing work in shrimp processing plants and chappras. Women also constitute most of the labour force involved in net repair.

Working conditions

Women work in the processing plants and chappras cleaning fish, cleaning and peeling shrimps and shelling and processing crabs. They are also involved in drying fish, as well as grading and sorting shrimps and in packing the items for sale and export.

Working conditions in the plants appear somewhat better and more regularized than in the

Gender roles in Fisheries¹⁵

Tasks	Female	Male	Both
Catching fish	✓	✓	✓
Drying of fish			
Cleaning of fish	✓	✓	✓
Working in fish meal plants	✓	✓	✓
Preparing fish meal	✓	✓	✓
Powdering solid to poultry form		✓	
Processing of crabs	✓		
Peeling shrimps	✓		
Grading	✓		
Sorting	✓		
Packing	✓		
Repairing nets	✓		

chappras. A visit to a processing plant near Chasma Goth showed an organized culture with regular working hours, proper lunch breaks, toilet facilities and a uniform for working women.

The average age of the women in this plant appeared to be in the twenties and thirties. The average pay was Rs 6000. The women interviewed expressed satisfaction with their working conditions. They had transport facility to and from work and regular weekly holidays. Those we spoke to generally expressed satisfaction with their employers. While the general working conditions appeared good, it must be said that the ground was completely wet although being cemented, it was not slippery. Also, the women handling live razor clams in murky water were not wearing gloves. It must be emphasized, however, that these observations refer to one processing plant.

Working conditions in the chappras and warrahs on the other hand leave much to be desired. The chappras are primitive structures with no facilities and no provisions for protection from heat. Most of these are small one room affairs with thatched roofs leading off the main road in Ibrahim Hyderi and Rehri Goth. Women work in unhygienic conditions, cleaning ice covered fish, shrimps, and crabs with their bare hands. Thus these women work in the sizzling

A Visit to a Chappra

A long winding road runs alongside the sea. Mountainous heaps of garbage line the road on both sides. Predators in the form of kites are everywhere. They circle the sky and swoop downwards. As we drive towards the chappras, the road meanders along the sea. The sea stretches out on the right side and you can see the beach as you drive along. Fishing boats are adrift on the sea. The kites are everywhere, in the sky and dotting the beaches like tiny black specks on the polluted sands. All the garbage from Karachi is dumped here so the stench is unbearable. As we approach the area where the chappra is, it seems like the driver is going to veer off the cliff. But there is actually a road there, bumpy and rocky, going down the cliff.

As the car lurches along the broken road, we make our way to the chappra. Stray dogs run alongside the car. We reach the chappra. It is a long empty yard with a thatched roof, parts of which are in tatters exposing the floor to the hot open skies. There are wooden stools on which the women squat. Today, the yard is deserted. The last batch of shrimps was cleaned and sent to the company almost a

week ago so there is no work being done here now.

Since shrimps perish fast, peeling has to be completed before noon each day. Thus, work for these women often begins at 4 a.m. and ends at midday. All days in a week are considered working days as work is dependent upon the arrival of the catch. Thus, no fixed hours can be observed and workers are called in as and when the catch arrives, even if it is in the middle of the night. During the season, when the maximum catch of seafood is brought in, women work for continuous periods of 14 to 15 hours. There are no labour unions here to protect the interests of the workers.

The fishing season extends for a period of nine months. The season for shrimps is from mid April to July. Fishermen earn about Rs 200 daily during the fishing season. Their incomes vary from about Rs 2500-3000 a month to 10,000-12,000 a month. They have on average six people in the family to support. When they have money, it is alright. But sometimes for about 3-4 months, they go hungry.

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heat while they sit in icy water with no protective clothing, handling ice covered shrimps with bare hands. Since these women are simultaneously exposed to hot and cold conditions, they are easy prey to diseases.

Perhaps the biggest problem in these chappras is the failure to provide a proper sitting arrangement. The women squat either on the bare floor amidst filthy icy water or on low wooden stools, for hours at a time, cleaning, peeling or shelling as the case may be. Their misery is compounded by the fact that there is no arrangement for the disposal of fish, shrimp, shells, and crabs' wastage. Everything is dumped on the floor rendering the floor slick and slimy, making it not only slippery to walk on but a health hazard in general. It is little wonder that these women are subject to skin disease, asthma, allergies, and backaches. Squatting in dirty water in an unchanged position for hours at a time also leads to many gynecological complications. For pregnant women, miscarriages are a constant occupational hazard. Since a large majority of women workers are of a child bearing age, this is a major issue.

There is no concept of protective clothing although the women work for hours on at a stretch in ice covered material. There is no provision for gloves or aprons for these working women. Rubber boots are unheard of. Women work in their daily wear: if any were to bring work clothes or clothes to change into before returning home, there is no changing room to change or keep the extra pair of clothes.

The women are not provided with any working tools. This combined with the fact that their hands are immersed in ice cold water for hours at a stretch means that many women have chilblains, (red itchy swelling on the hands and feet caused by exposure to cold and damp), cuts and bruises on their hands and fingers—a fact they hide from employers for fear of losing their sole source of income.

Toilet facilities are inadequate. In most chappras, there is one toilet for 100 women workers and the condition of these toilets is deplorable and unhygienic. Given that women often start the day at 4:00 am and stay in the chappras for an average of 7-8 hours, the situation is untenable.

There are no dispensary or first-aid facilities for these women. A simple thing as a hand washing

facility is not provided. Even though work often starts as early as 4 a.m. when it is still dark, there is no proper lighting system, which makes it difficult for these women workers to work.

Thirty per cent of women working in the processing plants and chappras are over 30 years old; 60 per cent of them are in the 20-30 year age bracket while 10 per cent are below the age of 20 years.¹⁶ Some women bring their young daughters to work with them to peel shrimps so they make the maximum income for the day. But since these children accompany their mothers and the work they do is calculated as part of the work done by the mothers, they are not regarded as part of the labour force.

A worrying trend in recent years has been that factories are employing women between the ages of 18 and 25 only. This means older women find it difficult to find work. There are also some factories that employ only Bengalis and Afghanis as they can get more work from them for less pay. Among the most marginalized of the communities, these women dare not protest for fear of losing their jobs.

Occupational health and safety issues

As with any other industry, the health of the workers is dependent on the work environment. Given the adverse working conditions in the chappras, especially the fact that women have no proper seating arrangements and are forced to squat in dirty icy water for hours at a time, it has been noticed that fish processing workers have a high prevalence of muscular-skeletal disorders arising out of heavy lifting, awkward work postures, repetitive work tasks performed in a short time cycle and stress.

When a woman squats on the floor and peels shrimps, the entire weight of the child comes on the legs and this in itself can cause complications. How long can a pregnant woman stand and work? Also if a pregnant woman carries heavy loads, it can cause problems.

Sakina Dal

Due to unhygienic condition of these chappras, the women workers are often affected by malaria, gastrointestinal diseases and Hepatitis-B. Tuberculosis, the scourge of the poor, is widespread as are skin diseases like coxcomb. Chronic back ache is another occupational hazard.

An Interview with a Supervisor

Sharifa is in-charge supervisor at one of the chappras at Rehri Goth. Fifty to sixty women work in each chappra where 2000 kgs of shrimp are divided between the women. It takes about four to five hours to clean. There is about 15-20 kgs of shrimp in each basket. They get about Rs 40 to clean one basket.

The shrimps are cleaned and then the nass is removed with a blade. Once they clean the shrimps, it is Sharifa's responsibility to do the sorting and grading. Then the shrimps are frozen in ice boxes and sent to the company.

The people who work here in the shrimp peeling industry are almost always in debt. The local moneylender charges Rs 3 interest for every nine rupees they lend.

In Rehri Goth, there are three chappras. The same women go to the different chappras for work. They are paid on a day to day basis. They get about Rs 120 to 160 a day depending on the number of shrimps they peel.

They aspire for better jobs. If they would find better work, they would stop peeling shrimps. They do not want to do this work anymore or want their daughters to do this. They would rather work in the garment factories than peel shrimps. Women who do not get work at the garment factories out of desperation work at the chappras. For three months of the year, when it is not fishing season, the men stay at home: they have no income. If the women had jobs in the factories, they would be able to sustain themselves. The work in chappras is not

consistent and therefore the women who work in here often find themselves without any means of income.

When asked how the conditions in the chappras could be improved, Sharifa seemed unconcerned. They said that there is no point having gloves as they need their bare hands to peel shrimps. They are not bothered about the germs that they may be exposed to. The entire garbage of Karachi is dumped in the sea here. The water supply line here is also polluted. In some places, the gutter line is mixed with the water line hence many people suffer from all kinds of allergies. There are many other illnesses rampant because of the dirty water. This is why they feel that peeling shrimps with their bare hands is nothing in comparison to the pollution that exists in these areas.

Because of this pollution in the seas, now they have to travel 30 kms before they can find any fish.

As supervisor, Sharifa makes Rs 400 per day that she works at the chappra. If she had work in a garment factory, she would make Rs 5000 per month, though the minimum monthly wage is set by the government as Rs. 7000 but this law is not enforced. The women in the factories are aware of this law but they are afraid to say anything. If and when they say anything, they lose their jobs so they continue to work at lower wages. There are no trade unions in these factories.

SH

Wages

The wages of women workers in the fisheries industry is even lower than what has been allowed in the Minimum Wages Ordinance 1961, and the Payment of Wages Act, 1936 and the West Pakistan Minimum Wages for unskilled Workers Ordinance 1969. The figures for the amount earned by women workers vary.

Interviews with seven women from Ibrahim Hyderi revealed that an average pay is Rs 10 for every 10 kg of shrimps peeled.¹⁷ According to women, they earn a mere Rs 40 to Rs 60 for every 12-16 kgs of shrimps peeled. Another report, *The Case of Home Based Sub-contracted Women in Pakistan*, puts the earnings at Rs 88

a day for 11 kgs of peeled shrimps.

The majority of women peel an approximate 1 kg of shrimp in an hour, while a few 'experts' peel as much as 1¼ to 1½ kgs of shrimp. Some women workers bring their young children as helpers to earn maximum income in a day.

Conclusion and recommendations

Poverty is endemic among fishers. Resources are few and needs many. The population along the coastal belt is increasing both by natural progression and because of internal migration. Shipping, un-regulated industrialization and untreated effluent pouring into the sea from the

city's main industrial area, Korangi, coupled with the lack of fresh silt laden water from the Indus, is slowly but surely destroying the islands and the mangroves that have sustained the inhabitants of the coastal belt for centuries and provided protection from the southwest monsoon which rips into the Sindh coastline almost every year. Buddo and Bundail, the two silt-formed islands just off the coast of Karachi, once home to the fishing community, are gradually eroding, as are the smaller similar islands. The erosion of these islands coupled with rising sea levels is further threatening a livelihood already under threat.

The best and probably the easiest way towards improving the lot of women workers in the fisheries is to bring the sector within the ambit of labour laws and through implementing these laws. This would ensure a minimum pay scale for women workers, adequate health coverage and a clean working environment. To improve the lot of women in the fisheries sector, the following steps are recommended.

Policy level

Tackle the poverty-environment nexus at the policy level for poverty, environment and growth are interlinked. Since fishers are dependent on natural resources for their livelihood, environmental degradation can seriously precipitate a downward spiral further jeopardizing an already fragile living.

- Implement laws on environment.

General

- Expand the definition of 'worker' to include women working in the informal sector including among others, fisherwomen, contract workers, piecemeal workers, home-based workers, and others.
- Adequate policies for home-based women workers, domestic workers, etc., be developed.
- All 'workers' should be registered as independent contractors/self employed/piecemeal workers.
- Written contract should be given to all employees.
- The Harassment at the Work Place Act 2010 should be supported with rules and its provisions implemented in all workplaces.

Wages

- Minimum wages be fixed for the informal sector, contract worker, piecemeal worker,

using different methodologies, i.e., a certain cost for number of pieces produced in one hour.

- The minimum wage should reflect the rise in inflation.
- Equal pay for equal work should be guaranteed for women with adequate penalization for violators.

Occupational health and safety

- Hygienic conditions of the chappras be improved.
- First aid facilities be made available at all facilities.
- Basic protective clothing—aprons, gloves, etc., be provided for workers.
- Adequate seating arrangements be made so that the workers do not have to squat in dirty water amidst the filth and trash.
- Changing room facilities be made mandatory along with facilities for hand washing.
- The provision of safe drinking water, clean latrines, clean environment be made mandatory.
- Where possible, rooms for child care be provided so that women who bring infants and young children have a place to keep them. This is especially important since the majority of working women are in the 20-30 year age bracket with young families.
- All women workers in the informal sector should have social security cards.
- All independent workers should be registered enabling them to access social security benefits.
- Working hours, tasks at work should be revised for pregnant women, e.g., no heavy lifting.

Awareness Raising

- Raise awareness among the fisherfolk about their rights guaranteed under labour laws. The PFF has done excellent work in this sphere but other NGOs need to be involved in awareness raising.
- Local councilors, local social personalities, Labour Inspector of the area, representatives of NGOs, personnel of area Police Station and others should be involved to ensure implementation of labour laws.
- It should be clearly brought into the notice of all exporters and employers that violation of labour law could negatively affect their business.
- Workers' families be provided education assistance and health benefits.

- Legal aid and free legal service be provided for female workers looking for redress.
- NGOs working in this sector could also team up with other NGOs, the Orangi Pilot Project (OPP). Similarly, they could team up with NGOs like Gul Bahao, to tackle pollution at the community level.

End Notes

1. Last published in 1998.
2. Tayyaba Ahmed, Role of Fisher Women in Fishery Industry of Pakistan, A Power Point Presentation shown at the Sustainable Fisheries Policy and Coastal Resources Management, Karachi, 7 August 2004.
3. *Workers in the Fisheries Sector in Pakistan*, PILER, March 2006, (unpublished document)
4. Ibid.
5. Ibid.
6. In an interview with Tahira Mohammad Ali.
7. <http://www.pakissan.com/english/allabout/fisheries/a/brief.on.fisheries.shtml>
8. *Workers in the Fisheries Sector in Pakistan*, op.cit.
9. Ibid.
10. <http://www.globalpost.com/dispatch/pakistan/101122/pakistan-climate-change-karachi>
11. Under the ILO definition fisher is a gender neutral word for the purpose of this study, the terms fisherman and fisherwoman are used.
12. Mohammad Ali Shah, *A Bleak Future: Women of Fishing Communities in Pakistan Face Increasing Marginalization*, SPC Women Fisheries Information Bulletin No. 11, November 2002.
13. Tayyaba Ahmed, op.cit.
14. Based on an interview with Kamal Shah, Pakistan Fisher Folk Forum, Karachi.
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16. Interview with fisher women.



Minimum Wage: Deficit in Decent Wage

A. Ercelawn

Recent floods have underscored mass deprivation from assets that would have reduced intense misery, prompt self-reliance in relief, and supported restoration and rehabilitation in lives and livelihoods. Exclusion from land and other assets, as well as low returns to labour are to blame—be it extortionary sharecropping or exploitative wages.

Pakistan illustrates the immense deficit in a decent wage. Official monthly minimum wage is frozen at Rs 7,000, despite rampant inflation in food prices.

When updated for official inflation, the official poverty threshold would be well over Rs 9,000, for a single adult earner in a family of six. Hence the minimum wage should be at least a third higher than it is. Of course the poverty wage is officially admitted as inadequate to overcome multiple deprivations.

Were the state committed to equitable growth, its own poverty threshold would adjust to national economic growth; the minimum wage should

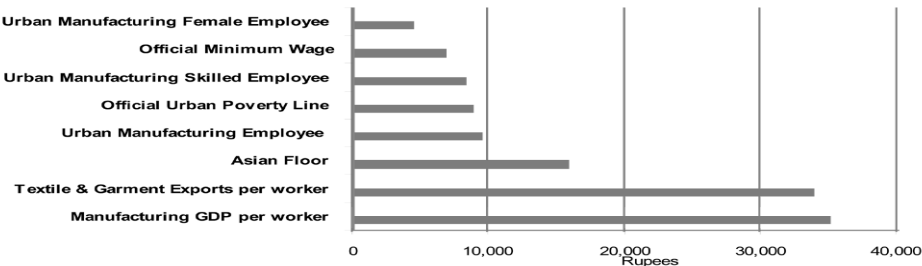
then be well over Rs. 11,000 today to reflect the growth, of over 20% in per capita income and inflation over the decade.

Official documents—Economic Survey, Labour Force Survey and Household Integrated Economic Survey—allow illustration of state failure in ensuring economic rights of citizens.

Urban manufacturing provided an average employee (i.e. excluding self-employed and unpaid family labour) with well above the official minimum wage. But this conceals the absence of an effective floor, where one-fourth of such workers received substantially less than the minimum wage.

In part this is a consequence of odious discrimination of not just wages but also of jobs between men and women workers, with the latter averaging less than one-half of male wages in manufacturing. Surely, low wages for so many also reflects child labour, pervasive in spite of official denial.

Figure 1. Pakistan Monthly Earnings, 2010-11



Note: The official urban poverty line is based on 2230 calorie intake consumption daily per adult and estimated for a family of six with a single adult earner. The Asian floor wage is expressed in local currency by using Purchasing Power Parity country indices from the World Bank, e.g. a budget of Rs 32 in Pakistan equals \$ 1 budget in the USA.

Quite relevant is the average monthly wage of skilled (craft) workers. At nearly Rs 8,500 it is almost the same as a poverty wage. However, unskilled (elementary occupation) workers fail to do better than the inadequate minimum wage. Both averages conceal a wide dispersion.

Increasingly, employment rests upon self-employed and unpaid family labour. This labour arrangement raises average compensation in manufacturing to Rs. 11,000—well above wage workers. However, across all sectors the urban average earnings for skilled (craft) labour remained only slightly above wage workers. Unacceptable disparity between labour is reflected in the fact that while average urban wage and salary income was over Rs 8,500 per employee across all households, the average wage even up to the third quintile (of income ranked households) was much less than even the minimum wage; and employees in the lowest quintile could claim barely above Rs 5000 per month of work.

Consider further the fact that the bottom 60% of households (ranked by income) received less than five per cent of manufacturing earnings for their contribution of nearly half the employment. Yet again, the relatively high average of Rs 11,000 conceals the substantial number who earn significantly less than the average.

Rather than label consider self-employment as

more decent than wage work, it must be remembered that higher earnings can reflect self-exploitation in very long hours of work at low piece rates. In addition, it conceals costs borne by self-employed rather than the buyer of services—e.g. of infrastructure; purchase of materials; and delivery of product. No less adverse is the effect of constraining female access to public space, presence of child labour, and reduced solidarity for collective action amongst labour.

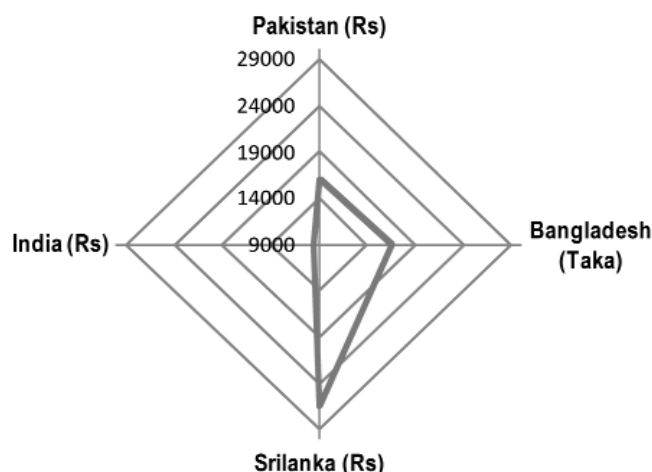
Pakistan's macro framework—decided by Washington and Manila obsessed by neoliberal growth—hopelessly fails in assured full time employment for two earners even at this low level of income. Unlike India, there is no attempt in other South Asian states to even initiate an employment guarantee.

Asian Floor Wage Campaign

In defense of decent work, a campaign has originated from South Asia to protect labour against sharp diminution of wages through export competition driven by cheap labour.

Since the textile sector now accounts for very large shares of export earnings, and of employment, the campaign has begun with garment workers. The focus on textile and specially garment workers also enables sensitivity to the rights of women workers, including home-based

Figure 2. Asian Floor Wage 2010 for Monthly PPP \$ 500



Note: Floor wage of \$500 applies to an average family of 2 adults, 2 children, 1 earner. 3000 calories are required daily per adult. Non-food expenditure equals food expenditure, with children requiring half as much as adults. The floor wage is expressed in local currency by using Purchasing Power Parity country indices from the World Bank, e.g. a budget of Rs 32 in Pakistan equals \$ 1 budget in the USA.

employment.

A strategic reason for this focus is to leverage campaigns for corporate responsibility to include living wages in export negotiations, going beyond inadequate national minimum wages. With recent textile and garment exports exceeding \$ 1 billion per month, there is substantial scope for improving the lives of workers in Pakistan or Bangladesh.

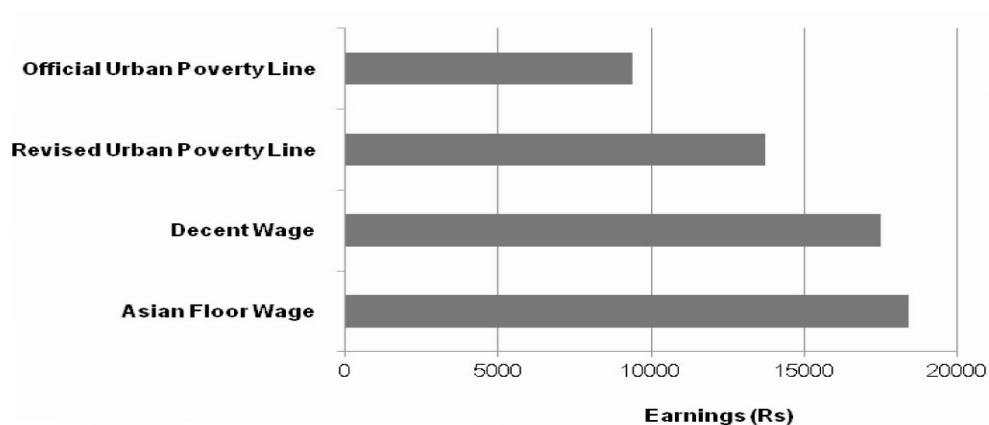
What then should be the floor wage for garment workers in Pakistan? The campaign provides a notional level to protect workers against export competition done unfairly on the backs of labour. A recent campaign publication suggested the floor to be a sort of average living wage

would cost around PKR 30 in Pakistan but require SLR 50 in Sri Lanka (or conversely, \$ 1 in Pakistan is much like \$3 in the USA).

Hence considerably less than \$500 should be the nominal dollar floor wage in most countries of South Asia, and correspondingly lower in national currency than that indicated by market exchange rates. Using this method to equalize a living wage of \$500 yields a monthly compensation floor of Rs 16,000 in Pakistan and Nepal, and around Rs 9,500 in India during 2010.

Using official inflation estimates, the compensation floor for Pakistan would have risen by at least 15 percent to over Rs 18,000 per adult worker in 2011.

Figure 3. Target Monthly Urban Wage In Pakistan 2011



Notes: Both the Asian Floor and Decent Wage are based on 3000 calories required daily by an adult; others follow official target of 2230 calories. The Asian Wage Floor applies to one adult earner in a family of four; all others use one adult earner in the prevailing average urban household of 6-7 persons.

across across Asia in a family of 2 adults and 2 children, one adult earner and no child labour. This suggested a monthly wage floor of over \$ 500 in 2010.

At the prevailing exchange rate, this would translate for Pakistan into more than PKR 40,000 per month. The campaign observes that export competition through suppressing labour costs is not generally done on the basis of nominal dollars, but is negotiated by importers on the basis of differences in cost of living.

To capture such cross-country differences, an available adjustment factor across countries is available from the World Bank as Purchasing Power Parity indices. For example, a bundle of goods and services available for \$ 1 in the USA

Can Pakistan export manufactures "afford" such a wage floor? Social productivity, such as (monthly) Manufacturing GDP (of over Rs 3000 billion by 7.5 million workers), and of Textile and Garment exports (\$12 billion by 2.5 million workers) exceeds Rs 30,000 per worker. This comparison with prevailing wages affirm the obvious: the country produces enough, but the neo-colonial state, increasingly in thrall to neo-liberalism, fails miserably in enabling living wages, with consequent unfair deprivation of millions of workers and their families from a decent life.

Poverty Wage

Based upon a daily male adult calorie threshold of 2350, the official country poverty line in Pakistan was taken to be monthly adult expen-

diture (on food and non-food consumption) of Rs 750 per adult in 2001-2. For urban areas a calorie intake of 2230 was considered adequate, implying an urban expenditure level of Rs 710 per adult.

Using the (conservative) measure of inflation in the official Consumer Price Index the current poverty expenditure per adult would be around Rs 2,000 and Rs 1800, for country and urban areas respectively. Per capita threshold for urban families would then be around Rs 1600, assuming an adjustment factor of 0.85 to reflect lower calorie requirements of children and of females.

The average urban family of 6-7 persons is supported by 1-2 earners. However, significantly more than half of earners were overworked (beyond 48 hours) or underemployed (less than 35). Hence we assume a single adult as earner, supporting 6 persons, who should then have a legitimate claim to more than Rs 9,000 as monthly urban poverty wage.

Other data also support the premise of a single adult earner as typical. More than half of urban sample households had a single earner; this holds true even among the poorest quintile (ranked by income). Further, consider the fact that urban employment of 13.5 million adults (between 20 and 60 years of age) provided for 65 million urban population, i.e. 4-5 persons were supported by a single adult earner.

The Social Policy & Development Centre (SPDC) revised the urban poverty threshold for 2004-5 to Rs 1000 per capita. Assuming a family of six with one adult earner, and using the CPI to adjust for inflation, this standard implies a current poverty wage of over Rs 13,000 per month. This is almost twice the minimum wage. Were the improbable to occur, 2 adult earners with official minimum wage jobs could just about reach the poverty line in a family of six.

Decent Wage

Adjusting for urban average household size of 6 rather than the 4 persons assumed in the Asian Floor Wage of currently around Rs 18,000 for a single adult earner, a first approximation to a decent wage is then over Rs 27,000 per month. Reducing non-food budget to the AFW standard as half of consumption expenditure (rather than the nearly 60% implied by average urban budget) would reduce decent wage to around Rs 23,000. Interestingly, the recent demand of a minimum wage of Rs 25,000 by several trade unions lies within these limits.

Underlying the Asian Floor Wage is the idea of a living wage in each country, adjusted across countries to arrive at a floor that prevents export competition on the backs of the poor in any country. Such a living wage is to apply to a single adult earner in a family of 2 adults and 2 children, with target calories at 3000 per adult and non food expenditure assumed to equal target

Table 1: Wage Estimates for Pakistan 2011

	Base National Adult Daily Calories	Base National Adult Monthly Expenditure	Base Urban Adult Poverty Daily Calorie	Adults per capita	Estimated Urban Monthly Poverty Expenditure Per capita (Rs)	Inflation Index	Current Estimated Urban Monthly Poverty Expenditure per capita (Rs)	Current Estimated Average Household Size	Current Estimated Urban Earner Target Monthly Wage (Rs)
Official Poverty Line	2350	Rs 750	2230	0.85	600	260	1560	6	9400
Revised Poverty Line			2230	0.85	990	230	2280	6	13700
Living Wage			3000	0.75	3290	115	3780	4	15100
Decent Wage			3000	0.85	1270	230	2920	6	17500
Asian Floor Wage			3000	0.75	PPP \$500 per earner Rs 16000 per earner	115	4600	4	18400

Purchasing Power Parity Index was 32 in 2010. For sources see Weblinks.

expenditure. Using urban average food consumption, the total expenditure per capita was almost Rs 3300 per month in 2010-11, and hence over Rs 13,000 for a household of 2 adults and 2 children.

Adjusted for inflation, a monthly living wage of Rs 15,000 would currently be a conservative claim by one urban adult earner in Pakistan.

Since average food expenditure corresponds to less than the target of 3000 per adult, it is better to use the urban calorie-expenditure function observed in 2004-5 (by SPDC). Adjusted for inflation, a family of 6 with base need of 3000 calories per adult would enable an urban wage earner to claim a decent wage of more than Rs 17,000 per month.

Weblinks

Asian Floor Wage,

cleanclothes.org/resources/recommended/stitching-a-decent-wage-across-borders-the-asia-floor-wage-proposal.

Economic Survey (Ministry of Finance),

finance.gov.pk/survey_1011.html.

Household Integrated Economic Survey (Federal Bureau of Statistics),

statpak.gov.pk/fbs/content/household-integrated-economic-survey-hies-2010-11.

Labour Force Survey (Federal Bureau of Statistics),

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Purchasing Power Parity (World Bank)

<http://data.worldbank.org/indicator>.

Updating Poverty and Inequality (Social Policy & Development Centre),

spdc.org.pk/Publications.aspx.



The Devolved Course: Constitutional Reforms and the Status of Implementation of Labour Provisions

Zeenia Shaukat

The passage of the constitutional reforms which has modified more than one hundred sections of the 280-article Constitution in summer 2010 is seen as a major step in Pakistan's constitutional history that would have a "profound impact on the way the country is governed and its economy is managed."¹ Though the history and the long drawn process of the reforms, popularly called the "18th Amendment" is beyond the scope of this study, it is important to note that the set of amendments in more than one hundred articles of the constitution have deep and powerful implications on labour legislation and implementation. Key outcomes of the major reforms in the amendment include: strengthening of provincial economic, legislative and administrative autonomy; expansion of fundamental rights; empowering of the office and the authority of the Prime Minister and the parliament; and a more consensus-based method for appointment of judges in the superior courts.

Provisions related to the provincial autonomy are of particular interest for labour legislation and policy. For the purpose of provincial independence, two major changes have been introduced: the list of governmental powers shared by the central government and the provinces—the Concurrent Legislative List—has been abolished and a joint dispute resolution body, the Council of Common Interests (CCI) has been strengthened. Prior to the 18th Amendment, the provincial legislative authority remained residual power under the 1973 Pakistani Constitution. Two sections guided the legislative exercise on provincial and federal level: the Federal Legislative List, an exclusive domain of the central government; a Concurrent List carrying a list of subjects over which the provinces and the central government both had the power to legislate. Over the years, however, the federal legislation mostly managed to override the provincial legislation,² creating unrest among

the provinces over their powers and autonomy. Sixty-seven subjects fell under the Federal Legislative List and 47 under the Concurrent List before the 18th Amendment. After the Amendment was adopted in April 2010, the Federal List has been expanded to cover 77 subjects, and the Part II of the list now carries 18 subjects (from 8 earlier)³ while the concurrent list stands abolished, meaning subjects covered under the list have either been devolved to the provinces or added to the Federal Legislative list. Labour was also a Concurrent List subject that has now been transferred to the provinces. Provisions related to labour in the Concurrent List included: 1) Welfare of labour; conditions of labour, provident funds; employer's liability and workmen's compensation, health insurance including invalidity pensions, old age pensions; 2) Trade unions, industrial and labour disputes; 3) The setting up and carrying on of labour exchanges, employment information bureaus and training establishments; 4) Regulation of labour and safety in mines, factories and oil fields; 5) Unemployment insurance. With the abolition of the Concurrent List, legislation on the above-mentioned subjects is now the domain of the provinces and not the federal government.

The 18th Amendment not only grants greater legislative and administrative powers to the provinces, it also affords more economic empowerment for provinces in terms of authority and decision-making. Provinces will now have greater autonomy on issues such as economic and infrastructure development, management of labour and environmental laws, movement of goods and commodities within their own boundaries; and improving education and health systems in the province. This autonomy also means raising funds and striking investment deals with foreign countries/corporations, and importantly, legislating in concerned areas to follow the economic direction adopted by the provinces.

There have been varied arguments regarding the impact of the constitutional reforms, mostly supporting the process as a much-needed step for the purpose of provincial empowerment and autonomy. The objective of this article is to track the status of implementation of amendment insofar as the items related to labour are concerned. Admittedly, the implementation is a long-drawn process and the resistance on the part of the bureaucracy as well as inter-provincial disputes over the mode of implementation have been further slowing it down. This way, we are unable to report beyond certain limits, largely depending on newspaper sources for information regarding the process. The cut-off point for information sought and referenced is December 31, 2011.

The Implementation Process:

The constitutional amendments also provided for the devolution of federal functions by way of providing for the establishment of an 'Implementation Commission' by the Federal government "within 15 days of the commencement of the Constitution (Eighteenth Amendment) Act, 2010".⁴ The relevant provision, provided under Article 270AA (8), also envisaged the completion of the devolution process by June 30, 2011. The commission was tasked with and had the power to "make or pass such directions, orders, undertake proceedings or require the making of amendments to regulations, enactments, notifications, rules or orders as may be necessary to further the objectives of clause 8 of Article 270(AA) of the Constitution and in this regard require the attendance of any official of the Federal or Provincial Governments or the Divisions or the Attached Departments/Offices."⁵ In short, its job was to create and monitor the mechanisms and institutional procedures required to complete the process of devolution by 30th June, 2011. The Implementation Commission undertook the process in four phases and the Federal Labour Ministry was to be devolved in the fourth and the final phase towards the end of its term.⁶ As with other ministries and divisions, the Ministry of Labour was not completely devolved to the provinces and some of its divisions and functions were retained by the federal government.

Devolution and Federal Ministry of Labour and Manpower:

As a part of the devolution, the government dissolved the Ministry of Labour and Manpower. At the same time, the two new ministries concern-

ing labour affairs were created: the Ministry of Human Resource Development (HRD) and the Ministry of Professional & Technical Training (PTT). The Ministry of Human Resource Development is now responsible for maintaining trade/labour unions at the national level and also administers the National Industrial Relations Commission. It also retains the responsibilities of dealing with international organisations and donors such as the International Labour Organisation over the area of the implementation of conventions and commitments related to labour. The Overseas Employment Corporation as well as the Human Resource Department will also remain with the centre with the HRD Ministry. In the most controversial move, the government has also handed over the social security institutions i.e. the Workers Welfare Fund and the Employees Old Age Benefit Institution to the Ministry.⁷

The Ministry of Professional and Technical Training has been assigned the National Training Bureau, the Directorate of Workers Education and the Pakistan Institute of Manpower.

Labour Legislation Post Constitutional Reforms:

After the abolishment of the Concurrent List, there is a strand of argument that suggests that the federal government is no more authorised to legislate on labour related issues and institutions. In a constitutional petition filed by the Air League of the Pakistan International Airlines Corporation seeking recourse from the Article 270AA of the 18th Amendment and pleading the Superior Judiciary to hold the Industrial Relations Act, 2008 protected up till 30th June, 2011, the Supreme Court announced on 2nd July 2011 that "... presently, no Federal Legislation can be made on the Labour matters except recourse to the provisions of Article 144(1) of the Constitution, which provide that if one or more Provincial Assemblies pass resolutions to the effect that Majlis-e-Shoora (Parliament) may by law regulate any matter not enumerated in the Federal Legislative List in the Fourth Schedule, it shall be lawful for Majlis-e-Shoora (Parliament) to pass an Act for regulating that matter accordingly, but any Act so passed may, in respect to the Province to which it applies, be amended or repealed by Act of the Assembly of that Province." According to this interpretation, no law can be passed by the parliament on devolved subjects until one or more provincial assemblies pass a resolution calling for the parliament to legislate on the matter.

Though apart from the IRO 2010, no legislation has been passed by the national parliament over the issue of labour, the Supreme Court's ruling does call for a clear position on the authority of the legislature to legislate on devolved subjects.

Industrial Relations Orders and Framework for Fundamental Rights:

The status of the Industrial Relations Act (IRA) that guides employer-employee relations remained most ambiguous following the constitutional reforms as the government's interim IRA 2008 had expired around the same time as the constitutional reforms were passed. The IRA 2008 replaced a repressive IRO 2002 by the PPP-led Government in September 2008. While presenting the bill, the government had promised to bring in a new act by April 2010 following a thorough consultation process. However, no federal level bill was announced after the expiry of the IRA 2008. Instead, all four provinces proceeded to develop legislation on industrial relations. Meanwhile, provinces largely adopted IRA 2008 as an interim order. The Punjab Government notified the Punjab IRA on December 9, 2010; Sindh revived the Industrial Relations Act, 2008 terming the adopted bill as the Industrial Relations (Revival and Amended) Bill, 2010 in June 2010;⁸ the Khyber Pakhtunkhwa Industrial Relations Bill, 2010 was promulgated on July 14, 2010; and the Balochistan Industrial Relations Act was passed on October 14, 2010.

Like the earlier legislation regulating employer-employee relations, the IRA 2008 was criticized for its non-consensus character as it was passed in the parliament without any debate. It sought to exclude 80% of the workforce leaving the informal sector, the agricultural workers, armed forces, PIA security staff, Pakistan Security Printing Corporation, government hospitals and educational institutes, self-employed workers out of the ambit of the law. It was also criticized for encouraging individual employee-employer agreements, formation of paper federations, promoting policing on labour through the NIRC and making labour law violation an easy proposition through inadequate deterrents.

All provincial legislation on industrial relations post 18th Amendment followed the same shape as the IRA 2008 promoting a narrow order for industrial labour on issues of unionization and institutes for dispute resolution. The Punjab gov-

ernment for instance, has earned major criticism from labour rights bodies that have identified a range of issues with the province's Industrial Relations Act. The Punjab IRA restricts the right to unionization for organizations where less than 50 workers are employed. This is over and above the exclusion of 80 percent of workforce that has been a part of all industrial relations acts in Pakistan over the years. The ratio of outsiders in a union's executive has been reduced from 25 percent to 20 percent, which undermines workers' right to derive strength from the society wherever a union lacks expertise. A tripartite mechanism of workers, employers and the government that is used for the resolution of labour disputes remains absent in the Punjab law. Workers' councils that had representation both from workers and from employers have also been abolished. The provincial legislation changes much for labour unions too. The Act dictates the appointment of presiding officers of labour courts and tribunals by the provincial government without reference to the High Court. Labour rights groups argue that the absence of a system of appointments at labour courts without the approval of the High Court would undermine workers' confidence in labour courts. The Act has also been criticised for remaining ambiguous about the role and obligations of "contractor".⁹

The Sindh Government's Industrial Relation (Revival and Amendment) Bill, 2010, as explained, is essentially a revival of the Industrial Relations Act 2008.¹⁰ The government had passed the legislation to fill the vacuum that existed following the lapse of the IRA 2008. However, the Sindh Government pledged to revisit the laws to re-enact them "into provincial legislations in line with the spirit of the 18th amendment."¹¹ The government also formed a tripartite committee that worked with the Workers Employers Bilateral Council of Pakistan (WEBCOP) to prepare Draft Sindh IRA - 2011. The Bill was presented to the Provincial Labour Minister in March 2011. However, it is yet to be presented in the provincial assembly. Even though during the preparation of the draft, there was unofficial information about the expansion of the laws to the informal sector, including the fisheries, agriculture and mining sectors, the actual draft turned out to be as exclusionary as the federal IRAs have been. A Committee formed by the Sindh Labour Conference held in October 2011, tasked to prepare recommendations and mobilize workers for advocacy of labour laws criticized the WEBCOP and tripartite

committee draft for not adhering to major constitutional provisions (Article 17 and 25) and ILO Conventions (87) ratified by Pakistan, on exercising freedom of association, the right to unionization, equality before the law, and no discrimination on any grounds.¹² The Committee observed that the proposed legislation continues to exclude a large section of the workforce from the ambit of the law, defines contractor as employers (amounting to legal protection for contractors who have blatantly sought to abuse workers' rights), and carries on with a narrow-based labour legislation regime. Labour rights organizations also complain of being denied the opportunity for participation in the consultations for the preparation of this draft legislation. It is also important to note that the Coordinator, Government of Sindh, Mr Taj Haider (belonging to the ruling coalition of the Sindh Government), also issued a letter disagreeing with several provisions of the law.¹³

The Khyber Pakhtunkhwa and the Balochistan provincial assemblies too enacted Industrial Relations Bills the same year. In content, the bills did not deviate much from the Federal Industrial Relations Act 2008. The Khyber Pakhtunkhwa IRA does broaden the definition of the industry to include educational institutions and private health centres. Following the Punjab IRA, it also abolishes the role of Industrial Relations Commission. The Commission's powers and functions have been conferred on the provincial Registrar of Trade Unions, Labour Courts and the Labour Appellate Tribunal. The Balochistan IRA following the pattern of the Sindh Bill, establishes a provincial Industrial Relations Commission having the same powers and functions as the NIRC.

Following devolution that made labour matters essentially a provincial subject, the federal government promulgated the Industrial Relations Ordinance 2011. The said ordinance was meant to "consolidate and rationalise the law relating to formation of trade unions in not only Islamabad Capital Territory but in Trans-Provincial Establishment and Industry throughout the country."¹⁴ However, the debate on its need, framework and significance continues. It has come under criticism for being a replication of the earlier Industrial Relations Acts that remained exclusionary, divisive and narrow-based. The Ordinance also lays down procedures that seek duplication of institutions. It has also been criticized for carrying on with a defective definition of "Industrial Disputes" covering

employer-employer, and employer-workman dispute as "Industrial Dispute". It has been argued that the concept of Industrial Dispute recognised in Industrial Relations Law is a dispute between Employer and Collective Bargaining Agent, and that also should be restricted and confined to matters related to employment, non-employment, terms of employment or condition of work in relation to any workmen.¹⁵ Most importantly, the constitutional position of the IRO 2011 has been challenged on the grounds of the Article 144 (1) of the constitution - reiterated in a Supreme Court ruling in Constitution Petition No 24/2011 in the case of Air League of PIAC - that provided mechanism for making central legislation in respect of matters not covered under the Federal Legislative List. At the cost of repetition, the ruling is being quoted again for clarity: "if one or more provincial assemblies passed resolution to the effect that the Majlis-e-Shoora (Parliament) may by law regulate any matter not enumerated in the Federal Legislative List in the 4th Schedule, it shall be lawful that the Majlis-e-Shoora (Parliament) pass an Act for regulating that matter accordingly."¹⁶

The Future of Labour Institutions

At present, the Workers Welfare Fund, the Employees Old-Age Benefits Institution (EOBI), the implementation of the International Labour Organization (ILO) Conventions is the responsibility of the federal government. The WWF and the EOBI receive contributions by the federal government, which are disbursed among the provinces equally keeping in view the number of the workers registered with these welfare wings of the Ministry of Labour and Manpower.

The constitutional reforms did envisage the devolution of the EOBI and the WWF to the provinces that would then have to raise their own resources to pay the social security items to the workers. According to its mandate, the Workers Welfare Fund extends grants to provincial worker welfare boards to execute welfare projects. These projects include establishment of housing estates or construction of houses for the workers, educational facilities and scholarships to workers' children, death grants, and marriage grants for the daughters of industrial workers. The grants for these projects are forwarded to the WWF by the Federal Board of Revenue (FBR) that annually deducts two per cent of the total income of all registered industrial units with income in excess of Rs. 500,000. Similarly, the FBR collects from registered industries six percent of workers wages (five percent

is paid by the employer and one percent by the workers) and places the funds at the disposal of the EOBI. The EOBI then utilises these funds for payment of benefits such as old-age pension, old-age grant and invalidity pension.

Even though the process of devolution and the handing over of the concerned ministries to the provinces has been completed, the devolution of the WWF and the EOBI is yet to take place. Apart from the mode of distribution of assets which is yet to be agreed upon, the very idea of the devolution of the two most important institutions of social security for formal workforce is being resisted by the provinces themselves. Since the revenue receipts for workers welfare as well as the EOBI from any given province depend on the level of economic activity, especially of the formal industrial sector, as well as the workforce registered with each province, all four provinces have varied positions on devolution of social security institutes as well as on the process of decentralization.

According to the economic census of Pakistan, May 2005, sixty five percent of all major industries including agriculture, forestry, fisheries, mining, manufacturing, construction, transport and financial businesses are set in the Punjab province. Sindh follows with 18 percent. Khyber Pakhtunkhwa ranks next with 14.2 percent while Balochistan has the lowest ratio of economic activity with only 2.1 percent of major industries working in the province.¹⁷

If the devolution of the social security institutes materialises, the provinces will have to finance the projects currently being executed from a consolidated fund. The resources for these projects would have to be raised from the collections acquired from the industries and the services outlets established in the provinces.

One major bone of contention over the devolution process is the formula for resource distribution. The Punjab advocates distribution using the National Finance Commission (NFC) formula, which based the process on the number of registered industrial units and workers in any given province. According to the Labour Market Information and Analysis Unit, there are 36,456 establishments in Punjab while the number of secured workers is 631,686. The number of establishments in Sindh stand at 19,448; in Khyber Pakhtunkhwa it is 3,148; while in Balochistan the number is 271. The number of secured workers in the Sindh, Khyber

Pakhtunkhwa and Balochistan respectively are, 371,887, 45,275, and 6,459.¹⁸ The Sindh government, on the other hand, demands distribution on the basis of source of collection and deduction of welfare fund and pension. This arrangement suits the province better as the head offices of most of the industrial units, registered under the two organisations - WWF and the EOBI, are working in Karachi.¹⁹ Revenue receipts for WWF at the FBR website indicate Sindh as the highest generator of revenue for WWF with Rs 5,076 million in 2005-06. The Punjab follows with Rs 1,235 million the same year. There are no revenue receipts reported from Balochistan while Khyber Pakhtunkhwa registered Rs 67 million for the same year.²⁰

Khyber Pakhtunkhwa and Balochistan continue to resist devolution as the minimal amount of economic activity in the two provinces mean there will not be enough resources to carry out projects under the Workers Welfare Trust. News reports suggest that currently there are five schemes involving an estimated cost of Rs 937 million underway in Balochistan and two projects worth Rs 103 million in Khyber Pakhtunkhwa.²¹ The Labour Minister Khyber Pakhtunkhwa, Sher Azam in a recent statement said that the province would be in great loss in case of the devolution of the labour ministry. "We will get only 8 percent share in the Employees Old Age Benefit Institute (EOBI) and the Workers Welfare Funds due to small number of industrial units in the province, many of which are sick and closed. Pakhtuns are working in Karachi, Lahore and almost every other industrial city of the country whose shares will go to other provinces. We are in great trouble."²² Balochistan, likewise, would also be unable to undertake any projects too due to limited revenue and resource generation.

Another obstacle to the devolution of the social security institutes is the pressure of the bureaucracy that has resisted devolution since the beginning. The financial assets of the WWF and the EOBI stand at Rs 230 billion.²³ Both institutions remain very a strong source of additional revenue generation for the centre. In a recent meeting, the Public Accounts Committee (PAC) of the National Assembly was informed that only 30 percent of the WWF is being used for the welfare projects of the industrial workers while the remaining 70 percent, or Rs 126.8 billion stays with the federal government.²⁴ Concerns have also been expressed over the WWF's bid to invest its funds in non-governmental securities.²⁵

On their part, labour rights organisation demand a one-window operation for the social security institutions of the country with the coverage of benefits and entitlements extended and universalized so that these services are delivered across the four provinces regardless of the affiliation of workers to any province.²⁶ As of now, the WWF and the EOBI continue to function under the federal government. No decision has been announced by the government over the future of the two institutions addressing social security for workers.

Registration of Trans-Provincial Industrial Unions:

Registration of trade unions of institutions/corporations with branches across provinces is another ambiguous territory following the devolution of the labour affairs. The Industrial Relations Ordinance 2011 was presented on the very pretext that there was needed a law that could provide for the consolidation and rationalisation of systems "relating to formation of trade union and management relations between employers and workmen in the Islamabad Capital Territory and in Trans-Provincial Establishment and Industry."²⁷

The critics of the IRO 2011 have targeted the ordinance on the grounds that the "Trans-Provincial Establishment and Industry" has not been mentioned in the Constitution of Pakistan's Federal Legislative List. The List only refers to inter provincial matters and coordination which is "altogether different from Trans-Provincial Establishment and Industry."²⁸ However, the need for a consolidated law to address the legal position of cross-provinces trade unions is certainly significant since a single organisation, with branches across any specific provincial territory cannot be expected to follow different legislations for its trade unions.

The Supreme Court in its judgement on Air League's petition (C. P. No 24/2011) has noted that the IRA 2008 remains protected till June 2011 - covering the issue of trade unions registration till that period. However, the Apex Court in its remarks advises invoking the Article 144 (1) of the constitution by the provinces that can pass a resolution and authorise the Federal Government to promulgate the IRO 2011 since the subject of trans-provincial establishments is not covered by the Federal Legislative List. So far the trade unions registration issue remains ambiguous as neither the IRO 2011 has been invalidated nor has there been any progress on

the Supreme Court ruling.

Fate of ILO Conventions and International Obligations

Pakistan has ratified 35 ILO conventions including eight core conventions. Likewise, Pakistan has also ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child along with its two additional protocols. Pakistan is also a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR) that carries a number of specifications linked to labour rights and economic independence. The country is also a part of global initiatives such as the UN Global Compact. Implementation of ILO Conventions and labour related provisions of other international treaties falls within the exclusive legislative domain of the parliament, as enumerated in item 3 of Part 1 of the Federal Legislative List. The parliament is competent to legislate to ensure Pakistan's compliance to international and bilateral treaties organizations and has been legislating and creating necessary institutions to follow up on the commitments made.

The status of the responsibility for the implementation of ILO and other international commitments after the 18th Amendment has not been too clear since the devolution. Labour rights bodies have repeatedly demanded a common framework at the federal level to guide the provincial legislation on the subject while also demanding that all provincial laws adhere to the international conventions and ILO charters.²⁹ It has been argued that while provincial assemblies are competent to legislate on matters related to labour welfare, social welfare (pursuant to items 25 and 26 of the Concurrent Legislative List), omission of this list does not curtail the parliament's competence to legislate in order to comply with and give effect to Pakistan's international obligations under Item 3 Part 1 of the Federal Legislative List.³⁰

Following the devolution of the Federal Labour Ministry, the responsibility of dealing with international organisations and donors such as the International Labour Organisation has also been retained at the Centre with the Federal Ministry of Human Resource Development.³¹

Conclusion

The implementation of the landmark constitutional reforms is an ongoing process and it is too

early to make a comment on the impact of the decentralisation of institutions and resources that was ushered in by the 18th Amendment. However, the entire devolution process has struggled bureaucratic resistance as well as judicial intervention, both leading to a point where a clearer position on behalf of the federal and the provincial governments regarding their commitment to decentralisation as well as the required framework and methodology for adopting such a structure has become important. The Implementation Commission, a body comprising public representatives from major political parties was responsible for carrying out the devolution process. It completed its job of handing over the federal legislative and administrative orders to the provinces on 30th June 2011. The four industrial relations legislations adopted by the provinces following the constitutional reforms do not deviate much in terms of content from the Industrial Relations Act 2008 which was essentially exclusionary and narrow-based. The Punjab IRA further marginalises a large section of the industrial workforce by denying the right to unionization for workers of organizations where less than 50 people are employed. The fate of the draft industrial relations bill in Sindh prepared by the WEBCOP in consultation with a trilateral committee formed by the Sindh Government hangs in balance while the Sindh Industrial Relations (Revival and Amended) Bill, 2010, passed by the Sindh Assembly in June 2010, serves as the regulatory order for industrial relations in the province. The Khyber Pakhtunkhwa IRA does broaden the definition of the industry to include educational institutions and private health centres. The Balochistan IRA, following the pattern of the Sindh Bill, seeks to establish a provincial Industrial Relations Commission with the same powers and functions as the NIRC. The position of the Federal Industrial Relations Ordinance remains disputed in the light of the Supreme Court ruling in a constitutional petition, challenging its basic premise.

Following the 18th Amendment, the Federal Ministry of Labour and Manpower has been devolved to the provinces but two new ministries, the Ministry of Human Resource Development (HRD) and the Ministry of Professional & Technical Training (PTT), have been created to direct labour affairs at the Centre. The move while reflecting the urge on the part of the Federal Government to keep its hold on labour administration matters, also underscores the need for a clear stand on the

necessary orders required to ensure that the federal and the provincial governments follow a common outline for legislative and administrative orders that adhere to the fundamental human and constitutional rights framework.

The social security institutions have been retained by the Federal Government and the provinces so far, have not been able to develop a consensus on the very idea of devolution of these bodies or the mode to be followed for decentralisation. The two social security institutions are a powerful source of revenue generation and this very feature of the EOBI and the WWF remains at the root of the disagreement between provinces over their future.

The registration of trans-provincial trade unions, likewise, remains another contested territory as ambiguity persists following the Supreme Court's observation on the IRO 2011. The Supreme Court note calls for the provinces to seek recourse from the Article 144(1) of the Constitution and pass a resolution in the provincial assemblies to authorise the federal government to develop a formal legislation on trans-provincial trade unions.

Post devolution of the Federal Labour Ministry, the responsibility of dealing with (including reporting on labour issues to) international organisations and donors such as the International Labour Organisation has also been retained at the Centre with the Federal Ministry of Human Resource Development.

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