



Rights and Dignity for
Domestic Workers

TWO-YEAR PROGRESS OF
**PUNJAB DOMESTIC
WORKERS ACT, 2019**

Policy Brief May, 2021



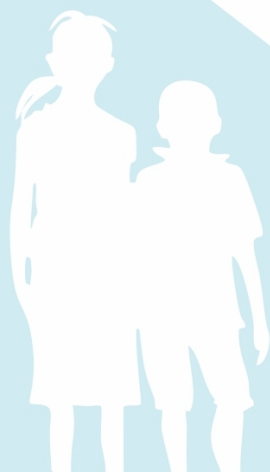


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Introduction:

Women in Struggle for Empowerment (WISE) www.wise.pk is a women-led registered organization located in Punjab. Its leadership comprises women rights activists, with background of active struggle for **women empowerment** in Pakistan. **WISE** thematic areas comprise women human, political and labor rights. Our projects are located in vulnerable and marginalized communities with focus on women folk.

Since its inception 10 years ago, **WISE** has achieved significant milestones through its set objectives of awareness raising, capacity building, advocacy & campaigning for improved governance structures, sensitization and supporting government bodies and departments through escalating the implementation of women human rights in Pakistan. **WISE** is thankful to Norwegian Human Rights Fund (NHRF) for its technical and financial assistance to support our work for the protection of the rights of domestic workers, the most vulnerable and marginalized individuals through initiatives such as advocacy work, documentation and rights education.



FOREWORD

Domestic work is an important source of employment for women in particular, many of whom do not have the skills or education to find alternative employment. Millions of workers including women, girls and boys are engaged in domestic work in Pakistan and are contributing to the informal economy significantly. However, they were not recognized as 'workers' per the definition set in the national labour laws whose definition only covers workers in the formal sector; factories, shops and other establishments.

International Labour Organization (ILO) has defined domestic work as the form of modern slavery. Elimination of modern slavery by 2030 is part of Goal 8 (Target 8.7) of the Sustainable Development Goals of which Pakistan is a party. The rights of domestic workers in Pakistan were neglected since long. There was no legal mechanism for the protection of labour rights of these workers. However, realizing the importance of domestic work, in February 2019, the Govt. of Punjab introduced “Punjab Domestic Workers Act 2019” to enforce the rights of the domestic workers. The law envisages the provisions for protecting the rights of the domestic workers, regulating their terms of employment, working conditions of service and provision of social protection and welfare.

It was a long standing demand of the domestic workers to recognize them as workers. Therefore, it is appreciable on the part of govt. to safeguard the rights of these workers, as majority of them belong to the marginalized communities. It has been observed that the hard labour of such workers is exploited by their owners. The barely minimum wages don't commensurate with their work output. Their physical, mental and emotional wellbeing also lack adequate attention.

In the wake of domestic workers serious level of vulnerability, WISE has been advocating for the effective implementation of the law, through creating public awareness, sensitization and efficient implementation of the law.

The report in hand is a humble effort by WISE to document the Two-year assessment of the “Punjab Domestic Workers Act 2019” and progress made by the govt of Punjab since the passage of the law.

Hope the policy makers, legislatures, social researchers, trade unions and activists would find it useful for advocacy measures. We hope the said law would help improve the working conditions and lives of domestic workers and Govt. would take appropriate and speedy measures to implement the law in letter and spirit.

Bushra Khaliq
Executive Director, **WISE**
May, 2021

Domestic Work:

Following International Labor Organization's Convention No. 189, "Domestic Work" means work performed in or for a household or households and "Domestic Workers" means any person engaged in domestic work within an employment relationship.



ILO Convention No. 189:

"Decent Work for Domestic Workers" was introduced on 16th June 2011. It was a huge and historic achievement for the domestic workers. C-189 aimed at the protection of millions of domestic workers worldwide, a majority of domestic workers are women and girls. Pakistan has not ratified this convention so far.





16th June: International Day of Domestic Workers:

Every year, domestic workers, trade unions across the worldwide highlight the plights of domestic workers and raise their demands through demonstration and rallies.



Rights & Dignity of Domestic Workers:

Effective Implementation of the Punjab Domestic Workers Act, 2019 can play a powerful constitutive and transformative role in improving the lives of domestic workers.



گھریلو ملازمین کو ”ٹوکر“ نہیں
گھریلو ملازم کہا جائے گا

گھریلو ملازمین سے ہر نوعیت کی
جبری مشقت لینے کی ممانعت

جنسی، علاقائی، لسانی، طبقاتی اور
مذہبی امتیاز وغیرہ پر مکمل پابندی

WWW.WISE.ORG.PK



Hard Numbers:

Under Section (3) of the Punjab Domestic Workers Act, 2019, no child below the age of 15 can be employed as domestic worker. Despite introduction of the law, the violations of their legal rights were continued. According to the **WISE** monitoring report, during the last 25 months (January 2019 to March 2021), a total 74 incidences of violence against domestic workers were reported by media making almost 3 cases per month. Among them 96% were minor girls. According to figures; 15 (20%) out of 74 domestic workers were died as result of brutal torture.

Situation of Domestic Workers

- There are no clear estimates of the total number of domestic workers in Pakistan.
- However, ILO estimates there are at least 12 million domestic workers in Pakistan with 8.5 million women and 264,000 child domestic workers
- According the Bureau of Statics there are about 675,000 domestic workers in Punjab, which provides 78% of total domestic workers and 50% of them are females
- Except Punjab province and Federal Capital, there is no legislation so far, for the rights of domestic workers in other provinces; KPK, Sindh and Baluchistan
- Punjab Domestic Workers Act 2019 envisages the provisions for protecting the rights of the domestic workers, regulating their terms of employment, working conditions of service and provision of social protection and welfare.
- Besides some technical flaws, the implementation of this law is still limited to initial surveys and slow paced registered in certain areas after one and half year.

Issues being faced by DWs

- Inspection of workplaces and monitoring of the working conditions is almost impossible under this law as labor inspectors are not allowed to visit.
- Lack of Employers cooperation to register themselves is a big hurdle and govt. lacks will to impose its writ
- Lack of legal awareness among the domestic workers. Urgent need is to convince them to register themselves with PESSI and EOBI
- Lack of National Identification Cards (NICs): Many of the domestic workers don't have National Identification Cards (NICs), therefore, concrete support needed for their NICs-a prerequisite for registration
- Low wages: Talking about the issues they usually face at workplace, majority of them said the wages they are paid by owners don't match with the amount of work they perform
- Debt bondage: Advance payment from the employer is a common practice. Out of 37 workers interviewed, 19 or 51% were found bonded; either themselves or their children
- Lack of legal support in cases of litigation. Being poor DWs rarely assert their legal rights on account of lack of legal support.



Two-year assessment of the Law & Major Findings:

WISE developed a critical analysis based on the Two-year assessment of the Punjab Domestic Workers Act, 2019 and the level of progress made by the govt of Punjab since the passage of the law. Per findings of the assessment;

- The pace of domestic workers enlistment and registration was slow but ongoing with current enlistment as 48,000 and registration as 29,744. Furthermore, 4270 domestic employers have been registered so far.
- A board comprising 11 members was constituted to form a uniform recommendation to fix the minimum wage rate for domestic worker.
- Administrative steps are yet to be taken to register or regulate the agencies/establishments which recruit the domestic workers for the purpose of providing services.
- Similarly, the Dispute Resolution Committees (DRCs) are still required to be formed under the law.
- With regard to social protection, an amendment has been proposed in the DWs law to constitute a specific fund for their welfare.
- Punjab has announced an increase in minimum wage of workers, fixing it at Rs. 20,000 per month.

THE PUNJAB DOMESTIC WORKERS ACT, 2019

Preamble: Keeping in view the unregulated institute of domestic workers' there was a need for a regulatory body for the protection of rights of a domestic worker. This act was formed as a result of a writ petition which had been filed in the high court and as a result of the decision it was held that an act must be passed to regulate the employment of Domestic Workers to protect their fundamental rights and provide them social protection and to ensure their welfare under a legal umbrella. Therefore, the Provincial Assembly Punjab, tabled, debated and enacted The Punjab Domestic Workers Act in 2019.

Below is the section wise analysis and assessment based on the latest updates and progress made by the Govt. of Punjab during the period of two years 2019-April 2021 .

Section	Heading	Description	Analysis & Updates
1.	Short title, extent, commencement	<ol style="list-style-type: none"> 1. This Act may be cited as the Punjab Domestic workers Act 2019. 2. It extends to whole of the Punjab. 3. It shall come into force at once. 	Nomenclature of the law stated, the jurisdiction of law and its enforcement has been prescribed in this section.
2.	Definitions	<p>In this Act, unless there is anything repugnant in the subject or context:</p> <p>(a) "Act" means the Punjab Domestic Workers Act 2019;</p> <p>(b) "Appellate Authority" means an authority appointed under the Act;</p> <p>(c) "beneficiary" means a domestic worker or heirs of a deceased domestic worker eligible to receive benefits under the Domestic Workers Welfare Fund;</p> <p>(d) "Board" means the Minimum Wages Board established under Section 3 of the Minimum Wages Ordinance, 1961;</p> <p>(e) "Committee" means the Dispute Resolution Committee constituted under the Act;</p> <p>(f) "dispute" means any dispute or conflict between employers and employers, or between employers and domestic workers or between domestic workers which is connected with the employment or non-employment or the terms of employment or the conditions of work of domestic workers;</p>	<p>This section defines the phrases and words used in the Act <i>ibid</i>. The Authorities, Committees, Boards, Bodies and Forums required to be formed under law have been defined in this section to ensure the meticulous understanding of the law. The definitions of Domestic Worker, Employer, Disputes, Inspector, Court, Wages, Funds, Family, Households and Government have been provided under this section for the better understanding and implementation of the law.</p> <p>Following legal and administrative discrepancies are pointed out. In Section 2(c) Beneficiary may include dependents as well. 2 (d). Board. This sub section requires amendment as the Minimum Wages Ordinance 1961 is repealed.</p>

Section	Heading	Description	Analysis & Updates
		<p>(g) "domestic work" means any work which takes place within or for the household(s) and includes child care, old age care, sick care or natal/post-natal care and matter ancillary thereto;</p> <p>(h) "Domestic worker" is a person who provides services of a domestic nature in a household</p> <p>(i) "Employer" means,</p> <p>(i) in relation to a person or group of persons registered under the Act and employing domestic worker(s), such person or group of persons generally or collectively responsible for employment of domestic workers;</p> <p>(ii) in relation to an establishment or agency, the owner(s) of the establishment or agency or a person(s) registered under the Act and having the ultimate control over the affairs of the establishment or agency as well as any other person to whom affairs of such establishment or agency are entrusted whether such person(s) is called an agent, a manager, an occupier or by any other name;</p> <p>(j) "Family" in relation to that of a domestic worker means the spouse, children below the age of 18 years and includes disabled children above the age of 18 years with disability of fifty percent or more;</p> <p>(k) "Fund" means Domestic Workers Welfare Fund constituted under section 22;</p> <p>(l) "Government" means Government of the Punjab;</p> <p>(m) "Governing Body" has the same meaning as in section 5 of the Provincial Employees Social Security Ordinance, 1965;</p> <p>(n) "Household" means individuals who comprise a family unit and who live together under the same roof;</p> <p>(o) "Inspector" means an official appointed under this Act;</p> <p>(p) "Labour Court" means the labour court established under section 44 of the "Punjab Industrial Relations Act, 2010";</p> <p>(q) "Prescribed" means prescribed by rules; and</p> <p>(r) "Wages" means all remuneration capable of being expressed in terms of</p>	<p>2. (g). Domestic Work. means any work which takes place within or for the household(s), premises and including the precincts thereof and includes child care, old age care, sick care or natal/post-natal care and matter ancillary thereto;</p> <p>2. (i.i).. No administrative steps are taken yet to register or regulate the agencies and establishments which recruit the domestic workers for the purpose of providing services.</p>

Section	Heading	Description	Analysis & Updates
		<p>money, which would, if the terms and conditions of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include—</p> <p>(a) any contribution paid by the employer in respect of such person under any scheme of social insurance or to a pension fund or provident fund;</p> <p>(b) gift or anything given in kind.</p>	
3.	Prohibition on employment	No child under the age of 15 years shall be allowed to work in the household in any capacity.	<p>This section imposes restriction upon household work of a child below 15 years of age. The use of word shall in this section makes it mandatory and also provides penal consequences in case of non-compliance. However according to a UNESCO Institute for Statistics survey 2020 the number of children between the ages 5-14 years accounted for 12.4% of the total working labour employed in the province of Punjab.</p> <p>In view of section: 3 the age of the minor to some extent has been determined as 15 years however other statutory laws such as the Child Marriage Restraint Act and Pakistan Penal Laws have defined the age of minor to be less than 18 years.</p>
4.	Rights and Entitlements	<p>Domestic workers shall have the following Rights and Entitlements: -</p> <p>(a) Domestic workers shall not be employed under the bonded labour system or forced or partly forced labor system or on manual scavenging;</p> <p>(b) No domestic worker shall be discriminated in recruitment, continuance of employment, deciding wages, benefits and other rights on grounds of religion, race, caste, creed, sex, ethnic background, and place of birth/residence/domicile/migrant or any other reason;</p> <p>(c) The domestic worker shall be addressed as "domestic worker", not "servant";</p> <p>(d) No extra work may be assigned to the domestic worker without free will of the domestic worker and extra remuneration;</p>	<p>This section provides workers with rights & entitlements including restriction on bonded labour system, discrimination during & after employment & makes it mandatory for the employer to address a domestic worker as a "domestic worker" rather than a servant, dignified work conditions to be ensured by the employer along with medical care. In order to ensure these rights Dispute Resolution Committees are required to be formed under the law and a labour Inspectors will be appointed to ensure that these rights are being provided to the domestic worker by the employer or not and in case of non-compliance the Inspectors with the prior permission of Dispute Resolution Committee can file a complaint before the Magistrate against such employer.</p>

Section	Heading	Description	Analysis & Updates
		<p>(e) The employer shall provide dignified working conditions and occupational safety and health measures; and</p> <p>(f) The benefits for domestic worker shall include Sickness Benefit, Maternity Benefit, Medical care during sickness and maternity, Medical care of dependents, Injury Benefit, Disablement pension and Survivor's pension.</p>	
5.	Employment on work	<p>(1) Every employment or appointment of a domestic worker shall be subject to issuance of letter of employment in the prescribed Form showing the terms and conditions of his employment including, nature of work and amount of wages etc.</p> <p>(2) The employer shall send a copy of the letter of employment issued under subsection (1) to the Inspector having jurisdiction in the area. The employer may keep a copy of identification documents of domestic worker during the course of employment.</p> <p>(3) An employer shall, within sixty days of the commencement of this Act, arrange for the issuance of letter of employment under sub-section (1) to each of the domestic workers employed on work in relation to a household.</p> <p>(4) No domestic worker shall be required to perform any work other than what is specifically mentioned in the letter of employment.</p> <p>(5) No domestic worker shall be required to work for more than eight hours in a day however a domestic worker at free will may work overtime for such time duration and for such remuneration as may be prescribed.</p> <p>(6) Any hours worked in excess of 48 hours will incur over time rates as prescribed and weekly working time should not be higher than 56 hours.</p>	<p>This section deals with issuance of a letter of employment which will indicate the terms & conditions of work, nature of work and amount of wages, any work in excess of 48 hours a week shall be paid for the prescribed remuneration. It is mandatory for the employer to send the copy of the letter of employment to the concerned inspector in order to ensure registration.</p> <p>When we see the progress, letters of appointment to domestic workers are neither yet issued nor submitted the area inspectors by the employers. The govt has not yet prescribes the format of appointment letter as rules are presented in the cabinet committee but yet not passed. Overtime is yet being taken without prescribed remuneration.</p>
6.	Leave and Holidays	<p>The entitlement of leaves and holidays shall be as under: (1) Weekly Holiday.– Every domestic worker employed in the household is entitled to a holiday of at least one whole day in a week. (2) Sick leave.– Every domestic worker is entitled to sick leave with full wages for a total period of eight days in every year. Such leave, if not availed of by a domestic worker during a calendar year, may be carried forward, but</p>	<p>This section entitles domestic workers to receive at least one day off in a week, accompanied by 8 paid sick leaves in a year, 10 paid festival holidays & 6 weeks of maternity leave.</p> <p>The effect of section 3,4,5,6 could only be materialized once the Dispute Resolution Committees have been formed and inspectors have been appointed.</p>

Section	Heading	Description	Analysis & Updates
		the total accumulation of such leave shall not exceed sixteen days at any one time. (5) Festival holidays.– Every domestic worker engaged in domestic work is entitled to ten days festival holidays with full wages in a year. The days and dates for such festival holidays shall be notified to the domestic worker by the employer in the beginning of the calendar year.	
7.	Wages during leave or holiday period.	(1) For each day of the leave or holidays allowed to a domestic worker under subsections 2, 4 and 5 of section 8, he must be paid at the rate equivalent to the daily average amount, which, during the three months preceding the leave or holidays, was being earned by the domestic worker. (2) A domestic worker, who has been allowed leave under subsection 2 of section 8 for any period not less than four days shall before the leave begins, be paid his wages for the period of the leave allowed.	Wages during leave or holiday period must be paid.
8.	Minimum wage	– (1) Every domestic worker shall be paid such wages within such time as may be prescribed in the letter of employment, but such wages must in no case be less than the wages specified by the Government under this Act. (2) No employer shall pay to domestic worker, remuneration payable, at rates less favorable than those at which remuneration is paid to the domestic workers of the opposite sex performing same work or work of a similar nature or of equal value.	This section ensures that an employer is bound to pay the prescribed minimum wage agreed upon in the letter of appointment and there shall be no discrimination on basis of sex. Minimum wages for skilled , semi-skilled, daily, monthly , time , piece rate based workers are not yet notified by the minimum wages board.
9.	Maternity benefit	– A female domestic worker engaged in domestic work shall be entitled to maternity benefits with a minimum amount equivalent to six weeks wages in a prescribed manner but not less than the minimum wages notified by the Government.	Maternity benefits equivalent to 6 weeks paid wages to be provided by the employer to the female domestic worker. The period of maternity benefits provided is a discriminatory one. The Punjab Maternity Benefits Act 1958 provides for 12 weeks maternity leaves
10.	Accommodation	(1) Every employer, under express terms and conditions of employment, is to provide for the accommodation for live-in domestic worker who at his free will stays at place of work. (2) Every employer shall ensure decent living conditions for live-in domestic worker.	Decent sanitary living conditions to be provided along with the provision of a dignified accommodation by the employer. The rent/ charges of the accommodation shall be fixed and notified by the government as notified for factory workers. It will prevent exploitation of the domestic worker.

Section	Heading	Description	Analysis & Updates
11.	Vaccination and inoculation	– Each domestic worker in a household shall be vaccinated and inoculated against such diseases and at such intervals as may be prescribed. The expenses, if any, of such vaccination and inoculation shall be borne by the employer.	Medical Treatment will be the responsibility of the employer, annually to be paid by the employer. Diseases and intervals are neither yet prescribed nor notified.
12.	Notice of certain accident	Where in any household an accident occurs which causes death, or which causes any bodily injury whereby any domestic worker injured is prevented from resuming his work in the household during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the employer of the domestic worker shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.	Authorities include the inspectors and DRC but unfortunately neither the DRC's have been formed nor the inspectors have been appointed for the purpose of this act as of yet. The format of accident information reports are neither yet prescribed nor notified.
13.	Termination of employment	The termination of employment shall be subject to one month's prior notice in writing either by the domestic worker or by the employer and in lieu of notice, one month's wages calculated on the basis of average of wages earned during the preceding three months shall be paid.	For successful termination of a domestic worker, it is mandatory for the employer to issue one month prior notice to the worker or in lieu of notice the payment of one month salary to the domestic worker by the employer.
14.	Restoration of possession of property to domestic worker	–(1) Upon termination of employment personal belongings and identification documents of domestic worker or his family shall not be retained. If possession of any property is not made, the aggrieved domestic worker may apply to the Dispute Resolution Committee for the restoration of the possession of such property and the Dispute Resolution Committee may, after giving the employer a reasonable opportunity of being heard, direct the employer to restore to the applicant the possession of the said property within such time as may be specified in the award. (2) Whoever, being required by this Act to restore any property to the possession of any domestic worker or his family, omits or fails to do so, within such time as specified in sub-section (1), shall be liable, on conviction before a Magistrate, to a fine not exceeding ten thousand rupees and restoration to the applicant the possession of the said property.	This section restricts an employer from keeping the lawful belongings of a domestic worker upon termination of the contract and in case employers retains the belongings of a worker, he may apply to DRC which may then direct employer to restore the applicants possessions and failure to do so within specified time will result in conviction decreed by a magistrate to a fine not exceeding 10,000. The intent of this section cannot be materialized as the DRC's have not been formed yet & the matter cannot be sent to the magistrate as the same requires prior sanction of the DRC & the law requires that the notified inspector will file a complaint & since the inspectors have not been notified under existing framework this section cannot bear fruit.

Section	Heading	Description	Analysis & Updates
15.	Relinquishing of right	Where a domestic worker relinquishes any right conferred by this Act, whether made before or after the commencement of this Act, the relinquishment shall be null and void in so far as it purports to deprive him of such right.	A domestic worker is not entitled to relinquish any of these rights that accrue as a result of this act thus it can be said safely that the offences under this act are non-compoundable in nature.
16.	Recommendation of Minimum Wages for Domestic workers	(1) The Board shall, upon a reference made to it by the Government, recommend to it, after such enquiry as the Board thinks fit, the minimum rates of wages for domestic workers employed in households. (2) In its recommendations under sub-section (1), the Board shall indicate, whether the minimum rates of wages should be adopted uniformly throughout the Province or with such local variations for such localities as are specified therein. (3) In pursuance of a direction under sub-section (1), the Board may recommend minimum rates of wages for all classes of domestic workers in any category or capacity and, in such recommendation, may specify — (a) the minimum rates of wages for — (i) time work; (ii) piece work; (iii) on call work; (iv) over time work; and (v) work on the weekly day of rest and for paid holidays; and (b) the minimum time rates for domestic workers employed on piece work so as to guarantee minimum wages on a time basis for such domestic workers. (4) The time rates recommended by the Board may be on hourly, daily, weekly or monthly basis. (5) The rates recommended under this section for overtime work and work on paid holidays shall not be less than the minimum rates fixed for such work under any other law for the time being in force.	Under this section the law requires that the minimum wages board should send recommendations for fixation of the minimum wages of workers keeping in view the time, work, piece of work, on call work, overtime work & the nature of work. A board comprising 11 members was constituted. It convened 4 meetings & deliberated but was not able to form a uniform recommendation to fix the minimum wage rate for a domestic worker which upon decision will be sent to the government.
17.	Power to declare minimum rates of wages	(1) Upon receipt of a recommendation of the Board under section 18, the Government may proceed as per procedure laid down under Section-6 of the Minimum Wages Ordinance, 1961.	Upon the recommendation of the board, the government of Punjab has to proceed further in terms of Punjab Minimum Wages Act 2019, since the Board has not been able to send the recommendations to the government hence the government is unable to proceed further in this regard.
18.	Time and conditions of payment of wages	(1) The wages of every domestic worker shall be paid before the expiry of the fifth day, after the last day of the wage-period in respect of which the wages are payable.	This section deals with the time & conditions of the workers.

Section	Heading	Description	Analysis & Updates
		<p>(2) No wage period, so fixed, shall exceed one month. (3) Where the employment of any domestic worker is terminated by employer, the wages earned by him/her shall be paid before the expiry of the second working day from the day on which his employment is terminated. (4) All payments of wages shall be made on a working day. (5) All wages shall be paid in current coin or currency notes or in both.</p>	
19.	Prohibition to pay below the minimum rate of wages	<p>(1) No employer shall pay any domestic worker wages at a rate lower than the rate declared under this Act to be the minimum rate of wages for such domestic worker. (2) Any employer who contravenes the provisions of this section shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding ten thousand rupees, and if the court trying such contravention by order so directs, shall also pay to the domestic worker concerned such sum as may be specified in the order to represent the difference between the amount actually paid to such domestic worker and the amount which would have been paid to him had there been no such contravention. (3) All claims of a domestic worker relating to wages or claims arising out of deductions from wages against the employer, as the case may be, shall be settled and recovered in the same manner as is provided in the Minimum Wages Ordinance, 1961 (XXXIX of 1961). (4) If the Authority hearing any application under this section is satisfied that no amount to be paid as wages is due from the employer to the applicant, it shall reject the application; and if the application, in the opinion of the Authority, is malicious or vexatious, the Authority when rejecting it, may direct the applicant to pay a penalty not exceeding five thousand rupees to the employer. (5) An appeal against a direction made under sub-section (3) or subsection (4) under this section may be preferred, within thirty days of the date on which the direction was made, before the Labour Court constituted under the Punjab Industrial Relations Act, 2010 (XIX of 2010), within whose jurisdiction the cause of action to which the</p>	<p>Under this section, a restriction is imposed on the employer to not to pay below the set rate of minimum wages however this section cannot yet yield positive results since no minimum wage has been determined as of yet.</p> <p>The question contravenes the provisions of this section does not arise as no employer can be convicted on this account in absence of the fixation of minimum wage, however in the case of deductions of wages or any other dispute the aggrieved person can move complaint to the authority established under the Minimum Wages Act, 2019, this platform is available as the aggrieved worker can file complaint before the Authority and can also file an appeal against the order passed in the said complaint before the Labour Court constituted under Punjab Industrial Relations Act, 2010.</p>

Section	Heading	Description	Analysis & Updates
		appeal relates arose — (a) by the employer, if the total sum directed to be paid by way of wages exceeds twenty thousand rupees; Provided that no appeal under this clause shall lie unless the memorandum of appeal is accompanied by a certificate of the authority to the effect that the appellant has deposited with the authority the amount payable under the direction appealed against. (b) By the applicant directed under subsection (4) of this section to pay a penalty. (6) The decision of appeal shall be final and shall not in any manner be questioned by any person in any court or before any authority.	
20.	Registration of domestic workers.	Every domestic worker, in order to benefit from the fund, shall make an application for registration in a manner as prescribed by the Governing Body. Every such domestic worker shall be provided by the Governing Body with a security number and identity card, which shall be renewable after completion of every three years. None of the domestic workers is eligible to get more than one security number and identity card.	According to the information provided by the govt. department, around 29,744 domestic workers have been registered so far in the province of Punjab, which is equivalent to a drop of water in sea but nonetheless the progress towards registration has started and it can be termed a right step in the right direction to ensure the compliance of this section.
21.	Registration of employers	Every employer shall make an application for registration in a manner as prescribed by the Governing Body. Every such employer shall be provided with a registration number, which shall be renewable after completion of every three years.	According to the information provided by the govt. department, around 4270 domestic employers been registered so far in the province of Punjab, which is equivalent to a drop of water in sea but nonetheless the progress towards registration has started.
22.	Fund	– (1) To provide social protection, safety and welfare measures to domestic workers, the Government may establish a fund called "Domestic Workers Welfare Fund". (2) The Fund shall consist of- (a) all grants and loans as may be made to the Fund by the Government; (b) all sums received by the Fund from other sources as may be decoded upon by the Government and all voluntary contributions from the philanthropists etc; (c) such moneys as may be paid by the employer and domestic worker under section 25; (d) income from the investments made and properties and assets acquired from out the Fund; and (e) proceeds of loans raised by the Governing	According, to the information received from the concerned department no such fund has been constituted yet as the contributors to the fund have not been clearly defined however an amendment has been proposed in the act to constitute the fund.

Section	Heading	Description	Analysis & Updates
		Body. (3) The Fund shall be applied to: – (a) financing of measures including education, training and skill development; (b) benefits for domestic workers as laid down in section 4(i); (c) any money in aid of any scheme for the welfare of the domestic workers; and (d) meet the expenditures in respect of the cost of management and administration of the Fund.	
23.	Functions of the Governing Body	– (1) The functions of the Governing Body shall be the same as laid down under “The Provincial Employees’ Social Security Ordinance, 1965” and Rules made thereunder;	
24.	Manner of claiming benefits	– (1) All claims for benefits under this Act shall be made within such times as may be prescribed, and in such form and manner, and shall be accompanied by such documents, information and evidence as to entitlement, as may be provided in the regulations laid down by the Governing Body. (2) The payment in respect of benefits shall be made in such manner, and at such time and place as may be provided in the regulations. (3) The payment in respect of benefits shall be made from the Fund under this Act in the prescribed manner.	This section deals with the manner of claiming benefits however, since no such fund exists and the governing body has also not formed any mechanism or regulations in this regard so that the benefit be obtained by the domestic worker.
25.	Resolution of Dispute	(1) The Government may, by notification in the official Gazette, constitute a Committee in each district to be called the Dispute Resolution Committee for the effective enforcement of the Act. (2) The Dispute resolution committee shall be headed by the Assistant Commissioner or such other officer as may be notified by the Government. (3) All disputes or complaints arising out of and in connection with enforcement under this Act shall be heard and resolve through an award by Dispute Resolution Committee: Provided that every such dispute shall be presented within 30 days from the date on which the dispute arises. (4) Any party aggrieved of the award made under subsection (3), may, within 30 days of the date on which the award was made, prefer an appeal before the Appellate Authority.	This section deals with the constitution of the DRC’s & the chairman of DRC shall be the head of the lowest tier of the local government who shall hear complaints under this act through an award & the aggrieved worker shall file a complaint with the appellate authority. However, no dispute resolution committees have been constituted yet, according to the concerned authorities the law requires that the head of the DRC will be from the lowest tier of the local government but the local bodies have been dissolved & new law of local government has been introduced, in absence of the local government the DRC’s committee cannot be constituted, however an amendment has been proposed in this section to ensure the constitution of DRC’s.

Section	Heading	Description	Analysis & Updates
26.	Appellate Authority	(1) The Government shall appoint an Appellate Authority in each District to hear and decide the appeals preferred against the award of a dispute resolution committee (2) The Appellate Authority may confirm, modify or reverse the award of a dispute resolution committee	No appellate authority has been appointed by the government.
27.	Powers of the Dispute Resolution Committees and Appellate Authorities	– Every Dispute Resolution Committee and Appellate Authority shall, while holding an enquiry regarding a dispute or complaint under this Act or the rules made there-under, have same powers as are vested in Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely: (a) enforcing the attendance of any person and examining him on oath; (b) compelling the production of documents and material objects; (c) issuing commissions for the examination of witnesses; and (d) such other matters as may be prescribed.	No DRC's & appellate authority have been constituted yet hence the powers provided under the law cannot be exercised.
28.	Power to issue directions	The Government may, from time to time, issue such directions to employers as may be necessary for the effective enforcement of the provisions of the Act.	No direction has been issued by the government to the employers for the effective enforcement of the provisions.
29.	Power to remove difficulties	– If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of the Act as appear to it to be necessary or expedient for removal of the difficulty.	There is difficulty in the constitution of the DRC's & in the constitution of fund due to the absence of the local bodies which are crucial for this procedure to effectively work.
30.	Tax treatment of the Income of the Fund	The income of the Fund including capital gains shall be exempt from Income Tax within the meaning of the Income Tax Ordinance, 2001	Since no fund has been constituted therefore no question of tax deduction arises.
31.	Penalties	(1) An employer who fails to comply with or contravenes any provisions of this Act other than section 3, shall, on conviction, be punishable with fine which for the first offence may extend to five thousand rupees, and for a second or subsequent offence with fine which may extend to ten thousand rupees. (2) Whoever knowingly contravenes the provisions of section 3, shall be liable to punishment with	No penalty has been awarded under this law as only the DRC's has the power to issue Award or penalties which has not been formed in the first place. Under this law, a Magistrate has been empowered to impose penalties but the complaint before the magistrate can be filed by the labour inspector but with the prior sanction of DRC but neither the DRC has been constituted nor the inspectors have been

Section	Heading	Description	Analysis & Updates
		imprisonment for a term which may extend to one month if he employs a child under the age of 12 years and in case of a child under 15 years by fine which may extend to Rs fifty thousand but which shall not be less than ten thousand rupees. (3) Any employer or any such person who willfully obstructs an inspector in the exercise of any power in compliance of section 36, or fails to produce on demand there under any evidence, statement or other document, shall be punishable with fine which may extend to ten thousand rupees.	appointed as of yet.
32.	Presumption	– A child present in a household along with one or both of his parents who are employed therein shall not be presumed to be in employment within the meaning of the Act unless proved.	
33.	Prosecution	No prosecution under this Act or any rules made there-under shall be instituted except by or with the previous sanction of the dispute resolution committee.	The offences and remedies provided under the law requires prior sanction of DRC to invoke the jurisdiction of court when there is no DRC then the aggrieved workers/employers are unable to invoke the listed jurisdiction.
34.	Trial of offence	(1) No Court inferior to that of a Magistrate of the first class shall try any offence against this Act or any rule made thereunder.	Magistrate courts have already been established and have power to try the offences provided under the law but the pre-requisites and conditions have not been fulfilled yet.
35.	Appointment of Inspectors	(1) The Government may notify such persons to be Inspectors in such area as it may deem fit for the purposes of securing compliance with the provisions of this Act. (2) The Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code, 1860 (XIV of 1860).	Although the Labour Inspectors are available in the labour department but none of them have been notified as inspectors for the purpose of this act.
36.	Functions and powers of Inspectors	(1) No household shall be subjected to inspection except on receipt of a complaint and on direction of a dispute resolution committee (2) An Inspector on direction of Dispute Resolution Committee may, for the discharge of any functions under this Act or the rules made there-under (a) file a case through the public prosecutor in Court of competent jurisdiction; and (b) exercise such other powers conferred upon him as	Even if the labour inspectors had been notified the labour inspector would not be able to perform his duties under this act as the labour inspector must work under the DRC's which in the first place has not been constituted.

Section	Heading	Description	Analysis & Updates
		may be necessary for carrying out the purposes of Act.	
37.	Protection of action taken under the Act	No suit, prosecution or other proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or rules made there-under.	This section provides immunity to the acts done in good faith under this statute.
38.	Rules	The Government may make rules for carrying out the purposes of this Act.	To operationalize and to institutionalize the substantive law, the rules of business are required to be made, however, no such rules have been made so far, thus the mandate of law cannot be materialized.

Recommendations:

- Govt. should launch intensive public awareness campaign regarding the new law and rights of the domestic workers as majority of workers are not aware of this law.
- The govt. should frame rules of business without further delay for effective implementation of the law by reflecting it in the schedule 2 of Punjab Government Rules of Business, 2001 and to make all the rules as prescribed under Section 2(q) read with Section 38 of the Act of 2019 to enable the departments concerned to applicable the law in letter and spirit.
- The government should establish without delay the authority/governing body as envisaged in the Act, with at least 2 women members of workers.
- The registration process is slow; however, the current enlistment is as 48,000 workers while 29,744 workers have been registered by March 2021. Workers trade unions, civil society organizations may be involved to speed up the registration process across the province
- The administration of different housing societies, towns and localities be made bound to cooperate, register and report domestic workers
- Seed money for Domestic Workers Welfare Fund should be announced to start social protection measures for the workers.
- Social Security cards have not been issued to the domestic workers, registered so far. Till the functioning of the Workers Welfare Fund, these workers be connected to other welfare programs like Ahsaas program.
- Domestic workers should be given representation through their union in the task force, currently working in place of governing body.
- Minimum Wage Board for domestic workers should be announced for the implementation of the Minimum Wage Act.

- Dispute Resolution Committees at UC (ward) level must have domestic workers' representation
- The minimum age for the employment of domestic workers is set at 15 years. In principle, it cannot be less than the compulsory schooling age, there the age limit should be reviewed accordingly.
- Penalties set under the law are incoherent. These must be set at a dissuasive level and be coherent with other legislation.
- Amendments should be made in the law providing complaint and rehabilitation mechanisms for minor domestic workers once they are recovered and rescued from the workplace.
- Like ban on under age labor, there should be also ban on over age (may be 60+) labor
- Consultations should be initiated with Workers organizations and civil society organizations to address the lacunas in the Domestic Workers Act 2019 and introduce necessary amendments
- Govt. should notify 16th June as “Domestic Workers Day” to share sympathies with the domestic workers



Basement, Sufi Mansion, 7-Egerton Road, Lahore-Pakistan.
☎ +92 42 36305645 ✉ info@wise.pk

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