PROBLEMS OF WOMEN WORKERS IN KHYBER PAKHTUNKHWAL
A CONTEXT ANALYSIS

This report provides an insight of the problems faced by female workers in the province of Khyber Pakhtunkhwa. An analysis of the gendered context of Pakistan’s labor laws, results of research done with the female labor force as the subject by Aware Girls and recommendations for the further emancipation of female workers is also provided.
ACKNOWLEDGMENT

With the completion of this report, I express my humble hope that this act of mine may go ahead to serve as one of the many cornerstones for the empowerment of the female work-force of Pakistan.

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PROBLEMS OF WOMEN WORKERS IN KHYBER PAKHTUNKHWA

A CONTEXT ANALYSIS

1. INTRODUCTION

Labor force in Pakistan comprises all persons, of the age ten years and above, who fulfill the criteria for inclusion among employed or unemployed workers.

According to the Ministry of Labor, Government of Khyber Pakhtunkhwa, the total labor force of the province is 7.31 million. 6.11 million of this labor force is rural-based while the remaining 1.2 million is urban. The sectors employing these laborers are public, private, formal and informal. (Ministry of Labor, Government of Khyber Pakhtunkhwa, 2013)

The 2012-2013 Labor Force Survey puts the number of total civilian female laborers in Pakistan at 13.76 million of which 1.31 are based in Khyber Pakhtunkhwa. In KPK, 1.18 million female laborers are rural based, while the remaining 0.13 million are urban. These figures represent both employed and unemployed laborers and is a crude estimate. It is calculated as a multiple of the crude participation rate and the mid-year reference population. The actual employed women are in fact are 1.02 million in the rural setup, and 0.08 million in the urban industry. So of the 1.31 total civilian female labor force only 1.10 million are employed while the others are unemployed workers. This puts the figure of unemployed female workers in Khyber Pakhtunkhwa at 0.21 million women. (Bureau of Statistics, Government of Pakistan, 2012-2013)

1.2. HISTORY OF LABOR LAWS IN PAKISTAN

1.1.2.1. The Colonial Period

The British ruled over the Indian Subcontinent roughly between 1757 and 1947. The British rule started with the entry of a monopolist trader by the name of East India Company. The East India Company profited over the resources of this...
region by getting goods, mainly spices and textiles, manufactured at lower prices and then by their sale in the European region at higher rates. After the industrial revolution, when textile industry was developed in the UK, the market for these goods was closed for Indian competitors through stricter legislations. (Amjad A., 2001)

Two important industrial relations legislations were enacted in the 19th century. The Employers and Workmen Dispute Act in 1860 made breach of contract by workers punishable, with no provision for employer breaches. The Indian Factories Act, 1881 was another important legislation that prohibited employment of children between 7 and 12 for more than 9 hours a day in heavy mechanical units. It has been independently argued that these laws only served to protect the British industry from local competitors, and to provide the Crown a protected and bonded labor market. (Shaheed, 2007)

1.3.2.2 The aftermath of the First World War
Labor unrest, strikes and calls for labor reforms were seen after the First World War, all over the world; India being no exception. In 1926 the Indian Trade Union Act was passed, followed by Trade Disputes Act in 1929. The former Act allowed the workers to associate and form trade unions. The latter Act provided for the prevention and settlement of disputes between employers and their employees. These disputes could referred to a court of inquiry or a board of conciliation. (Amjad & Mahmood, 1982)

A number of other legislations were also enacted during this period e.g. Factories Act 1934, Payment of Wages Act 1936, Mines Act 1923, Workmen Compensation Act 1923, Dock and Labor Act 1934 and Essential Services Maintenance Ordinance 1941.

The Industrial Disputes Act 1947 streamlined procedures and administrative machinations for the settlement of disputes. It also provided for the constitution of work committees and one man industrial tribunals, to which the government could refer a dispute. This was the last law enacted before the independence of the Indian subcontinent and the creation of Pakistan. (Amjad & Mahmood, 1982)

1.3.2.3 Post-independence Era (1947-1969)
After independence, Pakistan inherited her laws from British India that served as the foundation for further labor laws and policies in the country. Pertaining to labor, the following laws made way into Pakistan: Trade Union Act 1926, Factories Act 1934, Industrial Employment Act 1946 and Industrial Disputes Act 1947. Under these laws, workers were allowed to form unions, do collective
bargaining and go on strikes. Under the Trade Union Act, the trade unions could also constitute a separate fund for the promotion of civil and political interests of the members. This meant that the unions could use their own funding sources to support a political party in return for pro-labor legislations. These laws were very progressive and labor-friendly.

The Act was amended by a presidential ordinance in 1960 and reenacted with the name of The Trade Union (amendment) Ordinance 1960. It made the recognition of unions mandatory by the employers, and also introduced unfair labor practices by workers and employees.

The Industrial Disputes Act 1947 was replaced by Industrial Disputes Ordinance 1959 by another presidential ordinance by Field Marshall Ayub Khan, the then military ruler. The Ordinance indirectly withdrew the right to strike. The workers couldn’t strike without notifying the employee, or while the matter was pending before a conciliator or court. The courts could also intervene and end any ongoing strike and lockout. This mandatory adjudication resulted in laborers shuttling from one court to the other in search for justice. (Amjad & Mahmood, 1982)

Ayub Khan was followed by Yahya Khan, another military dictator who reworked the labor legislation. Emphasis was placed on limiting trade union movement to factories and plants and that unions should be delinked from the party politics.

Interestingly, where these martial law regimes brought a new wave of industrialization, they also brought in repressive labor laws. The result was an increased labor force devoid of labor rights.

1.4.2.4. Turn of events in labor law development (1969-2002)

In 1969, all laws related to industrial relations, disputes and trade unions were merged and consolidated into a single law under the name if Industrial Relations Ordinance 1969 by Yahya Khan. It has often a times been labelled as the legislative watershed in the labor situation of the country. The new ordinance aimed at resolving disputes more through statutory provisions. This left very little room for collective bargaining and strikes. (Ansari, Siddique, & Salman, 2006)

The ordinance was however amended by Zulfiqar Ali Bhutto, a populist pro-union leader.

However in 2002, Pervaiz Musharraf implemented the second Ordinance on Industrial Relations. Many of the rights guaranteed under IRO 1969 were taken away by IRO 2002.
1.5:2.5. Democracy is the best revenge (2008-2013)
In 2008 the newly elected government of the Pakistan People’s Party repealed the IRO and enacted a new interim legislation by the name of Industrial Relations Act 2008. It was later improvised, expanded and reenacted as the Industrial Relations Act 2012.

2.3. Constitutional provisions related to labor
The 1973 Constitution of Pakistan serves as the template for legislation. Any new law, or already existing one, has to be in accordance with the Constitution. Otherwise it isn’t approved by the Supreme Court of Pakistan and sent back to the Parliament for review. The following provisions of the Constitution directly and indirectly deal with labor.

Article 11: Prohibition of slavery and forced labor
- All forms of forced labour and traffic in human beings is prohibited.
- No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.

Article 17: Freedom of association
- Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality

Article 18: Freedom of trade, business or profession
- Every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business

Article 25: Equality of citizens
- All citizens are equal before law and are entitled to equal protection of law.
- There shall be no discrimination on the basis of sex alone.

Article 27: Safeguard against discrimination in services
- No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground of race, religion, caste, sex, residence or place of birth.

Article 37(e): Promotion of social justice and eradication of social evils
- The State shall make provisions for securing just and humane conditions of work, ensuring that children and women are not employed in vocations
unsuited to their age or sex, and for maternity benefits for women in employment.

Article 38: Promotion of social and economic well-being of people
- The State shall secure the well-being of the people, irrespective of sex, caste, creed or race, by ensuring equitable adjustment of rights between employers and employees.
- Provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means.

Many of these fundamental rights and principles of policy outlaw discrimination based on sex. The constitution in Article 25 also provides for special provisions for women and children where necessary.

3.4. Labor laws in Pakistan: an analysis

Labor is a concurrent subject under the Constitution of Pakistan. This makes the federal and provincial governments both responsible for enacting laws regarding labor. Nonetheless, the laws are usually enacted by the Federal government. The Provincial governments then issue rules and regulations in accordance with the enacted law, modifying it to suit their specific needs and conditions. Provincial governments also have had limited the application of federal laws. However as the 18th Amendment has now granted immense autonomy to the provinces, many new laws have been enacted by the provincial governments.

Pakistan is an official signatory by ratifying ILO Convention 81. However Pakistan follows a system of non-self-executing treaties. This means that any international ratified treaty or convention can be only implemented when a statute is enacted writing the country’s obligation into a law. (Rahman, 2001)

Different aspects of industrial relations and labor rights will now be discussed keeping in view Pakistan’s labor laws.

3.1.4.1. Freedom of Association
Freedom of association is guaranteed under Article 17 of the Constitution of the Islamic Republic of Pakistan. Section 3 of the Industrial Relations Act 2012 says that both the workers and employers have the right to join and establish organizations of their own choosing, join and establish federations and join international association without previous authorization.

3.2.4.2. Union Registration
The industrial legislation requires registration of trade unions before they can represent workers. Registration of a trade union needs to be done with the Registrar of Trade Unions at the provincial level, while a federation of two or more unions needs to be registered with the National Industrial Relations Commission.

Registration of a trade union gives it a legal existence. It becomes a corporate body with the power to contract, acquire, hold or sell a property and by its name sue or be sued under the Industrial Relations Act 2012. The Act also gives the registered union immunity from law of conspiracy. Registration of a union can be cancelled by the Registrar or the Labor Court under certain circumstances.

3.3.4.3. Collective Bargaining
Collective bargaining is also a fundamental right under the Article 17 of the Constitution. Collective bargaining is undertaken by the Collective Bargaining Agent (CBA) which itself is a trade union. A trade union can move its application to be considered as a CBA. If more than one union exists in the premises (factory etc.), the Registrar conducts an election between the competing unions. The union that is then given the status of CBA must secure not less than one-third of the total votes.

The CBA is entitled to undertake collective bargaining with the employer(s) on matters of employment, non-employment, and term of employment or the conditions of work. The CBA is also entitled to declare a strike and to nominate representatives of workers for any mutual boards.

3.4.4.4. Workers participation in management
Under the IRA 2012, a factory employing more than 50 workers has to set up a management committee of which worker representatives will be 50%. The management cannot take any decisions regarding some matters without written advice from the committee.

The IRA 2012 also provides five institutions at the plant level: CBA, Shop Stewards, Management Committee, Joint Management Board and Works Council. However some people have expressed discontent over this move and argued that other than the CBA none has real authority to ensure worker participation in management. (Amjad & Mahmood, 1982)

3.5.4.5. Disputes and strikes
If at any time the CBA or employer finds out a dispute, or the chances that a dispute may arise, it can communicate its views to the other party through the Works Council. Upon receipt of this communication, the parties are obliged to
settle the dispute via negotiations within 10 days. The time may be increased if both parties agree.

If negotiation fail, either party can serve the notice of a strike or lockout to the other within 7 days. The duration for the notification of this should be 14 days, and a copy of the notice is send to a conciliator appointed by the provincial government. If the matter is settled in 14 days, or more with mutual consent, a copy of the memorandum is sent to the government by the conciliator.

If this leg of negotiations is unsuccessful too, then the conciliator persuades the parties to refer their dispute to a Joint Arbitrator. The Arbitrator settles the dispute within 30 days, and his/her decision cannot be challenged for 2 years.

However if the parties refuse to appoint an arbitrator, the workers can go on a strike or the employer may proceed with a lockout. An application to the labor court may also be made by either party before or during the strike/lockout. The strike/lockout may be prohibited by the government if lasts more than 30 days or is detrimental to national interest.

A strike or lockout is illegal if it is commenced without giving due notice to the other party, if it is not started by CBA or employers, is continued in contravention of prohibition orders passed by the government, or is commenced when the settlement of an award is in operation.

3.6.4.6. Labor judiciary
The labor judiciary has three parts: Labor Courts, Labor Appellate Tribunals and National Industrial Relations Commission (NIRC).

The present labor courts constituted at a provincial level are headed by a current or ex-judge, appointed by the government.

A party aggrieved by the order of a labor court can appeal to the labor appellate tribunal and its award is final.

NIRC has seven members each from the employer and workers side. It functions to form and promote unions, register industry-wise federations, determinate CBAs, educate workers and deal with unfair labor practices.

3.7.4.7. Unionization
As after independence Pakistan inherited very little industrial establishments, and because majority of Pakistan’s workforce was concentrated in agriculture, trade unions didn’t gather much steam as pressure-groups. The union membership as a percentage of the total labor force was only 0.7% in 2000. Moreover the total
number of registered trade unions is more than 7200 but only 1900 of them are collective bargaining agents. (Ghayur, 2009)

Trade unions emerged as a pressure group during the Bhutto era from 1972 till 1977. However frequent military takeovers, deregulations and privatization reduced their ability to bargain effectively. Deregulation of enterprise on the recommendations of World Bank and IMF has led to a further weakening of the labor rights movement.

3.8.4.8. Agriculture sector
Despite agriculture employing more than 44% of Pakistan’s labor force it is still not covered by any of Pakistan’s labor laws. Agriculture isn’t defined as an industry and hence agriculture based workers remain ignored.

3.9.4.9. Employment contract and termination
Industrial and Commercial Employment (Standing Orders) Ordinance 1968 was enacted to address the contractual relationship between employer and employee. The ordinance is applicable to establishments with 20 or more workers.

The law requires that workmen should be provided the contract in writing, showing the terms and conditions of his service, at the time of hiring, promotion and transfer. It also requires the wage rates of different categories of workers to be displayed on notice boards.

The law also states that a month’s notice must be served before severing the employment relationship, or payment of one month’s wages in lieu of notice should be provided.

Any termination on account of trade union membership and activity is an invalid reason for termination. Also if the employer wants to close down the whole business or is terminating the employment of 50 or more workers, he/she/they must get the prior approval of the labor court.

3.10.4.10. Equality and non-discrimination
The constitution categorically prohibits discrimination on sex, caste, creed, religion or economic status. However Pakistan hasn’t specifically enacted a law for this purpose.

Quota has been fixed for women in the public sector jobs at 10% and they can also compete on open merit on the remaining 90% seats.
Sexual harassment of women at the workplace is also a penal offence under the Pakistani law and it is mandatory for every institution to implement a Code of Conduct that aims at internally dealing with and solving the issue. More elaboration on this law shall be drawn elsewhere in this report.

3.11.4.11. Working hours
There are many laws that specify working hour’s limits in different industries. Section 34 of the Factories Act provides that “no adult worker shall be allowed to work in a factory for more than 48 hours in a week”. The daily hours may not be more than 9 hours, or 10 hours in seasonal industries.

3.12.4.12. Leaves
Under the factories act, any worker who has completed 12 months of continuous service shall be given a 14 days consecutive paid leave. Also every worker is entitled to 10 days casual leave with full-pay during a year. Workers also get 16 days of sick leave with half-pay of which 8 days are fully paid. If a worker works on a notified festival holiday, he/she will be given one day additional compensatory holiday with full pay and a substitute holiday.

3.13.4.13. Maternity benefits
Maternity leave, under Maternity Benefits Ordinance 1958, is allowed to pregnant women for a period of 12 weeks with full pay. It is unlawful for an employer to dismiss a woman worker who is on maternity leave. However the woman worker must have worked for 4 months with the employer to avail this leave.

There are numerous laws related to fixation and payment of wages. Under the Payment of Wages Act 1936, no wage period should exceed one month and wages are to be paid within 7 days after the end of wage period or within 10 days for establishments with more than 1000 workers.

The provincial governments constitute their own Minimum Wages Boards under Section 3 of Minimum Wages Ordinance 1961. Minimum wages boards are tripartite bodies comprising representatives of the government, employers and workers.

3.15.4.15. Occupational safety and health
Dock Labourers Act 1934, Factories Act 1934, Mines Act 1923 and Workmen’s Compensation Act 1923 are the laws that legislate occupational health.
4.5. **Labor Laws in Khyber Pakhtunkhwa**

The KPK Assembly passed six Bills into Acts in the year 2013. The laws bring to the table shifts in labor legislation, policy and the institutionalizing of these shifts by revising previous policies and creating new departments.

4.1.5.1. **KPK Factories Act 2013**

The law was published after approval on the 19th of March, 2013. The law was formulated with the aim to provide for regulation of labour in factories of the Province of the Khyber Pakhtunkhwa.

The law puts forth many regulations for the operation of a factory and also legislates for an Inspecting Staff that is responsible for inspecting factories and see if the work and management there is in line with the Act.

The law prohibits women and adolescents from working near cotton openers.

35. **Prohibition of employment of women and adolescents near cotton openers.**—No woman or adolescent shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work:

(b) no woman shall be allowed to work in a factory except between 6:00 a.m. and 7:00 p.m.:

However, in seasonal industries women may be employed beyond these timings.

(2) Government may make rules providing for the exemption from the above restrictions, to such extent and subject to such conditions as it may prescribe, of women working in fish-curing or fish-canning factories where the employment of women beyond the said hours is necessary to prevent damage to or deterioration in any raw material.

4.2.5.2. **KPK Industrial and Commercial Appointment Act 2013**

The law published in the provincial Gazette on the 20th of March, 2013. The preamble of the law was to provide for regulation of industrial and commercial employment in the Province of the Khyber Pakhtunkhwa.
The law provides detailed procedural frameworks for employments and dismissals. However like the previous laws, the definition of workers is limited to factories and commercial establishments; no provisions or clauses for alternate interpretations are provided to include domestic servants.

**4.3.5.3. KPK Industrial Statistics Act 2013**

The law was officiated by publishing in the provincial Gazette on the 8th of March in the year 2013. The law was enacted to facilitate the collection of statistics of certain kinds relating to factories, industrial and commercial establishments.

The law defines commercial establishment as follows.

(a) “commercial establishment” for the purpose of this Act, means an establishment in which the business of advertising, commission or forwarding is conducted, or which is a commercial agency, and includes a clerical department of a factory or of any industrial or commercial undertaking, the office establishment of a person who for the purpose of fulfilling a contract with the owner of any commercial establishment or industrial establishment, employs worker, a unit of a joint stock company, an insurance company, a banking company or a bank, a broker’s office or stock-exchange, a club, a hotel, a restaurant or an eating house, a cinema or theater, private educational institutions, private health centres, private clinical laboratories, private security agencies, other establishments or class thereof which run on commercial and profit basis, and such other establishment or class thereof, as Government may, by notification in the official Gazette, declare to be a commercial establishment for the purposes of this Act:

The law legislates for the formation of a Statistics Authority that is responsible for the collection of statistics and other data. The data may include any data from factories and establishments that may improvise or better the conditions of laborers and workers. The law also sets penalties for owners or employers if they refuse or create hindrances for the collection of statistics.

This law doesn’t explicitly mention domestic servants nor does it provide with any areas that may be interpreted as such to include them in the process. However the Authority has considerable power which if put to use may result in valuable collection for the data. More cross-sectional data can be obtained through this Authority for gender analysis and advocacy on policy changes henceforth.

**4.4.5.4. KPK Minimum Wages Act 2013**

The law was officially published in the provincial Gazette on the 19th of March, 2013. The law is based on the preamble to provide for regulation of minimum rates of wages and various allowances for different categories of workers.

The Act legislates for the formation of a Minimum Wages Board that among other members also has a member who represents the workers and laborers.
The Act authorizes the Board to set minimum wages for holidays/leaves, overtime work and piece work in addition to the regular timed work. It also needs to look at and recommend the time rates of work to set the minimum wage.

The Board however doesn’t explicitly mention setting the wage for domestic workers. It also refers to workers as skilled and unskilled workers in “industrial” and “commercial” settings, with the presence of a supervisor. This is a gray area and needs further elaboration to see if a bottle-neck may be hit while advocating for and strategizing for the law to be inclusive of domestic workers.

4.5.5.5. KPK Workers Compensation Act 2013

The law was officially published in the provincial Gazette on the 11th of March in 2013. It is based on the preamble to provide for the payment by certain classes of employers to their workers or their legal heirs of compensation for injury or death by accident.

The law is gender-inclusive as it refers to both legitimate and illegitimate children both as dependents for the payment of compensation. Widowers are also mentioned as dependents, depicting that the law did consider the reality that families and husbands do depend on women for their sustenance.

4.6.5.6. KPK Maternity Benefits Act 2013

The law was officiated on the 19th of March, 2013 after publishing in the provincial Gazette. The law was passed with the overarching principle to consolidate and rationalize the law pertaining to the employment of women, under certain natural conditions, in establishments in the Province of the Khyber Pakhtunkhwa.

The law states that no employer shall knowingly employ a woman and no woman shall engage in employment in establishment during the six weeks following the day on which she delivers a child. The payment of maternity benefit shall be at the rate of her wages last paid during the period of six weeks immediately preceding and including the day on which she delivers the child. The payment shall continue for each day of the six weeks succeeding the day of delivery. However a woman shall not be entitled to maternity benefit unless she has been employed in the establishment of the employer from whom she claims maternity benefit for a period of not less than four months immediately preceding the day on which she delivers the child. The definition of a child is given as:

(a) “child” includes a still-born child for the purpose of this Act;
A still-born child is further defined as:

(I) “still-born child” means any child which has issued forth from its mother after the twenty-eight weeks of pregnancy and which did not at any time after being completely expelled from its mother, breathe or show any other signs of life;

These definitions seem confounding as a child is defined as still-born while the definition of a still-born child is already present.

If a women dies during her child-birth or the period after that during which she was entitled to the benefits, the benefits shall still be paid to the person nominated by her previously. If she dies before giving birth, the employer shall only be liable for the payment till the day of her demise. Also during the period of absence under this Act, no dismissals or terminations can be made against the woman.

A lot still remains to be desired from this law due to the confounding nature of definitions given for “child”. It is, however, still a tangible step in the right direction for instituting gender-specific legislation.

6. Voices of the Lost: Images from Aware Girls’ Focused Group Discussion & Surveys of Domestic Workers’ Situation

4.7.6.1. Methodology
Aware Girls successfully organized a Focused Group Discussion of 24 domestic workers at Grand Hotel Peshawar on the 25th of August. The women discussed their issues, problems and aspirations. Minutes of the discussion were recorded.

Aware Girls conducted surveys with domestic workers in different areas of District Peshawar in the months of October, November and December in the year 2014. A total of 64 respondents were interviewed from the said district. The surveys were administered via interviews and responses collected on survey templates. The results were then tabulated and processed into tables, frequency charts and graphs using SPSS 20.

4.8.6.2. Minutes from the Focused Group Discussion
A focused group discussion was organized with the domestic workers on the 25th of August with 24 women at Grand Hotel in Peshawar.
4.8.1.6.2.1. On income, wages and deductions

Their salaries or daily wages depended upon the nature of the task they performed e.g. if they ironed and washed clothes they received PKR 300; for dishwashing they received PKR 100-150; for washing carpets, blankets and rugs PKR 150-300. If they performed extra tasks such as cleaning the kitchen, dishwashing etc. they were paid PKR 50-70.

On monthly basis they earned from PKR 2000 to PKR 3000 after performing all the house-hold chores, i.e. cleaning of all the rooms and restrooms, managing the kitchen and doing the laundry. Those responsible only for ironing the clothes got PKR 2000 per month (as it depends on how many times washing is done). Some females did not get any salary at all; they were given single rooms or some space for residence. They received clothes, food, and some cash on special occasion like Eid.

The workers said that if they “suffer from fever or get ill”, though their salaries do not get deducted, they have to face major insults and anger from their employers. Some expressed with sorrow that sometimes they wished they could leave that job and sit at home, as they had some self-respect too. In some cases their salaries were being deducted if they took three consecutive leaves. This would be done either way i.e. after them being informed or not.

4.8.2.6.2.2. On violence, insults and abuse

Physical violence and verbal abuse were the commonest challenges faced by the workers. The workers said they have had to take care of a lot of valuables like furniture, appliances and utensils. If ever during any task something gets damaged or breaks up, they are neither charged with any penalty nor is any deduction made from their salaries; however they are subjected to a lot of verbal abuse. One of females said opined “It would be better if they deduct salary or charge any other penalty than the insults and scornful abuses we face”.

Zakia, who lives in the slum area of Tehkal, said that it was her habit to wear neat and clean cloths. Because of this people at her work place attack her character with verbal slurs and do not consider her “good”. She was very tense and has been facing serious psychological problems due to this behavior of her colleagues.

On the issue of physical violence and forced work, a female recounted her story, “My daughter was working with me in the same house and she had to do a lot of work because she was young. She used to go to my mistress’s daughter’s home for work too, who lived in Jahangir city i.e. 70 km away from Peshawar. My daughter was fed up, and tired of working the whole day so she left the job. Her brother was also not in favor of her working. The mistress came to my home one
day and literally dragged my daughter outside and started beating her saying that she will have to work at both places upon their will, and since she is poor therefore she does not have any choice of making a decision for her own self. We were living in their house so we evacuated that house. Later we found another job and I with my family shifted there”. A female told her story that she was late for her routine time, on which account her mistress fired her from the job and also evacuated them from the space provided. Now both she and her husband are searching for another place to live in.

4.8.3.6.2.3. On pregnancy, maternity and motherhood
Mothers face a lot of psychological, emotional and financial problems during their pregnancy because they have to choose between keeping their pregnancy healthy and earning for their children. A female voiced her story. She was 9 months pregnant and she had to work still; only when her labor pains started was she allowed her leave. She thought she would have delivered right there had she not been allowed to go. She had to join after 7 days of her delivery, and till date she has to leave her infant behind. Another female said that she took three leaves before her delivery and she joined after three days of giving birth to a baby. She only took her baby for a month to the work place but then her mistress stopped her from bringing the baby; otherwise she was asked to quit the job. Another female had to send her younger daughter of 8 years old during her pregnancy leaves or else she would not have been given her salary.

4.8.4.6.2.4. On where the money goes
They laughed out loud when asked about “shopping for themselves”. All the females shared that either they spent the money earned on their house-hold needs or their partners; it never happened that they bought anything for themselves. They never remembered buying any clothes or cosmetics for themselves. One of the participants said “I cannot buy dreams in Rs.2000”.

4.9.6.3. Results from the survey: described and discussed
4.9.1.6.3.1. Formalization of work
The domestic workers were asked if any contract had been signed at the commencement of work and had any pre-conditions been set.

More than 98% of those who answered the first query had not signed any contract at the start of work (Figure 1). Only 1 respondent had signed a contract. 83% replied that no pre-conditions had been set (Figure 2).

Here although we see that 17% domestic workers had agreed to certain pre-conditions set by the employer and vice-versa, the formalization of those conditions in the form of a contract was absolutely non-existent
Nature of work

Workers were asked about the number of houses they worked in and the type of work they performed. They were also asked about the nature of their income.

More than 61% worked in 1 house only, almost 32% worked in 2 houses while 7% worked in 3 different homes respectively (Figure 3). Besides cleaning, washing clothes (Figure 6), doing the dishes (Figure 8) and ironing clothes (Figure 7) were the most common chores with 62%, 63.5% and 60.32% of the respondents doing the said tasks respectively. Almost 32% had to cook food as well (Figure 5). More than 90% of the respondents received a monthly salary; 5 respondents (9.8%) received a daily allowance (Figure 4).

Problems faced in and around work place

The workers were asked about the presence of any physical violence at the place of work. They were also inquired about any incidents of sexual harassment. Their mode of travel to and from work-place was also noted.

13.2% of the respondents who chose to answer the first query replied in the affirmative; yes, they did experience physical violence (Figure 9). 3.4% of the respondents who chose to answer the second query informed that incidents of sexual harassment had taken place (Figure 10). 20% of the respondents travelled to their work-place via public transport while only 1.7% used private transportation. More than 78% of the respondents had to walk to and from their places of work (Figure 11).

On asking the respondents to narrate the problems experienced at their workplaces, the commonest responses recorded dealt with scolding and verbal abuse due to late arrival, disregard for the quality of the work performed and heavy workload.

On inquiring about the subjective problems experienced during travel, the commonest quoted by those travelling on foot were weather conditions like extreme cold and heat, and sexual harassment on the streets. The ones travelling via public transport said traffic was a major issue as their employers got angry if they arrived late.

Quantity and quality of income

The domestic workers were asked about their total monthly income through domestic work and the amount of salary received per house in case of work in more than one house. They were also asked who was the primary beneficiary of their income, what percentage they spent on themselves and had this income resulted in any significant autonomy.
The minimum and maximum total income recorded is PKR 500 and PKR 13000 respectively. The statistical mode i.e. the most repeated value was PKR 3000, with 24.3% of the respondents earning this much in the whole month. Almost 65% of the respondents earned only PKR 3000 and below (Table 2). The minimum and maximum wage collected per house was PKR 50 and PKR 10000. The mode of this data was PKR 1000 with 17% of the respondents receiving this amount per house. 56.6% of the women received PKR 2000 and less per house (Table 1).

78% of the respondents told that they keep their salary, 16% said their husband takes it while 4% said their mother is the one who receives it (Figure 12). An overwhelming 85% said that they spend barely up to 20% of their income on themselves (Figure 13). Almost 62% women agreed that their income had resulted in them being more autonomous (Figure 14).

A huge disparity and lack of standardization is seen in the quantity of income. The income seems vastly dependent on the employers and their “benevolence”; and not on the work being done.

4.9.5. Rights and benefits provided at work place

The workers were asked a variety of questions regarding the comforts of work and work-place; whether they can take their children to work with them, are there any breaks, how many leaves they can avail, do they get paid extra for extra work and do their employers pay for their treatments in case of any illness.

18% of the respondents took their children along while almost 46% said they deliberately didn’t. In addition, almost 6% women informed that they were not allowed to take the children along (Figure 15). Almost 45% of the women did not receive any break during their day’s work (Figure 16). Almost 74% of the women were able to take 3 or less leaves from their work in a month, with 33.33% taking 2 leaves making it the mode of the data on leaves (Figure 17). In case of any additional work, 69% of the respondents were not paid extra (Figure 18). 15.25% of the women asked received complete health cost coverage from their employers, almost 19% received some compensation while 66% received none at all (Figure 19).

On subjective inquiry of the benefits received, most of the respondents confirmed receiving food, clothes and sometimes extra cash on special occasions like Eid days.

Respondents were also asked whether they got leaves during pregnancy. The ones who answered this query said they received leaves for 7-15 days around the delivery of their child usually without any pay.
As was the case with income, the benefits of work are variable and non-standardized. They majorly depend on the nature of the employers alone. Not receiving any payment for extra work by almost 70% of the workers paints a tangible reality of our society where workers are considered servants.

4.9.6.6.3.6. Awareness of labor laws
The women workers were asked if they were aware of any laws protecting their rights as domestic workers. They were also asked if they were aware they could join hands with other domestic workers to make unions and henceforth press for their demands.

96% of the respondents expressed ignorance of the presence of any laws for their protection and welfare (Figure 20). However 36% of the women asked did express knowledge of the fact that they could form trade unions with other workers (Figure 21).

The workers were also asked about disputes and how disputes are resolved with their employers. The most common response recorded was them not reacting in any way, and just listening to the scolding of their employers.

The workers were also asked what they felt their rights are. A few answered that there were no rights for the poor. Some said that education is their right. Most of them said that the pay should be adjusted according to the work, and that increased work should result in an increased salary.
4.10.6.4. Results from the survey: illustrated and tabulated

Figure 1: Has any contract been signed?
Figure 2: Before commencing work, are any pre-conditions set?

Figure 3: Number of houses of work
Figure 4: Mode of payment

Figure 5: Do you have to cook food?
Figure 6: Do you have to wash clothes?

Figure 7: Do you have to iron clothes?
Figure 8: Do you have to wash dishes?

Figure 9: Do you face any physical violence at your place of work?
Figure 10: Have you ever been sexually harassed at your work place?

- Yes: 3.39%
- No: 96.61%

Figure 11: Mode of travel to and from work place

- Walk: 20.00%
- Public transport: 1.67%
- Private transport: 78.33%
Figure 12: Who takes your pay?

Figure 13: What percentage of your income do you spend on yourself?
Figure 14: Have you gained any autonomy or power due to your income?
Figure 15: Do you take your children along at work?

Figure 16: Do you get any break at work?
Figure 17: How many leaves can you take per month?
Figure 18: Do you get paid extra if you work more?

Figure 19: If you fall ill, do your employers pay for your treatment?
Figure 20: Do you know any Pakistani laws that protect domestic workers?

Figure 21: Do you know that you can join hands with other domestic workers to make a union to press for your rights?
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*Table 1: Amount of payment collected per house in PKR*
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Table 2: Total earnings per month in PKR
5.7. **SWEAT AND TOIL: SITUATION ASSESSMENT OF FEMALE FACTORY WORKERS THROUGH AWARE GIRLS’ ACTIVITIES AND SURVEYS**

5.1.7.1. **Methodology**

Aware Girls arranged visits to the Labor Department in Peshawar to collect information regarding factories, factory and trade unions, women workers and any data on women workers' situation. Minutes of the meetings were taken.

Aware Girls subsequently arranged visits to multiple industrial units and sites of small, medium and large production capacities. A total of 35 industrial sites were visited. Meetings were held with the management and administration, and with the women workers where access was provided. Minutes of all the meetings were taken.

Aware Girls then administered surveys to the female factory workers. The surveys were conducted via interviews, and the responses recorded on a template. The filled templates were then scanned and mailed to the research consultant and assistant. Data from the templates was fed into SPSS and analytics were run to come up with frequency distribution tables, graphs and charts.

5.2.7.2. **Lessons learnt from the field visits**

- In most of the industries, women were not seen in management positions despite women being active in the labor force
- Despite being mentioned in the documents, no active male or female trade unions were told about
- In some cases, if issues were raised by the women they were asked to leave the job
- There is no established female trade union in District Peshawar
- Some female workers work on very low daily wages
- Most of the female workers were abjectly unaware of their rights as workers

5.3.7.3. **Results from the survey: described and discussed**

5.3.1.7.3.1. **Formalization of work**

Women workers from factories were asked about the contractual nature of their work, their employment status as a temporary or permanent employee and their mode of payment i.e. monthly salary or daily wages. They were also asked about the knowledge of the formal procedures of termination of work.
More than 92% of the respondents hadn’t signed any contract at the commencement of their work (Figure 22). Almost 46% of the workers asked said their employment was temporary (Figure 23). However only 2% of the respondents said they worked on daily wages (Figure 24).

The respondents were then asked was there any verbal contract between the two parties. Most of them replied in the affirmative stating that they were informed about their pay that they had to work overtime in some cases and other details about their work. They were then asked if they were compensated for the overtime. Most of the respondents did not respond to this query. However the ones who did said that they are given additional money for the overtime; around PKR 180.

The workers were asked if they knew the benefits of a permanent job. The replies recorded quoted it being better as it is more respectable and that it is associated with pension later on.

On inquiring whether they knew the formal procedure for the termination of their job, most of the respondents said that they give a 2-3 day notice before terminating. Some replied that they terminate on the spot. Some believed that they don’t terminate they just move the workers to the “Packing Hall”.

Despite stringent legislation on formalization of work, both federally and provincially, no check are in place to ensure the smooth formalization and regulation of work in factories. More cross-sectional surveys may be needed to see if this problem is gendered and is affected by women’s weak social status.

5.3.2. Quantity of income

The respondents were asked how much money they made in a month through their work in the factory.

The per month income per capita varied from a minimum of PKR 5200 to a maximum of PKR 27200; a difference of PKR 22000. However, more than 20% of the respondents earned PKR 5700 per month making it the mode of the data. Almost 60% of the women earned PKR 7000 and below (Figure 25).

The income isn’t standardized and is subject to a lot of variation. The absence, paucity or ineffectiveness of trade unions to bargain for the needs of the laborers may be one of the many reasons behind this.

5.3.3. Services and benefits provided at and by the factory

Women were asked about the presence of a day-care center for their children at the factory where they worked. They were also asked if they were able to take their children along to the work place. Questions regarding sexual
harassment, and the presence of a sexual harassment committee to deal with the issue were put forth. Furthermore they were asked could they avail maternity leaves and benefits and compensation for any illness.

100% of the respondents confirmed that a day-care center was absent at their place of work (Figure 26). Less than 1% took their children along while almost 50% responded that they were formally told not to bring children along (Figure 27). Almost 6% respondents told that they had experienced sexual harassment at their workplace (Figure 28), while more than 74% respondents informed the surveyors that they did not know of any committee for dealing with issues related to sexual harassment (Figure 29). 85% women said that they couldn’t avail a maternity leave with benefits (Figure 30) while 78% said that no compensation was provided in case of any illness (Figure 31).

The response to this question was almost negligible. The respondents who did answer said that they are scolded for not working and that the pay is less. The workers were also asked what benefits they received from the factory. A large number said that the pick-and-drop service was a major benefit. Some also counted food and Ramadan packages among the benefits.

With major global emphasis on the presence of day-care centers at every workplace, the stark absence of any in the factories surveyed is alarming. The creation of enabling environments to assist women in availing opportunities for meaningful is needed and advocacy and policy shift to address the issue of day-cares needs to be undertaken. Also the absence of knowledge regarding the presence or working of an anti-harassment committee itself shows negligence on part of the administration; as one of the principles of effective campaigning for zero tolerance for sexual harassment requires effective and open notification of the committee to all employees. The absence of maternity benefits and compensation for illnesses shows the lapses in implementation of labor legislations at the factory level, as well as the lack of capacity of trade unions. As maternity is an issue that affects women alone, the absence of a response to maternity inclusivity in factory benefits depicts a gendered imbalance in labor reform.

5.3.4.7.3.4. Awareness of specific worker benefits and rights
The women workers were asked if they knew what EOBI and social security were, and what they did. The workers were asked about their knowledge of their rights. They were also asked how they resolved conflicts within the factory.

76% did not know what EOBI was (Figure 32). 84% of the respondents had no idea about social security (Figure 33).
On further inquiry from the respondents regarding what they thought EOBI was some said that it is for old age benefits while some said that it is a pension card. On asking what are the benefits of social security, most respondents informed that they had no idea while some said it is used to get free health care and the medicine from the dispensary.

The workers were also asked what they felt their rights are. Most replied that getting their salary increased and finding a decent job are their rights.

On asking how conflict resolution takes place from their side in the factory, most of the respondents replied by saying that they take the matter to the MD or the supervisor.

5.3.5. Quality of income

Women workers were asked how much of their income did they spend on themselves and whether their income had resulted in meting some power to them. They were also asked if their opinions were given more importance at home. They were also asked about their total family size.

More than 64% of the respondents said they spent only 0-21% of the money on themselves (Figure 34). 56% said their income had resulted in some autonomy (Figure 35). 47% confirmed that their opinion was given some importance while 21% said their opinion was given no importance at all (Figure 36). The family size of the respondents varied from 2 to 16 members. 20.5% of the respondents had a family size of 9 members making it the most repeated value. Less than 8% of the respondents had a family size of 4 and below, while almost 60% of them had a family size of 8 or less (Table 3).
5.4.7.4. Results from the survey: illustrated and tabulated

Figure 22: Has any contract been signed between you and the employer?

Figure 23: What is your status of employment?
Figure 24: How are you paid?

Figure 25: Amount of pay of factory workers in PKR shown in decreasing order of frequency clockwise
Figure 26: Is there any daycare facility for children at your workplace?

Figure 27: Do you take your children along?
Figure 28: Have you ever been sexually harassed at your work-place?

Figure 29: Is there a committee to deal with sexual harassment cases at your work-place?
Figure 30: Can you take a maternity leave from your place of work?

Figure 31: Do you get any compensation from your work-place when you fall ill?
Figure 32: Do you know about EOBI?

Figure 33: Do you know about social security?
Figure 34: What percentage of your income do you spend on yourself?

Figure 35: Has your income given you any power in your household?
Figure 36: Is any importance given to your opinion in household matters because of your income?
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**Table 3: Family size of female factory workers**
6.8. Recommendations for the improvement of work conditions and environment

6.1.8.1. General recommendations
6.2.8.2. Specific recommendations for domestic workers
6.3.8.3. Specific recommendations for factory workers