

A Comprehensive Analysis of Unfair Labor Practices in Pakistan from the Perspective of National and International Law

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Abstract

The foundation of civilization is the worker class, which propels economic expansion and advancement. Pakistan continues to engage in unfair labor practices despite international obligations and constitutional requirements. This study explores the underlying reasons of these practices, emphasizing the structural issues that workers confront and the inadequacies in the implementation of labor laws. Although protection against gender discrimination, child labor, forced labor, and unjust pay is guaranteed by Pakistan's Constitution and international agreements, corruption, ignorance, and a lack of effective institutional structures sometimes cause the reality to differ. The report examines labor rights abuses and pinpoints opportunities for improvement using a qualitative methodology that includes stakeholder comments, legislative legislation, and case law analysis. The literature analysis highlights the discrepancy between current legislation and its implementation, highlighting significant problems such child labor, gender-based discrimination, and unfavorable working conditions. Actionable tactics, such as improved labor inspections, technology integration, and cooperation between the public and commercial sectors, are revealed by comparison with industrialized countries. The findings of this study offer suggestions for improving awareness, fortifying enforcement, and bringing Pakistan's labor laws into compliance with global norms. As a guide for legislators, academics, and labor rights activists, the report seeks to promote fair labor standards and help establish a just workplace in Pakistan.

Keywords: Unfair Labor Practices, Labor Rights, Constitution of Pakistan, International Conventions, Child Labor, Gender Discrimination, Labor Law Enforcement, Working Conditions, Labor Inspectors, Economic Development

Introduction

It is universal fact that every person on Earth has certain sets of rights and cannot be taken by anyone by any mean. There was a time in history when people used to be slaves of other people but with the passing of time all those practices are abolished and in modern world, no one is allowed to make any human being a slave to himself. The laid down laws are very specific as there is provision in Constitution of Pakistan 1973, which strictly prohibits the slavery in the country. So, it could be said that every person shall be treated equally whether it is general life or professional life. However, the other side of the picture is quite blur as it can be seen that this universal fact of equality and fairness has been in the process of violation, especially when it comes to the labor's community around. Human rights are fundamental freedoms and rights that all people, regardless of background and identity, are entitled to just for being human. These rights encompass social, political, economic, and civil rights (Kunz, 1949). But the laborers faces a lot of discrimination in every perspective throughout the world, even though they are the most hardworking class of every society and performing the role of backbone for the economy for every country.

A labor could be understood as any person who exerted mental or physical effort to perform a task, produce goods, or provide any type of services (Amadeo, 2021). Similarly the labor rights could be simply defined as "the set of rights that humans possess by virtue of their status as workers" (Kolben, Labor Rights as Human Rights, 2009). All workers must be treated fairly and humanely, free from forced labor in accordance with the international labor laws. They prohibit discrimination on the basis of racial, national, gender and other grounds. Together with addressing the contemporary slavery and human trafficking, these criteria protect freedom of movement, establish fair remuneration and implementation of such rules and policies which gives suitable working hours and days. They also emphasizes on the need of putting age verification measures in place to stop child labor, fostering a secure atmosphere for personal growth, and assigning safe duties to employees who belong to vulnerable groups, such as women, pregnant women, the elderly and people with disabilities. Injustices in the workplace persist on a worldwide scale in spite of these guidelines. A just society must prioritize equality, and abuse of workers' rights to have an impact on many industries and groups of people globally. Conversely, the significance of labor rights has gained International recognition, as seen by the establishment of international treaties aimed at safeguarding these rights and establishing a global frame work for equitable labor practices. To shed light on labor rights the International Labor Organization unveiled the fundamental declaration on principle and rights at work in 1998 (Kolben, 2019).

Focusing on Pakistan reveals a range of work patterns, as per the conclusions drawn from comprehensive surveys published in the Pakistan Bureau of statistics report 2020 to 2021. Pakistan now has a larger working age population, with the younger generation making up the majority. It emphasizes how much higher overall labor force participation is now than it was a year ago. Male involvement is more than three times higher than female engagement, thus, taken as a whole this data offers a picture of the labor dynamics in the nation (Pakistan Bureau Of Statistics, 2021). Poor working conditions are still an issue in many Pakistani work places. Workers experience rights breaches, such as verbal and physical abuse, particularly women. In order to avoid paying them fairly, some smaller manufacturers even employ youngsters as young as 13 years old. Even the name of the factory is unknown to them. Many large manufacturers give their employees short term contracts so they can't find permanent positions in an attempt to discourage them from forming Unions. In Pakistan, every province has a Labor Department whose job is to ensure that laws governing working conditions are obeyed. if laws are disobeyed these departments are empowered to take enforcement actions. However, so far, Pakistan's system for inspecting work places and enforcing these laws has not been working well, and there have been acquisition of corruption within it (Ijaz S. , 2019). Though we know that Pakistan is the nation with so many laws that are there to protect the rights of the labor yet there is unfair labor practice in progress. There are many international instruments and conventions to which Pakistan is signatory, which bounds Pakistan to implement those conventions and agreements for the betterment of labors but yet no positive response has been generated from Pakistan so far, and unfair labor practice is ongoing. Despite years of established laws and the articles in the constitution of Pakistan, the primary goal of this research is to identify the fundamental causes of unfair labor practice in Pakistan. the objective of this research work includes to contribute to the construction of a bridge that will improve the application of labor laws and close the gap between the written and real application of laws.

Statement of Research Problem

In Pakistan though there are many prevailing laws regarding the protection of rights of labors from every perspective but still it is evident and undeniable that unfair labor practice is in practice in this country. There are laid down provisions which protects the labors from enforced labor, stands against the low wages, discourage the long working hours shift, banning the slavery and child labor, and protection of women at work place and many more. However, if said that these are merely laws and have no implementation in proper sense, it will be correct. It is pertinent to mention that Pakistan is signatory to many international agreements and conventions that discourages the unfair labor practice, still there is no practical positive

result. There are few reasons for this, some of them are lack of awareness on the end of labors, incompetent authorities, governments lack interest in this sector and not having strong enough punishments to stop people from doing so. To eradicate these unfair labor practices from the country, we majorly need to investigate the example of developed countries, how their labor is entirely protected by law and the implementation of laid laws in those countries. Furthermore, we need to ensure stringent enforcement of existing labor laws, establish severe consequences for violations, rise publish awareness about labor rights, and bring Pakistan's labor laws with full alignment with international conventions. Only by doing so, Pakistan can ensure to create just and equitable environment for labors of the country.

Literature Review

Pakistan is one of the nations in which it could be evidently seen that labor class has not got their due rights in accordance with the law so far. There are so many laws to protect their rights, but the most suffering class of the country is labor class regardless of their contribution in the development of the country and contribution in uplifting of the economy. There is much literature available which highlights the mistreatment and exploitation of workers in the workplace. Though there are many workers Union which stand out there for the rights of labors and protest in the favor of labors but eventually it could be seen that the owners of the workplace are on the upper end. In this portion review of the literature will be conducted to show that what so far has been done by the scholars and what laws are available, in furtherance to which it will be mentioned that what is the room of improvement in the work and how the research gap could be filled through this research work.

As said in the earlier part, there are many national as well as international instruments which are there to protect the laborers from suffering unfairly. A few of those legislations which are internationally rectified by all countries, few of them are discussed here to have an overview. The provision of labor is meant to protect the rights of the labors that arises from the virtue of being labor. Like there is an Article 23 of Universal Declaration of Human Rights which states that "everyone should have the right to work in good conditions and earn fair wages to support their family." Similarly, Article 1 of Forced Labor Convention abstains from exercising any sort of forced labor regardless of age or gender of the human being. In addition to it Article 3 of Minimum Age Convention laid down specific age for a person to be a labor which eventually discourage the child labor practice. Furthermore, Article 1 of the Discrimination Convention prohibits discrimination in the course of employment. Article 3 of the occupational Safety and Health Convention sets safety and health rules for the labors during work as it is essential for the any living being to be

protected in this way. Article 2 of Equal Remuneration convention promotes equal pay for the labors at any workplace depending upon the designation and says that there shall be no discrimination in this regard merely on the bases of gender.

Regarding the laborers and their rights, Pakistan has many laws. In a research article (Akhter, 2019) it has been mentioned that over the last 40 years, Pakistan has encountered several obstacles in its efforts to improve the lives of its citizens, particularly those in the labor class. According to a report, labor administration in Pakistan has only succeeded in 25% of the time, indicating a lack of effectiveness in most cases. This might have major repercussions because of lack of political will, volatility and the working community is declining faith in the system. Labor policies have been put into effect often (28% of the time), successfully (20%) and on a regular basis (48% of the time). but just 35% of labors laws have been put into effect. Another major issue in Pakistan is child labor, though there are laws and certain authorities in the country that are specifically working against this, yet it is most exercising thing in the country. In research (Shah, 2020) had found that when a family sends their child to work at any place there are certain reasons behind it. Some of the reasons are poverty, big families with low income, and single parenthood are the main things, which ultimately turns into unfair labor, as the owner of the workplace knows that this child had been sent by force so he can exploit him in any manner. According to (Hadi, 2022) there is a big gender disparity in Pakistan, with women mostly kept out of high-level decision-making positions in both the public and commercial sectors. Stereotypes and impediments prevent senior and talented women in the government from achieving high-ranking posts. The report also emphasizes difficult working environments, including as institutionalized prejudices, societal norms, and harassment by male coworkers. This emphasizes how important it is for Pakistan's workforce to be more gender sensitive and to have equal chances. Though there are laws in this regard, a practical example in Peshawar, KPK could be seen that the current Ombudsperson has started a campaign regarding the reporting of any harassment with the women (not restricting to only workplace) but those awareness steps are not in reach to every women around. In this research work this gap will be filled with suggestions that how each woman of this society shall get protected from unfair labor practice and from any sort of unfair labor practice.

There are two very famous case laws which have contributed a lot in the term of unfair labor practice in the country. In the research (Ashraf, 2018) reveals that a worker named Shabana was mistreated, and exploitation of other workers also was taking place in the garment factory. Workers in Khaadi, who had been seeking better working conditions, less hours, higher salary, and equitable treatment, staged a protest on May 27 against their unjust dismissals. This circumstance is a reflection of the

continuous struggles the Pakistani garment industry workers confront. He also brings up the terrible 2012 tragedy in Karachi, when a fire in a textile factory claimed the lives of 255 workers and wounded over 100 more because management did not take safety precautions and put profits before people. He also shared details of a worker who followed the correct leave procedure yet was dismissed for being sick. The treatment of sick employees is like that of this worker; another employee had a stomach ulcer and was asking for time off for surgery. These accounts bring to light the unpleasant realities of ill employees in several industries.

Based on all of the literature it could be seen that like other countries of the developing world, Pakistan is confronted by a variety of problems of labor rights and fair working conditions. From insufficient legal frameworks to poor enforcement mechanisms, the process towards fairness in the treatment of workers is full of challenges. This research work aims to guide and show the way to more effective solutions intending to bring about sustainable changes. Through examination of the socioeconomic, legal and cultural aspects of unfair labor practices, this research seeks to offer a comprehensive picture aimed at the development of strategies that can bring about lasting change.

Overview of Unfair Labor Practices

Workers worldwide are impacted by unfair labor practices, which constitute a global problem. many workers still endure different sorts of exploitation and injustice in spite of laws and regulation designed to safeguard the rights (lawyer, 2022). Discrimination, reprisals, meddling in union affairs, and unwilling to engage in sincere negotiations with labor groups are a few example of these unfair means. By preventing employees from organizing or by treating those who participate in union activities unfairly, employers may be infringing on their rights. In a similar situation, labor unions are not immune from unfair activities like pressuring employers or employees to use their labor rights. Unfair labour practices can cause psychological stress, employment insecurity and financial instability for workers. Consequently, there may be a drop in overall company morale, increase turnover rates, and lower productivity. Governments, businesses, labor unions and society at large must work together to address unjust labor practices. Fighting these inequity requires quite a clear, legal framework, without any ambiguity and confusion, legal framework, making sure labor laws are effectively enforced and increasing public understanding of workers right. We can only expect a just and equal workplace for everyone by taking such concerted actions.

Violation of Labor Rights Internationally

Workers in both developed and developing countries are impacted by unfair labor, which are a widespread problem that cuts beyond national boundaries. Violation of labor rights continues, despite international

accords, and national legislation intended to protect them all around the world, frequently impeding social and economic advancement. Employer acts that impede employees rights under the national labor relation act, such as discouraging union membership or retaliating against labor for participating in collective bargaining are examples of unfair labor practices in United States. The US government has taken actions to encourage adherence to globally, acknowledge labor rights, such as preventing child, labor, and forced labor. A good example is Denmark, which has the highest labor rights score from the world justice project, demonstrating a strong commitment to labor laws and safeguards. Contrary to that Iran has one of the lowest scores which reflects significant challenges in enforcing labor rights and addressing issues such as force labor and discrimination in the country. People all around the world have been complaining about the working condition in the Middle East. The world has witnessed that though the Middle East have enough economic resources but yet the condition it provides to the labor class is questionable. Number of violations in terms of labor right has been reported by various news reports. The International Trade Union and Occupational Safety Health in Global rights index has reported that in 2022 the extent of abuse of labor right had reach to a record level in the mentioned year. Also mentioned that only three countries around the world had improved in this regard (SHEET, NOVEMBER 16, 2023).

Significance of Study

This research is important because it tackles the major issue like unfair labor practice at work place in Pakistan. Unfair labor practice is not limited to Pakistan or only Asian countries but it is something going on all around the world. It is evident fact that such practices are serious violation of basic human rights, like right to be treated with dignity. This research shows how important the issue is, not just for Pakistan, but for the whole world. It also explains how Pakistan's laws to protect workers need to be enforced better. This research would be like guiding line for people who make laws (policy makers), people who study this issue (scholars) and anyone else who cares about the labors (stakeholders). The goal is to make sure the laws on paper actually get followed in the real life, so workers in Pakistan are treated more fairly. This research could even be a helpful example for other countries facing similar problems.

Research Methodology

The research methodology in this research work would be qualitative, there will be research conducted to find the reasons that why the unfair labor practice is continuously increasing in Pakistan and though there are laws yet this thing is not being eliminated. Furthermore, in this research work parliamentary legislation, case laws and proceedings would be taken in consideration to collect the primary data. In furtherance to this

the research articles published, reports of relevant authority, international institutions and scholarly work will also be taken in consideration. After the collection of data a comparative analysis will be conducted in which it will be analyzed that how Pakistan can improve in this regard. If needed, a questionnaire will be prepared and presented to the labors of various work places to take their opinion and interpretation will be carried out for further authentication of the work.

Recommendations and Analysis

The following recommendations can be made to counter the prevailing issues related to labor laws and enhance their effectiveness in Pakistan: The labor inspection and monitoring system is a significant factor for improvement on the subject of the study (Arslan, 2020). The current labor inspection mechanism lacks adequate support and is sometimes not very effective for the enforcement of labor laws. As for this, it is necessary to raise the number of qualified labor inspectors capable of equipping adequate tools and gaining sufficient knowledge to identify violations properly. More personnel is essential in this aspect, but technological infrastructure can be of great help in terms of monitoring compliance. Electronic interfaces could be created to monitor employers' conduct and provide real-time feedback on any violation of the related provisions (Alamgir, 2024). For instance, it can be proposed that smart applications include options through which it is easier for the worker to provide information on safety hazards or be paid below the standard. The next significant advancement toward enhanced compliance with labor laws is improved cooperation with the public and private sectors. It is also important for enforcing agencies to work with the assistance of private organizations, where companies usually have better access to information and other industry-related tools. Such partnerships may involve cases where private organizations provide information on their employment policies or funding for the training of inspectors in compliance with respective industries. In addition, the government may enforce programs such as offering tax exemptions or certificates of recognition to businesses that have good records of labor practices (Tahira, 2020). The enforcement of labor laws can greatly be enhanced by encouraging the private sector to be involved as this would lead to the improvement of both compliance and accountability.

It also helps to ensure that industries embrace good labor practices that relate to labor laws without waiting for enforcement agencies to do so, but through voluntary compliance based on legal and ethical issues. A majority of employees, especially those in rural areas or employed under informal arrangements do not have adequate knowledge of their rights under the labor laws (Lakhia, 2021). These include programs that are aimed at educating laborers on wage laws, workplace safety, and anti-

discrimination policies among others. Such programs could be enhanced through government workshops, trade unions, or community organizations affecting the workers in both urban and rural areas. Moreover, incorporating labor rights education into vocational training schemes means that new entrants into the workforce can be educated on their rights to ensure they are not taken advantage of by employers (Iftikhar, 2022). Such groups include; Non-governmental organizations at the community level that act as watchdogs for labor rights, especially in areas that lack adequate representation by the government. With greater emphasis on labor education, together with the provision of support for workers at the community level, a more knowledgeable workforce can then be expected to rise in support of better implementation of labour laws.

Conclusion

In the face of current prevailing violation of labor right in the world, it is very important to take serious action about this. Labor class is basically a backbone of a society, from serving food in a restaurant to construct world wonders like Taj Mahal, the entire world is dependent upon the shoulders of labors. So, rather than taking them and their need casually, every body in a society shall show serious care about them. There is not signal country which is clean in this regard, all countries faces the this issue. But mostly developed countries in the world work for it, make institutions and regularized the entire system to facilitate the labor class. Even there are international organization which are specifically working in this regard. Shedding the light on the situation of developing countries would make us to get serious in this regard. Specifically talking about Pakistan, labors are suffering so much. Labor class in Pakistan have been suffering since the Independence. though with the passage of time Pakistan have become party to many international agreements which are in support of labor but when it comes to rectification or in real implementation of those agreements Pakistan fails in it. it is matter of serious attention that a class which is in reality the backbone of the society is not getting its due right though it is mention in the law of the country. In this research the very same question will be answered in detail that what are the basic hurdles that are not letting Pakistan to work on this which would be in furtherance to the analytical approach regarding all the laws present currently in Pakistan that protect the right of the labor and all the other agreement to which Pakistan is party internationally. In the end of the research work, a comprehensive model of suggestion is provided to all the relevant authorizes that are working in this regard, or are supposed to work on it.

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