

[AS INTRODUCED IN THE SENATE]

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BILL

to prohibit the employment of children and to regulate the conditions of work of adolescents

**PART I
PRELIMINARY**

1. Short Title, Extent and Commencement.—(1) This Act may called the Islamabad Restriction on Employment of Children Act, 2017.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions. In this Act, unless the context otherwise requires,—

(a) “adolescent” means a person who has completed his fourteenth year of age but has not completed his eighteenth year of age;

(b) “child” means a person who has not completed his fourteenth year of age;

(c) “day” means a period of twenty-four hours beginning at mid-night;

(d) “child protection officer” means an officer appointed and notified, for the purpose of this Act, by the Federal Government;

(e) “employer” means a person who employs an adolescent in an establishment or household;

(f) “establishment” means any industrial, commercial or agricultural establishment, factory, mine, workshop, business, trade, undertaking and place where any economic activity including moulding and manufacturing process is carried on and includes charitable and welfare organizations, whether run for profit or otherwise and any other establishment, class of establishments or workplace notified by the government in official gazette;

(g) “family” in relation to an employer, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother or sister of such individual;

(h) “government” means the Federal Government;

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- (i) "guardian" means guardian as defined in Guardians & Wards Act, 1890;
- (j) "hazardous work" means the work in an establishment which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of adolescents and is mentioned in the Schedule
- (k) "household" means "an entity consisting of either an individual, a family, or a group of unrelated individuals, who reside in a particular housing unit.
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "week" means a period of seven days beginning at the midnight on Monday or at such other midnight as the Government may, by notification, specify for a particular area.

PART II PROHIBITION OF EMPLOYMENT OF CHILDREN

3. Prohibition of Employment of Children.-No child shall be employed or permitted to work in any of the establishments or households.

Provided that nothing in this section shall apply to a child performing any work within house of his parents or guardian.

4. Prohibition of Employment without Registration.-No adolescent shall be employed in any establishment or household unless registered with the Authority.

5. Dispute as to Age.-Any dispute about the age of a child or an adolescent employed or is permitted to work in an establishment or household shall be decided on the basis of the registration certificate (Form-B) issued by the National Database and Registration Authority or the birth certificate issued by the competent authority, but, in the absence of such a document, the Child Protection Officer shall refer the matter to the prescribed medical authority for determination of the age and the decision of such authority shall be conclusive proof of the age of the child or adolescent.

6. Prohibition of Torture.-No adolescent employed in an establishment or household shall be subjected to any form of mental or physical torture.

7. Right to Education.-An adolescent, whether employed in an establishment or a household, shall not be deprived of formal or non-formal education.

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PART III ADOLESCENT LABOUR REGULATION AUTHORITY

8. Adolescent Labour Regulation Authority.-(1) The Government may constitute an Authority to be called Adolescent Labour Regulation Authority for purposes of this Act.

(2) The Authority shall consist of a Chief Protection Officer to be appointed by Government and such number of Child Protection Officers and other staff, as the government may from time to time appoint.

(3) Officials appointed under this Act shall be deemed to be public servants within the meaning of the section 21 of Pakistan Penal Code, 1860 (XLV of 1860).

9. Functions of Adolescent Labour Regulation Authority.- (1) The Adolescent Labour Regulation Authority shall perform the following functions:

- (a) to formulate policy matters relating to employment conditions of service, social security, safety and welfare of the adolescent employed in an establishment or household;
- (b) to ensure that no child is employed in any establishment or household;
- (c) to function as a registration authority for adolescent employed in an establishment or a household;
- (d) to review and monitor implementation of the provisions of this Act;
- (e) to create public awareness about the rights of adolescent employed in an establishment or a household and to support initiatives for the prevention of abuse, neglect and exploitation;
- (f) to determine the minimum wages of adolescents employed in an establishment or household;
- (g) to maintain and update record of all of adolescent employed in an establishment or a household; or
- (h) any other matter as may be prescribed by the government;

**PART IV
EMPLOYMENT OF ADOLESCENTS IN ESTABLISHMENT**

10. Prohibition of Employment of Adolescent in Hazardous Work.-No employer shall employ or permit an adolescent to perform any hazardous work in an establishment.

11. Duration of Work.- (1) Subject to subsection (2) and subsection (3), in an establishment the employer shall fix the period of work not exceeding three hours in a day; and, if the adolescent is required to work for more than three hours in a day, the employer shall, after the initial period of three hours, provide a mandatory interval of at least one hour to the adolescent.

(2) The total period of work of an adolescent in a day, including the mandatory interval for rest, shall, in no case, exceed seven hours.

(3) The employer shall:

- (a) arrange the hours of work of an adolescent in such manner that the working hours are not in conflict with the timings of the educational or vocational institution where the adolescent is enrolled;
- (b) not require or permit an adolescent to work between 7.00 pm and 8.00 am; and
- (c) not require or permit an adolescent to work in the establishment on any day on which the adolescent has worked in any other establishment.

12. Weekly Holidays.- (1) An employer shall allow an adolescent employed in the establishment holidays of at least two whole days in a week.

(2) The employer of establishment shall specify the holidays through a notice permanently displayed at a conspicuous place in the establishment and he shall not alter the day of holiday more than once in three months.

13. Maintenance of Register.- An employer shall maintain a register in respect of adolescents employed or permitted to work in the establishment and shall make the register available for inspection to the Child Protection Officer at all times during working hours of the establishment showing:

- (a) the name and date of birth of every adolescent employed or permitted to work;

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- (b) hours and periods of work of any such adolescent and the intervals of rest to which he is entitled;
- (c) the nature of work of the adolescent; and
- (d) such other particulars as may be prescribed.

14. Display of Notice. – Every employer shall display at a conspicuous place in the establishment a notice in Urdu and in English containing an abstract of section 3 and section 11.

15. Presumption of Work.– (1) Subject to subsection (2), if a child or an unregistered adolescent is found present within the working premises of an establishment, it shall be presumed that the child or the unregistered adolescent is employed or is permitted to work in the establishment.

(2) Nothing in this section shall apply to the students visiting an establishment for educational purposes under the direction or supervision of an educational institution.

PART V EMPLOYMENT OF ADOLSCENT IN HOUSEHOLD

16. Prohibition of Employment of Adolescent in Certain Works.– An adolescent employed in a household shall not be engaged in any work, which is likely to be harmful to health, safety, mental and physical development of such adolescent.

17. Duration of Work.– The number of working hours in a day, including the mandatory intervals for rest, for an adolescent employed in a household shall be determined by the Authority.

18. Wages and Other Benefits.– (1) Every adolescent employed in a household shall be paid such wages as agreed between the employer and such adolescent but such wages shall not be less than the minimum wages fixed by the Government.

(2) Every adolescent employed in a household shall be entitled to health and medical care, compensation for any injury during the course of employment, and accommodation.

**PART VI
PENALTIES AND COGNIZANCE**

19. Penalties.— (1) An employer, who in contravention of section 3, employs or permits a child to work in an establishment or a household shall be liable to punishment with imprisonment for a term which may extend to six months, but which shall not be less than one months and with a fine which may extend to fifty thousand rupees, but which shall not be less than thirty thousand rupees.

(2) Whoever, employs an adolescent in an establishment or a household in contravention of section 4 shall be liable to punishment with imprisonment for a term which may extend to three months, but which shall not be less than one month or with a fine which may extend to fifty thousand rupees, but which shall not be less than fifteen thousand rupees, or with both.

- (3) If an employer, who employs an adolescent in an establishment, fails to:
- (a) maintain a register as required by section 13 or makes any false entry in any such register; or
 - (b) produce record for inspection; or
 - (c) display any notice under the Act;

he shall be liable to punishment with simple imprisonment which may extend to two month or with a fine which may extend to fifteen thousand rupees or with both.

(4) An employer who in contravention of section 10, employs or permits an adolescent to perform any hazardous work in an establishment, shall be liable to punishment with imprisonment for one year but which shall not be less than six months or with fine which may extend to fifty thousand rupees but which shall not be less than thirty thousand rupees, or with both.

(5) An employer who in contravention of section 16, engages an adolescent in a hazardous task in household, shall be liable to punishment with imprisonment for at term which may extend to one year, but which shall not be less than six months or with a fine which may extend to fifty thousand rupees but which shall not be less than thirty thousand rupees, or with both.

20. Trial of Offences.— (1) An offence under section 19 shall be tried summarily in accordance with the provisions of Chapter XXII of the Code of Criminal Procedure, 1898 (V of 1898).

21. Abetment to an Offence.— (1) A person, who abets an offence punishable under this Act, shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence he abetted.

(2) An employer, who employs or permits to work a child to work in contravention of the provisions of section 3, and the child is found working in the establishment in the immediate presence of a parent or guardian, the parent or guardian shall be equally liable for the offence along with the employer.

(3) For purposes of this section, “abetment” has the same meaning as is assigned to it in the Pakistan Penal Code, 1860 (XLV of 1860).

22. Cognizance of Offences.— An offence under this Act shall be cognizable by the police on the complaint in writing made by the Child Protection Officer and shall be bail able.

23. Penalties under Other Laws.— Any person, who is found guilty of the contravention of any provisions of the Mines Act, 1923 (IV of 1923), the Factories Act, 1934 (XXV of 1934) and the Punjab Shops and Establishments Ordinance, 1969 (VIII of 1969) regarding children or adolescents, shall be liable to the penalties provided in section 19 of this Act and not under the said laws.

24. Amendment of Schedule.— (1) The Government may, by notification in the official Gazette, amend the Schedule.

(2) An amendment in the Schedule under subsection (1) shall come into force on the expiry of thirty days from the date of publication of the notification in the official Gazette.

25. Rules.— The Government may, by notification, and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act, including the rules for health and safety of adolescents employed or permitted to work in an establishment.

26. Repeal and Savings.– (1) The Employment of Children Act, 1991 (V of 1991) is hereby repealed.

(2) Notwithstanding the repeal of the Employment of Children Act, 1991 (V of 1991), anything done or any action taken or purported to have been done or taken under that Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE

[see section 2(j)]

HAZARDOUS WORKS

Any occupation or work connected with–

- (a) transport of passengers, goods or mail;
- (b) catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train;
- (c) construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;
- (d) underground mines and on ground quarries including blasting;
- (e) power driven cutting machinery like saws, shears, guillotines, agricultural machines, thrashers, fodder cutting machines;
- (f) live electrical wires;
- (g) all operations related to leather tanning processes such as soaking, dehairing, liming, chrome tanning, deliming, pickling, defleshing, ink application;
- (h) mixing and manufacture of pesticides and insecticides and fumigation;
- (i) sandblasting and other such work involving exposure to free silica;
- (j) exposure to all toxic, explosive and carcinogenic chemicals e.g., asbestos, benzene, ammonia, chlorine, manganese, cadmium, sulphur dioxide, phosphorus, benzidenedyes, isocyanates, carbon tetrachloride, carbon disulphide, epoxy resins, formaldehyde, metal fumes, heavy metals like nickel, mercury chromium, lead arsenic, beryllium, fiber glass;

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- (k) exposure to cement dust in cement industry;
- (l) exposure to coal dust;
- (m) manufacturing and sale of fireworks and explosives;
- (n) the sites where liquid petroleum gas (LPG) or compressed natural gas (CNG) is filled in cylinders;
- (o) glass and metal furnaces and glass bangles manufacturing;
- (p) cloth weaving, printing, dyeing and fishing sections;
- (q) sewer pipelines, pits and storage tanks;
- (r) stone crushing;
- (s) lifting and carrying of heavy weight (15kg and above) specially in transport industry;
- (t) carpet weaving;
- (u) all scavenging including hospital waste;
- (v) tobacco processing and manufacturing including niswar and biri making;
- (w) sheep casing and wool industry;
- (x) surgical instruments and manufacturing specially in vendors' workshops;
- (y) spice grinding;
- (z) boiler house;
- (aa) cinemas, mini cinemas and cyber clubs;
- (ab) mica-cutting and splitting;
- (ac) shells manufacturing;
- (ad) soap manufacturing;
- (ae) wool cleaning;
- (af) building and construction industry;
- (ag) manufacturing of slate pencils including packing; and
- (ah) manufacture of products from agate.

Statement of Object and Reasons

Child Labour is a violation of fundamental human rights and has been shown to hinder children's development, potentially leading to lifelong physical or psychological damage. Child Labour perpetuates poverty across generations by keeping children out of school and limiting their prospects for upward social growth. This bill is aligned with the conventions of International Labour Organisation (ILO) explicitly prohibiting the engagement of children below 14 years. However, the bill allows the employment of adolescents in certain non-hazardous tasks because imposition of complete ban on the employment of adolescents would deprive their families of livelihood as their parents find it hard to earn just enough money to live on, so they are left with no option but to depend on the income of their children. Considering these circumstances the bill seeks to prohibit the employment of children who are below the age of fourteen and to regulate the working conditions of adolescents. The Bill strives to provide protection to the adolescent workers as enunciated in different international instruments and the Constitution of Pakistan.

The Bill aims to achieve the aforementioned objectives.

SENATOR SEHAR KAMRAN
Member-in-Charge