

[AS INTRODUCED IN THE SENATE]

A

BILL

further to amend the Companies Profits (Workers' Participation) Act, 1968

WHEREAS it is expedient further to amend the Companies Profits (Workers' Participation) Act, 1968, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Companies Profits (Workers' Participation) (Amendment) Act, 2018.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Amendment of section 2, Act XII of 1968.- In the Companies Profits (Workers' Participation) Act, 1968, hereinafter referred to as the said Act, in section 2, for clause (f), the following shall be substituted, namely:-

"(f) "Worker" in relation to a company means an employee of the company, including employed by or through the contractors, who falls within the definition of a worker as defined in clause (xxxiii) of section 2 of the Industrial Relation Act, 2012 (Act X of 2012) and has been working for or in the company for a period of not less than six months.

3. Amendment of Schedule, Act XII of 1968.- In the said Act, in the Schedule for paragraph 4 the following shall be substituted, namely:-

"4. Distribution of benefits to workers.- The share of a work in the annual allocation to the Fund shall be expressed in units or fractions of units (worked out to two places of decimal) of the face value of Rs. 10 determined in the following manner, namely:-

(a) The number of available units shall be so divided into three parts for the three categories of workers mentioned below a worker in the first of those categories gets four units for each two units that a worker in the second of those categories gets or for each one unit that a worker in the last of those categories gets:-

Categories

- (i) Workers drawing average minimum monthly wages not exceeding the minimum wages fixed by Government under the Minimum Wages Ordinance, 1961 (Ordinance No. XXXIX of 1961) from time to time.
 - (ii) Workers drawing average monthly wages exceeding the minimum wages as fixed by Government from time to time under the Minimum Wages Ordinance, 1961 (Ordinance No. XXXIX of 1961) but not exceeding two and one-half times of such wages.
 - (iii) Workers drawing average monthly wages exceeding two and one-half times of minimum wages.
- (b) The average monthly shall be rounded up to the nearest Rs. 10;
 - (c) The number of unit available to each category of workers shall be divided equally among all the workers in that category to determine the share of each workers of that category;
 - (d) Notwithstanding anything contained in this scheme, no worker shall, in any one year, be entitled out of the annual allocation to unit exceeding the amount of four times of the minimum wages for unskilled worker as fixed by Government under the Minimum Wages Ordinance, 1961 (Ordinance No. XXXIX of 1961) in value in so far as such allocation is relatable to clause (b) of sub-section (1) of section 3. Any amount left out of the annual allocation after the units have been so allocated shall be transferred to the Fund constituted under section 3 of the Workers Welfare Fund Ordinance, 1971 (XXXVI of 1971). No part of such amount shall be deemed to be included in the net asset value of the Fund established under this Act and no individual worker shall have any lien on this amount by virtue of holding any units.