

AS
[TO BE INTRODUCED IN THE SENATE]

A

Bill

to provide for the protection of the rights of women at work place in order to have equal access to employment free from gender discrimination and safeguard against the systemic undervaluing of work traditionally performed by women in the public and private organisations of Pakistan

WHEREAS Articles 3, 25, 27 and 34 of the Constitution of the Islamic Republic of Pakistan safeguard the fundamental right of every citizen against exploitation, provide equality to all citizens of Pakistan by stressing upon setting up of special provisions for non-discriminatory and protective environment for women in services and ensures full participation of women in all spheres of national life;

AND WHEREAS Article 2(f) of United Nations Convention on the Elimination of All forms of Discrimination Against Women, 1979 (CEDAW), stipulates that Pakistan being a state party to the convention shall take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

AND WHEREAS provisions of Goal 5 of the Sustainable Development Goals (SDGs) adopted by Pakistan, aims at addressing gender equality and women empowerment;

NOW THEREFORE it is expedient to enact a law for the provision of ensuring non-discriminatory environment at workplace and protection of the rights of working women in Pakistan effectively so that the purpose of legislation is carried out.

It is hereby enacted as follows:-

1. Short title, extent and commencement. - (1) This Act may be called the Working Women (Protection of Rights) Act, 2020.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

(a) "child care centre" means such places set up for supervision and care of infants and young children during the working hours when their parents hold jobs;

- (b) "employer" means an organization, any person or body of persons whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whatsoever and includes;
- (i) an heir, successor or assign, as the case may be, of such person or body;
 - (ii) any person responsible for the direction, administration, management and control of the management;
 - (iii) the authority, in relation of an organization or a group of organizations run by or under the authority of any Ministry or department of the Federal Government or a Provincial government, appointed in this behalf or, where no authority is appointed, the head of the Ministry or department as the case may be;
 - (iv) the office bearer, in relation to an organization run by or on behalf of the local authority, appointed in this behalf, or where no officer is so appointed, the chief executive officer bearer of that authority;
 - (v) the proprietor, in relation to any other organization, of such organization and every director, manager, secretary, agent or office bearer or person concerned with the management of the affairs thereof;
 - (vi) a contractor or an organization of a contractor including but not limited to the contractors of industrial and agricultural sectors, who or which undertakes to procure the labour or services of employees, for use by another person or in another organization for any purpose whatsoever and for payment in any form and on any basis whatsoever; and
 - (vi) office bearers of a department of a Division of a Federal or a Provincial or local authority who belong to the managerial, secretarial or directional cadre or categories of supervisors or agents and those who have been notified for this purpose in the official Gazette;

- (b) "employment" means employment in public and private sector organisations of Pakistan and includes permanent, part time, temporary and employment under a contract of services or of apprenticeship; and
- (c) "workplace" means the place of work or the premises where an organization or employer operates and includes building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out.

3. Prohibition on discrimination in employment.- (1) An employer, shall in relation to the recruitment, selection or employment of a person, not discriminate against that person on the basis of sex and marital status.

(2) An employer shall not discriminate against a female employee on the basis of sex and marital status.

4. Equal pay and allowances.- (1) An employer shall pay equal pay and allowances to women and men performing work of equal value.

(2) The burden of proof to establish that equal remuneration has been paid shall rest on the employer.

5. Equal opportunities for trainings, progression and promotion.- The employer shall ensure that the women are given equal opportunities for trainings, progression and promotion at workplace.

6. Maternity and paternity leave.- (1) A female employee shall be entitled to avail ninety days paid maternity leave, outside the leave account, from the date of its commencement or ninety days from the date of her confinement, whichever be earlier.

(2) The husband shall be entitled to have ten days paid paternity leave, from the date of the confinement of his spouse.

(3) The female employees shall also be provided with an additional, a maximum of thirty days unpaid maternity leave, separately from their leave account, if required.

7. Other facilities.- The employer shall make following facilities available for women at workplace:-

- (i) staff room with the provision of prayer place and washroom;
- (ii) provision of separate transport by the employer or reserve seats for women in public transport;
- (iii) provision of work from home facility for a maximum of fifteen days an annum; and
- (iv) child care centres to be set up at workplace.

8. Place of posting.- All female employees shall be posted at the same place of posting or residence of their spouses;

Provided that the posting shall be made in accordance with the wedlock policy of the Federal or Provincial Government as the case may be, or under this Act if such policy is not available.

STATEMENT OF OBJECTS AND REASONS

Women economic empowerment is key to success of a country. This can be understood from the conditions in which women work especially the facilities provided at workplace to avoid intersecting forms of discrimination. Article 2(f) of United Nations Convention on the Elimination of all forms of Discrimination Against Women, 1979 (CEDAW) provides that a state party to the convention shall legislate to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. In this regard Federal Government, pursuant to entry 32 of the Part I of Federal Legislative list of Constitution of Islamic Republic of Pakistan may legislate upon international treaties and conventions.

This Bill aims at provision of protection of the rights of women at work place in order to have equal access to employment, free from gender discrimination and safeguard against the systemic undervaluing of work traditionally performed by women in the public and private organisations of Pakistan.

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