

Globalization: Commitments and the State of Labour in Pakistan

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As for as General Pervez Musharraf's prompt jumpstarts to get entry into all international commitments and regimes on human rights, labour rights and human development is concerned, theoretically it is welcomed by all the international agencies including the United Nations systems and International Labour Organization (ILO) but when they look at practical steps, they could not avoid discrepancies and double standards adopted by this Gen Musharraf led-government with a set dictatorial mind and orientation.

On labour market and labour standards, Pakistan has ensured that it would be part of all global initiatives like "Global Compact" proposed by the UN Secretary General Mr Kofi Annan in his address to the World Economic Forum on January 31, 1999. It has also ratified Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) along with its two additional protocols and ILO Convention 182 on the worst form of child labour and other core ILO Conventions on labour standards based on the principle of non-discrimination.

The Global Compact launched in Pakistan on May 15, 2003 seeks wide participation from a diverse group of businesses and other organizations. The nine principles of the Global Compact (GC) focus on three areas: Human Rights, Labour Rights and Environment. Under human rights perspective, businesses have been asked to support and respect the protection of international human rights within their sphere of influence and make sure their own corporations are not complicit in human rights abuses. For the labour, businesses have been required to uphold the freedom of association and the effective recognition of the right to collective bargaining, elimination of all forms of forced and compulsory labour, effective abolition of child labour and elimination of discrimination in respect of employment and occupation. These four principles have been taken from the ILO Declaration of Fundamental Principles and Rights at Work adopted in 1998. On environment, businesses have been asked to support a precautionary approach to environment challenges, undertake initiatives to promote greater environmental responsibility and encourage development and diffusion of environment friendly technologies.

Similarly, ILO mission in Pakistan launched its global report on May 29, 2003, focusing on discrimination at work place, which has also reinforced the principles included in the GC and the 1998 ILO Declaration. Discrimination at work on the basis of gender, religion, colour of skin irrespective of skills and capabilities and requirement of jobs, denies millions of people mostly women the right to livelihood. We need to analyze both Global Compact and the ILO initiative on discrimination at work place in light of the on ground situation in the country.

Discrimination at workplace is a serious threat to labour force in Pakistan. Due to these attitudinal problems, fewer women join labour market despite having capabilities. The biggest among the discrimination is gender discrimination at workplace. Discrimination on the basis of gender leads to sexual harassment and violence. A survivor of such a discrimination and sexual harassment in her letter to the editor Political Economy (PE), The News, had quoted ten cases of sexual harassment while appreciating a detailed article published in the PE on sexual harassment written by this writer.

"Sexual harassment rather sexual violence has been rampant in education department as dozens of female teachers and officials have to face the wreath of certain 'sexually frustrated' seniors who harass them by transferring them to far-flung areas and using other departmental pressure tactics," said the survivor. She said these unwelcoming sexual advances by seniors damage women workers physically and psychologically. A few of them tried to commit suicide after being sexually assaulted.

Hailing from a notable family of Khanewal in South Punjab, the survivor (female teacher) on the condition of anonymity in her letter said such cases are a routine matter in the jurisdiction of the Directorate of Education, Multan where a director level officer has damaged a large number of female teachers. The survivor has requested for an inquiry into this matter to reach a truthful conclusion. "A case has been pending against this director level official in anti corruption Multan on the complaint of a female teacher against whom this official conducted an inquiry and in return demanded sexual favour," said the survivor. She said the victim approached at higher level but the inquiry against the officer was hushed up. The other nine victims of this officer hail from Sahiwal, Mian Channu, Shujaabad, Khanewal, Chichawatni, Multan, Lodhran and Bahawalnagar.

These ten cases reported by the survivor of sexual harassment are not the only cases reported and occurred, such cases are being reported from across the country and most of such cases remain unreported. The women working in education and health departments are considered more vulnerable as they are in large numbers and are posted away from their homes and could be easily blackmailed. Keeping this view, civil society organizations working for protection of women's rights including ActionAid Pakistan, Bedari, Islamabad Women's Welfare Agency, Working Women's Association, Working Women's Organisation, Interactive Resource Centre, Lawyers for Human Rights and Legal Aid, Pakistan Institute for Labour and Education Research and Conscience Promoters under the Alliance Against Sexual Harassment (AASHA) have drafted a Gender Justice Code at Workplace for Pakistan on the principles of equal opportunity for men and women and their right to earn a livelihood without fear of abuse, discrimination and harassment. When referred the cases quoted by the survivor of sexual harassment, a spokesperson for AASHA said the Gender Justice Code at Workplace provides a viable mechanism to check such unwelcome sexual advances by seniors or colleagues at workplace. These ten cases quoted by the survivor of sexual harassment should be taken as an eye opener and be taken up seriously.

Look at the labour force in Pakistan that observed the world labour day, May Day, this year (2003) amid fears of being neglected rather deprived of their basic rights with an hanging sword of retrenchment in the name of the new Industrial Relations Ordinance 2002 replacing the IRO 1969. This fundamental change over has snatched basic protections provided to labour force in sheer violation of all International Labour Organisation's conventions duly ratified by Pakistan.

While having a cursory look at the IRO 2002, one would find that almost 50% of the country's total labour force in agriculture sector has been totally deprived of its right to form trade union and hence organize itself in an institutional manner. Agriculture labour has not been given the right to get themselves unite. Two-third labour force in the country is in informal sector, which already has no right of trade unions. Hence, in a way a big chunk of labour force in the country has literally no rights as they are disorganized and have no say anywhere. Altogether only three percent of total labour force in the country is organized.

Traditionally labour unions around the world are considered to be the largest organized civil society groups, but it is reverse in Pakistan because generally, there have been discouraging trends for trade union politics in the country. There is a dire need to create space for trade union as effective civil society group as it could play a vital role for social change in our society which is already deviating from the rights-based approach and plunging into a garrison approach in all the sectors.

For the first time in the history of Pakistan both workers and employers together presented the draft IRO 2002 to the government. This joint draft was prepared by Workers/Employers Bilateral Council of Pakistan (WEB COP) in which the government expressed its commitment towards protecting bilateralism in industrial relations and gave assurances to the trade unions of their rights removing their apprehensions. But when the IRO 2002 came to

implementation, the government diluted the spirit of the joint draft and marred the rights-based approach. Five important areas need to be discussed as the changes brought into the original WEBCOP draft IRO 2002 have literally damaged the rights of the workers. The IRO 2002 proved to be a bad message for the labour in Pakistan.

Under the IRO 2002, the agricultural labour has not been recognized even as labour force having a right to form unions. Striking down this big chunk of the total labour force is a serious blow to the guarantee provided to them in the constitution of Pakistan and all ILO convention the country had ratified. This could be more serious when the government is going to introduce corporate farming system. At one hand corporatization of agriculture would directly hit hard almost 30 million agriculture workforce, on the other hand denying them the right to form trade unions to face the challenges of WTO and the corporatization is like grinding them hard and not giving them a breathing space. Already workers from banking sector, PIA and other state run corporations have been denied this right. This kind of attitude reflects that we do not want to promote democracy as we are curtailing its roots among the working class and the other segments of society that could be the change makers.

Another change brought into the IRO 2002 is that the powers of National Industrial Relations Commission (NIRC), to give immediate relief to any sacked/retrenched worker, has been abolished. Earlier, it has been a practice that if any worker was sacked and case was filed in the NIRC, he/she could have a relief that until the case is decided, he/she could have continued on the job. Now, sacking of workers would be easy for the employers as there would have been no immediate relief from the NIRC. Similarly labour appellate tribunal has been abolished. Institution of labour court has not been strengthened as suggested by the tripartite conference held in July 2001.

Like clipping the powers of NIRC, the power of labour court to reinstate the sacked workers has also been curtailed in the IRO 2002. This is very serious. It could cause uncertainty among the workers and put their means of livelihoods at stake. The trade unions across the country are protesting against these changes and demanding early removal of these clauses from the IRO 2002 to create a labour friendly atmosphere. If we analyze these clauses, we would conclude that these amendments are pro-employers and anti workers. They are uncalled for and distort the spirit of the constitution and all ILO conventions. Instead of introducing these changes that could damage the security of livelihoods, the government should promote a decent work paradigm by providing sufficient opportunities of employment and social protection to workers so that industrial relations could create congenial atmosphere in the country.

Both government and civil society should move hand in hand to end sexual harassment of vulnerable employees so that we could move towards gender mainstreaming with real spirit. Similarly scrapping of anti labour provisions of IRO 2002 could improve the working environment and no worker could be discriminated or blackmailed for threat of being uncalled for transfers/postings and retrenchments.

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