

DRAFT
PROVINCIAL POLICY ON HOME BASED WORKERS
GOVERNMENT OF THE SINDH
LABOUR DEPARTMENT
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PREFACE

The Provincial Policy on Home Based Workers is intended to develop strategies, plans and programmes for the protection & promotion of rights and benefits of the Home Based Workers (HBWs). The policy is based upon the guidelines and salient features of the draft National Policy on the HBWs as formulated by the Federal Government of Pakistan and has been finalized through exhaustive consultation with the stake holders including entrepreneurs, employers' organizations, workers' organizations, concerned provincial government departments viz a viz representatives of civil society organizations, local bodies and District Governments in the post 18th constitutional amendment scenario.

This Policy reaffirms Government's commitment to bring the laws and regulations concerning HBWs in Sindh in conformity with the Constitutional provisions; and common standards and principles developed by international human rights treaties such as Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC) , International Covenant on Economic Social and Cultural Rights (ICESCR) , ILO Conventions, the right to education (Article 25-A), the right to be protected from slavery and forced labour (Article 11); the right association and collective bargaining (Article 17) Constitution of Islamic Republic of Pakistan. In response to the CEDAW Concluding Observations on Pakistan shared by CEDAW Committee in 2007 and 2012, the Government of Sindh recognizes HBWs' issues and proceeds with developing a specific policy for HBWs.

The goal of the policy is to recognize and accept the rights of the HBWs through legislative and administrative actions; accord legal equality; focus on their needs, concerns and demands through an institutional approach at all levels. The Government of Sindh shall recognize that HBWs are a special category of workers, as distinct from domestic workers, that includes: a) person who works within the home boundaries, or in any other premises of his / her choice, but excluding the premises of the employer's or contractor's workplace; b) a person who works at home for remuneration or monetary returns; c) a person who is self-employed or does piece-rate, own-account, or contract work, which results in a product or services as specified by the employer / contractor.

The Government shall further endeavor to resolve the issues of HBWs concerning i) their status as workers ii) extension of social security benefits currently applicable only to workers in the formal organized sector of employment through enactment of new law or amendment in the existing laws relating to Employees Social Security iii) enjoyment of core labour standards (CLSs) along with the rights and entitlements in addition to all rights and benefits available to other wage earners performing the similar work, under the existing or any futuristic laws and regulations, iv) easy access to comparatively cheaper credit through several ongoing programmes, v) easy access to markets for their products, vi) protection from malpractices of 'intermediaries' and 'middlepersons' iv) promotion of non-industrial handicraft goods through purchase and utilization in public sector offices as affirmative action (e.g. public sector office furniture, furnishings, fixtures, stationery items, 2official awards, prizes and gifts. The Provincial Labour Department shall work as the implementing agency under the mandate of Government of the Sindh in close collaboration with the relevant Departments including District Governments /local bodies guided by the Provincial plan of action. The provincial plan may also suggest or establish inter-sectoral and inter-ministerial steering group, including representation from the civil

society organizations, workers and employers organisation at the provincial level to oversee the implementation of HBW Policy.

The Government of the Sindh shall prepare comprehensive Plan of Action for implementing the Provincial policy on HBW (PPHBWs); it shall be widely shared and consulted at the provincial level to ensure its feasibility and acceptability to all. After endorsement from various stakeholders and approval from the Government of the Sindh, its implementation shall start, using time-bound, result-oriented and objectively verifiable, gender segregated indicators. The policy should be implemented progressively.

The relevant law development and adoption shall follow the policy within three months. The Government of Sindh shall set up inter-departmental and cross-sectoral autonomous bodies, at provincial level, on the basis of public and private partnership to coordinate the efforts to be undertaken for the implementation of this Policy. The “Provincial Council for the Home Based Workers” shall be tripartite in nature be empowered to carry out the required overseeing and monitoring of the implementation of HBW policy.

Most of the home-based workforce of the province is piece rate workers involved in manufacturing and post-manufacturing tasks such as garment and hosiery, shoe making, embroidery, carpet weaving, handlooms, wood work, bangle making, dates cleaning and packing, pottery, handicrafts and others. The Government recognizes its obligations under the Constitution and believes that the Provincial Policy on Home-based Workers is inspired by the vision of an egalitarian society, which is free of exploitation and coercion; and where all citizens are equal before law and enjoy equal rights to lead their lives with dignity and self-respect. It is also recognized that the majority of HBWs are women. Informal sector is the backbone of the economy and HBW are the majority of the informal sector working in various sectors and contributing to the economy and national GDP. The Government of Sindh, however, realizes that, currently, the workers in the informal sector of economy specifically in the home-based sector are neither covered by the labour laws nor the definition of the “home-based worker” is part of any statute. Labour protection, social security coverage and provision of safety and health services and benefits are not extended to the informal sector, including the home-based workers. Therefore, they are unable to access the services, facilities, rights and benefits, including fair remunerations. Informal studies conducted on HBWs so far suggest the involvement of children especially girls in the home based work. Special measures shall be under taken to eliminate such practices. Such laws should be in consonance with Article 25-A of the Constitution of Islamic Republic of Pakistan.

The Policy lays down a framework on the key elements relating to legislative and administrative measures necessary to ensure the fulfillment of rights and benefits to the HBWs, prevention of child labour. It also provides an outline of institutional mechanism for the implementation of measures to be undertaken for the welfare of HBWs and roles and assignments which will be elaborated in detail through the formulation of Action Plan, in consultation with tripartite partners subsequently prepared in this regard.

GUIDING PRINCIPLES

The Government of Sindh recognizes its constitutional obligations and is inspired and guided by the principles as enshrined in the relevant articles of the constitution in formulation of this policy.

- Gender Equality and Non-discrimination
- Elimination of Exploitation ,abuse and harassment
- Empowerment of women
- Social and economic well-being of the People
- Freedom of association
- Elimination of child labour, age of child labour is as per specified in Child Labour Policies /Laws. Implementing of law for the protection of HBW including children such as Employment Children Act.

DEFINITION AND EQUALITY OF LEGAL STATUS

The Provincial Government shall take appropriate legislative and administrative action to accord equality of legal status to HBWs in relation to other wage earners, who perform similar work to ensure a decent living wage; and define through enactment or notification the following definitions in relevant laws and regulations.

The Government of Pakistan shall recognize that HBWs are a special category of workers; and that HBW is a person:

- who works within the home boundaries, or in any other premises of his/her choice, but excluding the premises of the employer's or contractor's workplace;
- who works at home for remuneration or monetary returns; and
- who is self-employed or does piece-rate, own-account, or contract work, which results in a product or services as specified by the employer/contractor.

Explanation:

- i) The above-said definition of Home-based Worker does not include the following:
 - (a) a person with employee status who occasionally performs his/her work as employee at home, rather than at his/her usual workplace;
 - (b) a home-based worker who has the degree of autonomy and of the economic independence necessary to be considered as an independent self-employed worker under national laws, regulations or court decisions;
 - (c) a domestic worker, since he/she does not work in his/her own home; and
 - (d) a person working, outside his/her home boundaries, in the rural or non-formal sectors of agriculture, livestock, forestry, fisheries, etc., since he/she is still termed as "unpaid agricultural family helper".
- ii) The Government shall enact and notify the following term of the "employer" in the specific context of home-based work in relevant laws and regulations; and that the employer in this context is:
 - (a) a person, natural or legal, who either directly or through an intermediary/ies or "middleperson/s" – whether or not intermediaries are provided for in national legislation, gives out home-based work in pursuance of her/his business activity; and
 - (b) a person who can be an owner, sub-contractor, agent or middleperson, irrespective of who provides the materials, equipment or other inputs used by a HBW.

MAIN OBJECTIVES

The Government of Sindh will take steps to ensure the following objectives within the broad parameters of the policy, through legislative and administrative actions in cooperation and coordination with the HBWs, . and various stake holders in the public and private sectors to address the problems faced by informal work force.

The main objectives of the Provincial policy on HBWs are:

- To recognize and accept HBWs as workers in their own right through legislative and administrative actions;
- To ensure the effective promotion and protection of the human rights of HBWs and to respect, promote and realize the fundamental principles and rights at work”
- To focus on the needs, concerns, and demands of HBWs through an institutional approach at all levels;
- To determine minimum wages/ as per Minimum Wages law, remunerations of HBWs to a just and decent level considering the inflationary trends in the country;
- To make the work of HBWs economically viable by creating, facilitating and regulating the marketing opportunities of their products;
- To ensure the application of all rights and entitlements on HBWs available to other wage earners performing similar work, including social protection coverage, maternity protection as well as safe and fair conditions of work for them;
- To provide HBWs visibility and opportunity for an organized voice to articulate their concerns and demands through registration and certification as collective Bargaining Units (CBU)/ Collective Bargaining Agent (CBA).
- To work in collaboration with related Departments and institutions to implement the aims and objectives of the policy in a participatory and transparent manner;
- To work in close collaboration with all stakeholders, including representatives of the HBWs, non government and community based organizations, the employers through EFP, trade unions, local and national networks of NGOs in pursuance of the objectives of the Policy;
- To bring the laws and regulations related to HBWs in conformity with the international standards.

KEY POLICY MEASURES

The Government of Sindh will work in collaboration with other stakeholders to provide HBWs equality of legal status and just reward of work by adopting the following key policy measures:

- Formalization of home-based workers
- Ensuring fair terms of employment and decent working conditions of HBWs
- Access to skill enhancement trainings
- Access to credit, land ownership and assets;
- Access to market challenges and linkages
- Access to Social Security benefits
- Abolition of forced Labour
- Ensuring the right to Collective bargaining

RIGHTS AND ENTITLEMENTS

The Government of Sindh will take such steps and make such arrangements whereby the HBWs shall enjoy the core labour standards along with the following rights, entitlements and benefits available to other wage earners performing the similar work as also stipulated in **Convention C177**. Particularly women's reproductive health and freedom from any form of sexual harassment or gender-based violence

- Registration of HBWs
- Fair wages and remedy for non-payment, delayed payment and illegal deduction of wages.
- Non Discrimination and Equality of treatment.
- Safe and healthy working conditions ensuring occupational health and safety for HBWs
- Terms and conditions of work or employment.
- Right to organize and collective bargaining.
- Access to skill Enhancement Training.
- Access to credit.
- Access to market channels and linkages.
- Access to health care, social protection and old age benefits

IMPLEMENTATION AND ENFORCEMENT

The Provincial labour Department as the main implementing agency shall work in close collaboration with the relevant Departments and institutions guided by provincial plan of action. It will comprise of short, medium and long term measures;

Short Term

- Recognition of HBWs as "Workers"
- Registration of HBWs with labour department, Social security institutions , EOBI and Workers Welfare Board
- Identification of categories of HBWs through data collection
- Identification/registration of employers/contractor
- Determination of fair / minimum wages for HBWs across Province
- Right of Complaint for non-payment of wages / violence / sexual harassment
- Ensure Occupational safety and health standards at workplace.
- Women's reproductive health
- Encourage sector wise organizing and cooperatives of HBW. Creation of common workplaces including provision of tools, equipments, machinery, etc. Establishing Pilot projects to improve HBWs capacity for decent livelihoods at district level.
- Linking HBWs with social safety net and easy credit facility.
- Assessment of HBWs working environment and ensuring access to occupational safety and health procedures.

Medium Term

- Skill Development Trainings to HBWs through STEVTA and other Vocational Training Institutes for establishing their own businesses.
- Specific reference to Maternity Protection along with the other schemes.

- Creating space for HBWs in the future planning and legislation of the provinces in context of urban housing schemes, infra structure, women friendly laws etc
- Linking up with micro credit and advisory services available at provincial /district level
- Initiate data collection of HBWs.
- Explore innovative ways to ensure the inspection of home based work environment at the local level.
- Introduce Alternative skills and livelihood opportunities for HBWs to ensure their decent living under healthy and safe environment.

Long Term

- Setting up Micro Credit, marketing and Advisory Services for the HBWs at the district level
- Access to local and international markets
- New legislation for HBWs and amendment in existing labour laws.
- Ensure Ratification on C 177.

CONCLUSION

Government of the Sindh recognizes the rights and importance of HBWs in the economy and labour market. Thus it is need of the hour is to ensure policies, laws, rules and take such steps whereby HBWs are looked after, protected, promoted and encouraged by the Government Departments and the systems adopted for this purpose. This policy shall provide guidelines and parameters for such advancements.
