



“No Room to Bargain”

Unfair and Abusive Labor Practices in Pakistan

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Map



Summary

“Shabana,” a pseudonym, has been working for more than eight years at a Lahore garment factory with about 500 workers, manufacturing for a Pakistani brand. The conditions, she says, are harsh and there is always the risk of being fired:

There is no written contract and the only proof of employment is a card. The factory management marks the attendance of the workers themselves and signs everybody out after nine hours so that if the record is ever inspected, it would appear that the management is complying with the law. In truth, we work longer hours and there is not even sick leave. Salary is deducted if someone is unwell even for a day. There is no maternity leave. Any woman who becomes visibly pregnant is told to leave.

There are currently millions of workers like Shabana in Pakistan’s garment industry who are victims of exploitation and abuse. In recent years, these invisible workers have on rare occasions been part of the national conversation, sadly, almost always for wrong and often tragic reasons.

For example, in May 2017, countrywide protests by workers of Khaadi, a leading Pakistani apparel brand, spotlighted the serious and widespread problems in Pakistan’s garment sector. The protests began when Khaadi fired 32 workers for demanding their rights under Pakistani law. Worker grievances included arbitrary dismissal of dozens of workers, unsanitary working conditions, extremely long working hours, and salary below the statutory minimum wage. A month later, after Khaadi struck a deal with union leaders, some workers withdrew their complaints. However, a year later, according to a labor activist, several of the workers’ grievances are yet to be addressed.

Five years earlier, on September 12, 2012, Pakistan witnessed the worst industrial disaster in its history when a fire at the Ali Enterprises garment factory in Karachi killed at least 255 workers and injured more than 100. Investigations found a series of irregularities and an almost complete absence of fire and safety mechanisms. According to surviving workers,

the management made no immediate efforts to rescue the workers and instead attempted to save their merchandise first.

The fatal fire at Ali Enterprises, which was primarily supplying to KiK Textilien, a German brand, also highlighted serious defects in the auditing and certification process. A certificate was issued to the factory by RINA Services S.p.A, an Italian inspection company, just 22 days before the deadly fire, finding that the factory complied with all the necessary fire and safety mechanisms and labor laws. RINA, the auditing company, had issued similar certificates to over 100 factories in the country.

Based on interviews with more than 141 people, including 118 garment workers from 25 factories, union leaders, government representatives, and labor rights advocates, this report finds that Pakistan's government has failed to apply the lessons on labor rights protection and safety it should have learned following the Khaadi protests and deadly fire at Ali Enterprises. As a result, workers in Pakistan's garment factories continue to experience labor abuses that go unaddressed.

While the scope of the research is limited given the vast scale of the apparel industry in Pakistan, it nonetheless points to a trend of widespread poor working conditions, identifies key concerns voiced by workers and labor rights advocates, and details the failure of inspection mechanisms to enforce compliance with applicable labor laws and regulations.

We did not specifically focus in this research on international clothing brands, but about 20 percent of Pakistan's factories produce ready-made garments for the international market. Such companies have an obligation to ensure that workers' rights are protected throughout their supply chains.

According to some estimates, Pakistan's garment industry employs 15 million people, some 38 percent of the manufacturing labor force. But a combination of lack of job security that make it easier to dismiss and control workers, poor government labor inspection and enforcement, and aggressive tactics against independent unions, make it difficult for workers to assert their rights.

While most factories cater to the domestic market, some make garments for well-known United States and European retail companies. The larger factories are part of the organized sector of the industry and supply international apparel brands. The bulk of the manufacturing, however, takes place in the informal economy, operating in small, unregistered shops, and unmarked buildings. These small factories produce for domestic brands, both registered and unregistered.

The working conditions in smaller factories are usually worse than those in larger ones that are more likely to be inspected, particularly if supplying to international brands. Owners of the smaller factories are more likely to refuse to pay the statutory minimum wage and use short-term oral contracts. However, Human Rights Watch found violations of labor rights including forced overtime, denial of leave, and short-term unwritten contracts even in large Pakistani factories.

Labor Rights Abuses

Lack of accountability for poor working conditions in garment factories is at the center of troubled industrial relations in Pakistan. Violations of workers' rights are a problem in nearly all these factories and include practices contrary to both Pakistani law and codes of conduct that Western retailers insist, often in production contracts, that their suppliers follow.

Workers, many of them women, told Human Rights Watch that they experience physical as well as verbal abuse, sometimes of a sexual nature, as well as forced overtime, denial of paid maternity leave, medical leave, and failure to pay the statutory minimum wages. Workers also said they faced pressure not to take toilet breaks, and some said they were denied clean drinking water. A worker from a Karachi factory said:

I was fired when I had an infection and high fever and took two days off after filling in a leave form. When I came back to work, I was not allowed to enter and was told that I had been terminated. Anyone who becomes ill is fired. That is the general rule. A woman who had an ulcer in her stomach requested a few days off for an operation, but instead of being granted medical leave, she was fired.

Another worker in Karachi told Human Rights Watch:

There is no maternity leave. Pregnant women are 'left' [an industry term for termination] and now whenever a woman worker becomes pregnant, she leaves the job herself to avoid the indignity of being fired.

Some of the smaller factories sometimes employ children, including as young as 13, to avoid paying minimum wage and overtime. Human Rights Watch spoke to nine children working in garment factories, all of them producing for the domestic market. None of the children had a written contract. The management can avoid giving them an employment contract or other benefits because workers under the age of 18 do not have a national identification card (NIC), which is often used as a pretext for denying official wages. Children sometimes accompany their parents, in most cases the mother, to the factory, and end up working without a formal contract. Wahab, 17, from Karachi who has been working since age 14 said:

The managers swear at us, sometimes for no reason. There is no employment contract, no social security cards, and no medical leave. They tell us, 'You have no right to a leave or higher salary because you have no NIC.'

Factories can also misuse government benefits. On December 1, 2018, there was a protest at a training institute for garment workers in Lahore which is run by a major Pakistani brand. Workers said that the company was abusing government incentives to set up such training institutes. The state pays the management 2,000 rupees (US \$2) for every worker trained. Workers alleged that in practice the establishment operates as a factory, extracting free labor, and so they stopped work and gathered outside the factory manager's office demanding salaries. Bilal, one of the workers at the training institute said:

The company has shown this unit as a training institute in official records. However, there is no training conducted here. It is a factory. The government inspection teams are complicit. People who have been shown as "trainees" are all experienced garment workers.

Home-Based Workers

In a conservative society like in Pakistan, women do not always join a formal work force but try to supplement their income by working at home. Many garment factories producing for Pakistani brands use home-based workers on a per order or seasonal basis. While there is no official data on the number of women employed in this way, a 2014 study by the International Journal of Social Work and Human Services Practice estimated that approximately 77 to 83 percent of the women employed in Pakistan's informal economy are home-based workers.

Human Rights Watch spoke with 23 women in Lahore and Karachi engaged in seasonal home-based work for garment factories in surrounding areas. According to the International Labour Organization (ILO), home-based workers in Pakistan produce primarily for the domestic market. The women whom Human Rights Watch interviewed did not know the name of the contracting factory, let alone the brand for which they were producing. Instead, middlemen employ the women mostly to trim extra thread from stitched garments, embroider, make button holes, or package garments into plastic bags. One woman, a home-based garment worker for the past 20 years, told Human Rights Watch:

The work is given to us by a contractor who is our only point of contact. The payment varies from 2 to 4 rupees per piece [2 to 4 US cents]. At times, the contractor does not tell us the rate before production and says, 'We will discuss the rate once you have finished the order.' We cannot bargain because if we do then the contractor will not give us the order the next time.

Union-Busting

Labor rights activists complained of union-busting by many large factories. Factory managers often keep workers on short-term contracts to discourage their participation in union activities, refusing to give them permanent status despite years of employment, dismissing or harassing union representatives to prevent them from forming independent unions, and encouraging pro-management unions.

Factory owners manipulate the labor law to create obstacles for the workers to register trade unions. One of the primary instruments for this is registering fake or “yellow” unions consisting of chosen or non-existent employees, making it close to impossible for workers to register real unions; legal requirements for registering a union are particularly hard to meet, including having one-fifth of the total labor force of the factory as union members.

On the rare occasion that workers in a factory manage to successfully unionize, factory owners and managers have used bribes, and threatened or used actual violence to intimidate and suppress them.

For example, on July 6, 2010, unknown gunmen shot and killed prominent labor leader Mustansar Randhawa and his brother in the Faisalabad district of the Punjab. Randhawa was a leader of the Labor Qaumi Movement (LQM), a labor union seeking to organize workers of the textile and power loom sector in the industrial district. He was killed soon after he announced a strike to demand a wage hike. Workers protested his killing, and demanded increased wages. Police used force against the protesters, several of whom were injured, and arrested more than 100. Subsequently, six leaders of the LQM were arrested and charged under the anti-terrorism law for allegedly attempting to burn down a factory during the strike. In November 2011, an anti-terrorism court sentenced the six trade union leaders to life imprisonment.

In March 2012, 12 trade union leaders in Karachi were charged under the anti-terrorism law for “extortion.” Six of them were arrested and beaten in custody. In May 2012, they were released on bail. The court finally acquitted them in August 2014 after a trial that included more than 100 court appearances.

In December 2017, labor rights activists told Human Rights Watch that they were facing threats from security agencies for exposing abuses and campaigning for compliance with labor laws. According to many union leaders, the factory owners often try and bribe workers to back down from demands. One union leader told Human Rights Watch:

We had successfully organized a strike and the factory had come to an almost complete halt. We were demanding that our contracts should be regularized, and our workers be made permanent employees. I was invited by the management to ‘negotiate.’ They insisted that I come alone. They

offered me a car and 300,000 rupees [US\$3,000] to convince the workers to end the strike.

International Apparel Companies

While most of the production in Pakistan's garment industry is for the domestic market, several factories also manufacture for well-known international brands and export to the United States, United Kingdom, European Union, and China.

Workers in some of these factories also have complained of exploitative labor conditions. For example, workers in one factory in Hafizabad district supplying international brands told Human Rights Watch that the factory management has attempted to intimidate and harass workers associated with independent unions. In response to a letter from Human Rights Watch, the factory said that the management encourages all workers to join unions and has never used illegal means to prevent workers from doing so. The factory management also provided the details of the three registered unions in the factory. Workers denied these claims, saying that the factory management obstructs attempts to register independent unions and threatens union members with involuntary dismissals.

International brands have a responsibility to promote respect for workers' rights throughout their supply chains, including both direct suppliers and subcontractor factories. While a number of brands assert that they require adherence to a rights-respecting code of conduct among their suppliers, there are gaps in enforcement particularly due to a combination of a lack of supply chain transparency, need for due diligence over their purchasing practices, and bolstering access to workers' grievance redress.

Ensuring Accountability

International human rights and labor law obligate Pakistan's government to ensure that workers' rights are respected, and that they have access to redress when abuses occur. Labor departments in each of the four provinces are tasked with enforcing laws to monitor working conditions and have powers to initiate enforcement action. But to date, Pakistan's labor inspection mechanism has been wholly ineffectual, and the subject of numerous corruption allegations.

In 2017, according to one estimate, there were 547 labor inspectors for over 350,000 factories around the country. Of these only 17 were women—a particularly glaring omission given that women form 30 percent of the workforce in the textile sector, according to one estimate by the media house Geo, and face exceptional discrimination at every stage of the employment process, including during hiring, promotion, and dismissal. Factories seldom make reasonable workplace accommodations to address the needs of women workers, particularly of pregnant women. Most women are employed as contract labor in low-paid and low-skilled roles. One trade union leader told Human Rights Watch:

In Karachi, there are only two women labor inspectors for the entire city (which has 70 percent of the country’s industry) out of a total of around 200 to 225 labor inspectors. Women workers are extremely reluctant to talk about sexual harassment and their other personal problems with a male government official.

The primary responsibility for protecting the rights of workers rests with Pakistan’s government. While Pakistani law falls short of international standards including ILO conventions, rigorous enforcement of existing domestic law would still go a long way in protecting rights of workers. But all too often labor inspectors and other authorities are overstretched, or complicit, and let abuses persist.

Factory owners also need to commit to reform. There is much more the government, the All Pakistan Textile Mills Association (APTMA) and the Pakistan Readymade Garments Manufacturers & Exporters Association (PRGMEA) can do to ensure compliance with worker protection provisions, and to sanction companies that abuse worker rights. However, many factory owners carry considerable political clout in Pakistan, which affects the extent to which they are held to account for violating workplace rights, and health and safety provisions.

International and domestic companies that manufacture clothes and other products from Pakistan factories also have a responsibility to ensure that worker safety and rights are maintained throughout their supply chains. Many factory conditions described in this report not only violate Pakistan’s labor law, but also violate the standards that international brands and retailers insist that their suppliers follow.

Under the United Nations Guiding Principles on Business and Human Rights, owners and the companies that buy their products also have responsibilities to prevent human rights violations occurring in factories and should take remedial action should abuses occur. All businesses, regardless of their size or where they are based, should “avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur.” They should also “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.” Many national and international companies with business activities in Pakistan are not meeting these responsibilities.

Key Recommendations

- The Pakistan federal and provincial governments should revise all relevant labor laws to ensure they are in line with key international labor standards. The Industrial Relations Act, 2012 and the provincial laws fall short of ILO standards ratified by Pakistan, including Convention No. 87 on Freedom of Association and Convention No. 98 on the Right to Organize and Bargain Collectively.
- The Pakistan federal government should carry out effective and impartial investigations into workers’ allegations of mistreatment, including beatings, threats, and other abuses, and prosecute those responsible.
- The Pakistan provincial governments should develop and implement a plan to increase the number of government labor inspectors, improve their training, establish clear procedures for independent and credible inspections, and expand the resources at their disposal to conduct effective inspections.
- International and domestic companies manufacturing in Pakistan should publicly disclose and update supplier factory lists; join collective brand initiatives; and take steps to develop grievance redress procedures for all workers, incorporating workers’ freedom of association as a core part of all binding and non-binding brand agreements.

Methodology

Human Rights Watch conducted most of the field research for this report in Pakistan from June 2017 to December 2018. Interviews were conducted in Lahore city and Hafizabad district in Punjab province and Karachi city in Sindh province as these areas have many garment factories.

Given the vast scale of the apparel industry in Pakistan, the scope of the research cannot be comprehensive, but it indicates the trend of poor working conditions and identifies key concerns voiced by workers and labor rights advocates.

We interviewed 112 factory workers, including 22 women and 9 children under age 18, the legal minimum age of work in Pakistan. Of the 24 garment factories examined, workers estimated that 16 employed between 300 and 5,000 workers. The smallest factory we researched employed about 70 workers. In addition, we also interviewed 23 women who were home-based garment workers. Among those interviewed there were 37 workers from 17 factories involved in efforts to form trade unions.

Of the 24 factories, 13 produced for both domestic and international apparel brands and 11 produced only for domestically owned brands. This report does not focus on any one brand. Apparel companies that publicly disclose their supplier factory lists create more avenues for workers' voices to reach them than brands that do not. Without publicly disclosed supplier factory information that is regularly updated, the onus is on workers to accurately collect and provide label information, further delaying or thwarting their access to remedies.

All worker interviews were conducted in person in Urdu or Punjabi, with some follow-up interviews conducted by telephone. The interviews took place after their factory workday, during the lunch hour, or on their day off. The interviews were conducted in local offices of nongovernmental organizations, garment workers' homes, or in other places that workers identified as safe. No interviews were conducted in the presence of workers' employers, such as factory managers or other administrative staff.

Workers in the Pakistan garment industry fear losing their jobs if they publicly complain about poor working conditions and violations of labor rights. As this report shows, some workers also face the threat of serious physical and verbal abuse. For this reason, we have withheld names using pseudonyms. Since we met workers who are still employed by the factories they discuss, we have also chosen not to publish the names of those factories.

The exchange rate of the Pakistan rupee against the United States dollar has been approximated to correspond with the rate prevailing at the time of the research at 100:1.

Before each interview we informed the interviewee of its purpose and asked whether they wanted to participate. No incentives were offered or provided to those we interviewed.

Finally, this report does not delve into the challenges posed by auditing for social and labor compliance in the garment industry. Human Rights Watch is engaged in ongoing research on this issue.

I. Pakistan's Garment Industry

The textile and garment sectors are important components of Pakistan's manufacturing industry. The International Labour Organization (ILO) estimated that the Garments, Textiles and Footwear sector in Pakistan employed 4.2 million people in 2014-15.¹ The garment and textile sector contributes up to 8.5 percent of Pakistan's GDP and about 70 percent of total exports.²

Pakistan's economy relies significantly on its garments and textiles exports, with its key markets being the United States, United Kingdom, and China.³ According to the latest available World Bank data, in 2016 the export of textiles and garments to these three countries was worth US\$288 million, \$139 million, and \$100 million respectively.⁴ Other important export markets included Germany, Belgium, Netherlands, France, and Italy, as well as some Asian countries.⁵

The European Union is Pakistan's largest trading partner, receiving almost 30 percent of total exports in 2016, worth more than \$3.5 billion, comprising mostly garments and textiles.⁶ The EU and Pakistan signed a cooperation agreement in 2004, and Pakistan has benefitted from the EU's Generalized System of Preferences (GSP) since July 2008.⁷

¹ International Labour Organization (ILO), *Employment and Wage Rising in Pakistan's Garment Sector*, February 2017, http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_544182.pdf (accessed July 18, 2017).

² The Clean Clothes Campaign, *Facts on Pakistan's Garment Industry*, 2015, <https://cleanclothes.org/resources/publications/factsheets/pakistan-factsheet-2-2015.pdf> (accessed July 15, 2017).

³ World Bank Group, "Pakistan Textile and Clothing Export by Country 2016," 2016, https://wits.worldbank.org/CountryProfile/en/Country/PAK/Year/LTST/TradeFlow/Export/Partner/by-country/Product/50-63_TextCloth (accessed February 2, 2018).

⁴ Ibid.

⁵ Ibid.

⁶ European Union, "European Union-Trade with Pakistan," November 17, 2017, http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113431.pdf (accessed February 1, 2018).

⁷ Pakistan Readymade Garments Manufacturers and Exporters Association, <http://www.prgmea.org/index.asp> (accessed January 8, 2018).

Pakistan is a key manufacturing destination for many US and European apparel brands.⁸ The garment industry in Pakistan caters to many Pakistani labels as well, some of which are exported to the Gulf Council Countries and other regional markets.⁹

The garment industry in Pakistan broadly operates on three levels: small, medium and large-scale units.¹⁰ Most of the factories in the garment sector have 50 machines or fewer.¹¹ The larger factories are part of the organized sector of the industry and supply international apparel brands. However, the bulk of the manufacturing takes place in the informal economy, operating in small, unregistered shops, and unmarked buildings.¹² These small factories produce for domestic brands—registered and unregistered.¹³

Small enterprises dominate the garment industry and are often owned by individuals, employing almost 84 percent of the workforce of the industry, whereas large enterprises employ less than 5 percent. Many of the individually owned small firms are not registered with the government.¹⁴ While in terms of revenue, it is the larger enterprises that dominate, workers reported abuses from across the sector.

Poor Labor Rights Protections

Pakistan's various labor laws and regulations do not adequately protect workers in the garment and textile industry and constitutional safeguards are often not enforced.

⁸ Kazim Alam, "From manufacturing to branding: Garment manufacturers operate with squeezed margins," Express Tribune, April 29, 2012, <https://tribune.com.pk/story/371784/from-manufacturing-to-branding-garment-manufacturers-operate-with-squeezed-margins/> (accessed July 16, 2017).

⁹ ILO, Pakistan's Hidden Workers, May 2017, http://www.ilo.org/islamabad/whatwedo/publications/WCMS_554877/lang-en/index.htm (accessed July 18, 2017).

¹⁰ The classification is based on the number of workers employed in the factory. Small operations generally employ one to five workers, whereas medium and large facilities employ 6 to 19 or more than 20 workers respectively.

¹¹ Iftikhar Ahmad, "Labour and Employment Law: A Profile on Pakistan," Wage Indicator, 2010, http://www.wageindicator.org/main/documents/Labour_and_Employment_Law-A_Profile_on_Pakistan.pdf (accessed July 26, 2017).

¹² Dr. Noor Ahmed Memon, "Pakistan apparel industry: competing global market," Pakistan Textile Journal, January 2016, <http://www.ptj.com.pk/Web-2016/01-2016/PDF-January-2016/Dr-Noor-Apparel-and-Knitwear-1.pdf> (accessed July 17, 2017).

¹³ ILO, Pakistan's Hidden Workers, May 2017, http://www.ilo.org/islamabad/whatwedo/publications/WCMS_554877/lang-en/index.htm (accessed July 18, 2017).

¹⁴ International Labor Organization, Employment and Wage Rising in Pakistan's Garment Sector, February 2017, http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_544182.pdf (accessed July 18, 2017).

Pakistan's constitution provides safeguards to workers against exploitation and discrimination.¹⁵ It prohibits forced labor and using children under the age of 14 in factories.¹⁶ It guarantees the right to choose a profession and form associations, and ensures non-discrimination.¹⁷ The constitution also includes non-binding principles that commit to just and humane working conditions, ensuring that women and children are not employed in employment unsuitable for their age or gender, and provide maternity benefits to women workers.¹⁸

Pakistan has a complex maze of laws for the protection of labor rights. Since 2010, provincial legislatures have been tasked solely with developing legislation governing labor laws within their provinces. The federal legislature can pass labor laws governing factories and businesses that have branches spread across more than one province (locally known as "trans-provincial" businesses).

At the federal level, the laws include the Factories Act, 1934; the Industrial Relations Act, 2012; the Industrial and Commercial Employment (Standing Orders) Ordinance 1968; the Workman Compensation Act, 1923; Payment of Wages Act, 1936; and Employees' Social Security Ordinance, 1965.¹⁹

These federal laws apply unless they are superseded by provincial legislation. For example, Sindh's many provincial laws replace the federal laws, including the Sindh Factories Act, 2015, the Sindh Terms of Employment (Standing Orders) Act, 2015, and the Sindh Industrial Relations Act, 2013. Similarly, in Punjab, the Punjab Industrial Relations Act, 2010, for example, replaces its respective federal counterparts.

¹⁵ Constitution of Islamic Republic of Pakistan, 1973, http://na.gov.pk/uploads/documents/1431341153_169.pdf (accessed July 17, 2017).

¹⁶ Ibid., art. 11

¹⁷ Ibid., arts. 17 and 25.

¹⁸ Ibid., arts. 34 and 37.

¹⁹ See Iftikhar Ahmad, "Labour and Employment Law: A Profile on Pakistan," Wage Indicator, 2010, http://www.wageindicator.org/main/documents/Labour_and_Employment_Law-A_Profile_on_Pakistan.pdf (accessed July 26, 2017).

Not all legislation applies uniformly to every factory or establishment manufacturing garments. Their applicability varies according to the number of workers each establishment employs.²⁰

The minimum wage rate in Pakistan is legislated periodically by the provincial governments. However, according to a 2017 study published by the ILO, 54 percent of workers in the garment, textile, and footwear industry were paid less from 2014-15 than the statutory monthly minimum wage.²¹

Dangerous Factories

On September 12, 2012, Pakistan suffered the worst industrial disaster in its history when a fire at the Ali Enterprises garment factory in the largest designated industrial area or special economic zone of Karachi, called SITE, killed at least 255 workers and injured more than 100.²² Three separate investigations by the police, Federal Investigating Agency (FIA) and a judicial commission found a series of irregularities and almost a complete absence of fire and safety mechanisms.²³ There were no escape routes, firefighting equipment or fire alarms and the staff had no basic fire and safety training.²⁴ Investigations concluded that the exit doors were locked from the outside by the factory management. An illegal wooden mezzanine floor contributed to the rapid spread of the fire. According to survivors, the management made no immediate efforts to rescue the workers and instead attempted to save their merchandise first.²⁵

²⁰ For example, the federal Industrial and Commercial Standing Orders Ordinance applies to establishments that have 20 or more workers whereas its Sindh counterpart applies to establishments that have 10 or more workers. The federal Factories Act applies to establishments that have 10 or more workers.

²¹ International Labor Organization, Employment and wage rising in Pakistan's garment sector, February 2017, http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_544182.pdf (accessed July 18, 2017).

²² Faisal Siddiqi, "Justice Denied," Newsline, November 2014, <http://newslinemagazine.com/magazine/justice-delayed/> (accessed September 10, 2017).

²³ Ibid.

²⁴ Zia-ur-Rehman, "More than 300 killed in Pakistani Factory Fires," New York Times, September 12, 2012, <http://www.nytimes.com/2012/09/13/world/asia/hundreds-die-in-factory-fires-in-pakistan.html> (accessed September 10, 2017).

²⁵ Faisal Siddiqi, "Justice Denied," Newsline, November 2014, <http://newslinemagazine.com/magazine/justice-delayed/>, (accessed September 10, 2017). The factory owners denied these claims and held the late arrival of the fire brigade as the cause of the magnitude of the loss. The management also claimed that they suspected that the fire was an act of terrorism. Nudrat Kamal, "Burning Questions: The Karachi Factory Fire," Newsline, October 2012, <http://newslinemagazine.com/magazine/burning-questions-the-karachi-factory-fire/>.

Investigations found that the factory was not registered with the Labor Department and therefore had never been inspected by the government.²⁶ The Sindh Building Control Authority, the government body responsible for enforcing the building regulations, claimed to have no jurisdiction over the factories in the SITE industrial area.²⁷

KiK Textillien, a German garment brand was the primary buyer of Ali Enterprise garments, purchasing approximately 75 percent of the total production at the time of the fire.²⁸ The deadly fire at Ali Enterprise highlighted serious defects in the auditing and certification process. The *Social Accountability 8000* program (*SA-8000*) certificate was issued to the factory by RINA Services S.p.A, an Italian inspection company. The SA-8000 is a widely accepted certification standard that measures social performance in key areas to hold organizations accountable in fair treatment of workers across industries and geographical regions.²⁹ The SA-8000 certificate to Ali Enterprise was issued on August 21, just 22 days before the fire and certified that the factory complied with all the necessary fire and safety mechanisms and labor laws.³⁰ Subsequent investigation by Social Accountability International (SAI) found that no inspection had taken place and the certificate was false.

The Ali Enterprise factory fire was not an isolated incident. On the same day, September 12, 2012, a fire in a footwear factory in Lahore killed 25 workers and injured dozens.³¹ According to officials, a generator inside the factory caught fire and ignited chemicals stored nearby. The factory was illegally constructed in a residential neighborhood and did not have proper fire and safety mechanisms. Most victims of the Lahore fire were under the age of 25.³²

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ The SA-8000 certification standard is based on compliance in eight performance areas, which include child labor, forced and compulsory labor, health and safety, freedom of association and right to collectively bargain, discrimination, disciplinary practices, working hours and remuneration. <http://www.sa-intl.org/index.cfm?fuseaction=Page.ViewPage&PageID=937/> (accessed August 31, 2018).

³⁰ Declan Walsh, "Certified Safe, a Factory in Karachi Still Quickly burned," *New York Times*, December 7, 2012, <http://www.nytimes.com/2012/12/08/world/asia/pakistan-factory-fire-shows-flaws-in-monitoring.html>, (accessed September 10, 2017).

³¹ Zia-ur-Rehman, "More than 300 killed in Pakistani Factory Fires," *New York Times*, September 12, 2012, <http://www.nytimes.com/2012/09/13/world/asia/hundreds-die-in-factory-fires-in-pakistan.html> (accessed September 10, 2017).

³² Ibid.

On November 5, 2015, Rajput Polyester, a four-story factory in Lahore's Sundar Industrial estate, collapsed, crushing to death at least 23 workers and injuring several more.³³ Although not linked to the garment industry, the accident exposed risky factory conditions. According to a worker, as many as 50 shift workers had been sleeping in a section of the building at the time of the collapse, including children as young as 12, even though the Factories Act of 1934 prohibits the employment of children under 14 years in any factory.³⁴

The factory owner was adding a new floor to the building, ignoring advice from the building contractor and pleas from workers to stop the extension after cracks appeared in the walls following an earthquake, just two weeks before the collapse. The workers held a protest three days before the collapse, drawing attention to the cracks in the structure. However, they resumed work after being threatened with termination.³⁵ Most of the workers were employed informally and thus denied social security, pension, and other benefits.³⁶ News articles from 2015 reported that many factories in the Sundar Industrial Estate had plaques on the walls saying that the government officials were not allowed to enter.³⁷

Recent Flashpoints

In April 2017, CCTV footage of the owner of a well-known garment factory that produced for local brands in Karachi verbally and physically abusing workers inside the factory went viral on social media and subsequently on the mainstream media. The videos show the owner punching and slapping male and female workers, and beating them with a stick.³⁸ The chief minister of Sindh province, Murad Ali Shah, directed the Labor Department to file

³³ Shahzada Irfan Ahmed, "Shortcut to disasters," News on Sunday, November 15, 2015, <http://tns.thenews.com.pk/shortcut-to-disasters-like-sundar-industrial-estate-collapse/#.WbwGW7pFyhd> (accessed September 9, 2017).

³⁴ Factories Act, 1934, Section 50.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ "Notorious Factory Owner from Karachi Ruthlessly Beats and Abuses Employees on Camera," PARHLO, April 24, 2017, <https://www.parhlo.com/factory-owner-beats-employees-on-camera> (accessed September 11, 2017).

a report and take immediate action against the factory owner.³⁹ The report of the investigation has not been made public at time of writing, and no action had been taken.

Countrywide protests in May 2017 by workers of Khaadi, a leading Pakistani apparel brand, spotlighted the serious and widespread problems in the garment sector.⁴⁰ Workers' grievances included arbitrary dismissal of dozens of workers, unsanitary working conditions, extremely long working hours, and salary below the statutory minimum wage.⁴¹

Workers said that the dispute began when Khaadi fired 32 workers for demanding the minimum wage. As media focus on the standoff increased, more examples of worker rights violations began to surface. Workers alleged that one worker was not granted medical leave and was forced to complete his shift even though he was visibly ill and "couldn't even stand." The condition of the worker worsened on returning home and he died within hours of returning home.⁴² Trade union representatives claim a woman worker attempted suicide after she was penalized severely for taking an unscheduled lunch break.⁴³ Khaadi denied these allegations and claimed that the protesting workers were employees of a third-party vendor, TexMark and not of Khaadi.⁴⁴ The protesting workers said that they had been employed by Khaadi and not by a third party, with the understanding that they will become permanent employees after three months.⁴⁵ Labor rights experts said that Khaadi's attempt to deny responsibility by passing the blame on third-party contracts

³⁹ "CM wants abusive factory owner taken to task," News, April 25, 2017, <https://www.thenews.com.pk/print/200499-CM-wants-abusive-factory-owner-taken-to-task> (accessed September 11, 2017).

⁴⁰ "Protest by Khaadi workers goes viral on social media, management rejects allegations," Samaa, May 30, 2017, <https://www.samaa.tv/pakistan/2017/05/protest-by-khaadi-workers-goes-viral-on-social-media-management-rejects-allegations/> (accessed July 29, 2017).

⁴¹ Rahima Sohail, "Sindh Labour Federation rubbishes Khaadi statement denying inhumane working conditions," Express Tribune, May 30, 2017, <https://tribune.com.pk/story/1422704/labour-federation-rubbishes-khaadi-statement-denying-inhumane-working-conditions/> (accessed July 29, 2017).

⁴² Ibid.

⁴³ Asad Farooq, "Khaadi faces social media rage amidst allegations of inhumane working conditions," Dawn, May 29, 2017, <https://www.dawn.com/news/1336144/> (accessed July 29, 2017). Khaadi management denied these accusations and maintained that Khaadi was a retail organization and did not operate the manufacturing facilities. "Khaadi responds to alleged termination, mistreatment of workers in detail," Samaa, May 31, 2017, <https://www.samaa.tv/news/2017/05/khaadi-responds-to-alleged-termination-mistreatment-of-workers-in-detail/> (accessed September 4, 2018).

⁴⁴ Fawad Hasan, "Labour Abuse: Is Khaadi's 'third party vendor' TexMark actually a Khaadi-owned operation?" Express Tribune, June 10, 2017, <https://tribune.com.pk/story/1430311/labour-abuse-khaadis-third-party-vendor-texmark-actually-khaadi-owned-operation/> (accessed December 14, 2018).

⁴⁵ Ibid.

violated Pakistani and international labor laws.⁴⁶ In June 2017, Khaadi and the National Trade Union Federation (NTUF) reached an agreement where Khaadi committed to comply with labor laws.⁴⁷ Several workers and union members withdrew their complaints following a deal with the management. However, according to a rights activist, many grievances of the workers remained unaddressed at the time of writing.⁴⁸

⁴⁶. Ibid.

⁴⁷. Imtiaz Ali, "Khaadi, NTUF reach agreement on labour issues," Dawn, June 6, 2017, <https://www.dawn.com/news/1337805> (accessed December 14, 2018).

⁴⁸. Human Rights Watch interview with Bilal (pseudonym) via telephone, December 14, 2018.

II. Labor Rights Abuses in Pakistan

Despite domestic laws and international labor rights standards, workers in Pakistan’s garment factories—frequently producing items for well-known international clothing brands—often experience a range of labor abuses.

Irregular Hiring Practices and “Contract” Labor

In Pakistan, the employment relationship between a factory and its workers is governed by the Industrial and Commercial Employment (Standing Orders) Ordinance, 1968.⁴⁹ While this law applies in Punjab, it has been replaced in Sindh by the Sindh Terms of Employment (Standing Orders) Act, 2015.⁵⁰

The law applies to all establishments employing 20 or more workers and classifies workers in six categories: permanent, probationers, *badlis* (replacements), temporary, apprentices, and contract (short-term) workers.⁵¹ Human Rights Watch interviewed workers from 24 factories that fall within the regulatory ambit of these laws since all of them employed between 70 and 5,000 workers.

Pakistani law requires that the workers should be provided a written employment letter explaining the terms and conditions of the service at the time of hiring, promotion and transfer, irrespective of how these workers are classified.⁵² It also requires that the wage rates paid to different categories of workers and work should be posted on factory notice boards.⁵³

⁴⁹ Pakistan Industrial and Commercial Employment (Standing Industrial and Commercial Employment (Standing Orders) Ordinance, 1968.

⁵⁰ Sindh Terms of Employment (Standing Orders) Act, 2015.

⁵¹ Pakistan Industrial and Commercial Employment (Standing Industrial and Commercial Employment (Standing Orders) Ordinance, 1968. The Sindh Terms of Employment (Standing Orders) Act, 2015 applies to establishments employing 10 or more workers. A “contract worker” is one who works on contract basis for a specific period to be calculated on piece-rate basis. A “temporary worker” is one who has been engaged for work which is of an essentially temporary nature likely to be finished within a period not exceeding nine months. Industrial and Commercial Employment Ordinance, 1968.

⁵² Pakistan Industrial and Commercial Employment (Standing Industrial and Commercial Employment (Standing Orders) Ordinance, 1968.

⁵³ Iftikhar Ahmad, “Labour and Employment Law: A Profile on Pakistan,” Wage Indicator, 2010, http://www.wageindicator.org/main/documents/Labour_and_Employment_Law-A_Profile_on_Pakistan.pdf (accessed July 26, 2017).

In case of termination on the grounds of misconduct, a one-month notice is mandatory for permanent employees.⁵⁴ The notice, in writing, should state the reason for dismissal.⁵⁵ Those dismissed without notice must be paid a month's wages. Although there is no specific provision for "just cause" dismissal, the requirement of written termination letter allows the labor court to inquire into whether there is a valid reason for dismissal.⁵⁶

Nasir Mansoor, the general secretary for the National Trade Union Federation (NTUF), told Human Rights Watch that many factory employers routinely flout the law, including denying protections by hiring only a small number of permanent staff:

The factory management makes social security and pension payments for around 10 percent of the workers. The purpose of making some payments is to claim to international sourcing brands that social security and pension payments are being made. However, they do not issue social security cards to even those 10 percent, and hence almost no worker has any documentation or proof of social security. All of this is done by paying bribes to the concerned government officials.⁵⁷

These benefits also apply to a "permanent workman," defined under Pakistani law as one who is employed on work of a permanent nature likely to last more than nine months and has satisfactorily completed a probationary period of three months.⁵⁸ According to the law, a contract worker is one who works for a specific period for a remuneration to be calculated on piece rate.⁵⁹ The hiring of workers on contract basis is allowed if there is a production order, which cannot be completed in time by the permanent workers alone and employing temporary workers for a specified period is necessary.⁶⁰ Instead, Human Rights

⁵⁴ Schedule Standing Order 12, Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968. Workers other than permanent workers are not entitled to receive a termination notice from the employer and are not obligated to give such a notice to the employer.

⁵⁵ Pakistan Industrial and Commercial Employment (Standing Industrial and Commercial Employment (Standing Orders) Ordinance, 1968.

⁵⁶ Iftikhar Ahmad, "Labour and Employment Law: A Profile on Pakistan," Wage Indicator, 2010, http://www.wageindicator.org/main/documents/Labour_and_Employment_Law-A_Profile_on_Pakistan.pdf (accessed July 26, 2017).

⁵⁷ Human Rights Watch interview with Nasir Mansoor, general secretary of the National Trade Union Federation, Karachi, June 6, 2017.

⁵⁸ Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968.

⁵⁹ Ibid.

⁶⁰ Ibid.

Watch research found that workers are frequently employed on verbal or short-term contracts, but used effectively as permanent workers.

Absence of Written Contracts or Hire Letters

In fact, in most of the 24 factories from where we interviewed workers, we found that factory managers hire workers without formal written contracts, who are ironically called “contract workers.” Many workers whom Human Rights Watch interviewed said they were working on short-term contracts that were repeatedly orally renewed for a period of more than nine months, implying that these workers would in fact be permanent workers.

Use of Labor Contractors

In many cases, hiring is often outsourced to a *thekadar* (contractor). Pakistan garment industry experts say factories increasingly hire workers through such labor contractors in an effort to absolve factories from any direct responsibility to ensure worker rights.⁶¹ The Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968, and its provincial counterparts declare the “establishment of a contractor” as a separate establishment, making it easier for both the factory and the labor contractor to bypass legal sanctions.⁶²

Labor activists told Human Rights Watch workers repeatedly hired through labor contractors have a lower likelihood of redress and are at a greater risk of arbitrary dismissals.⁶³ In this way, they said, factories also dispose of their mandatory obligations to pay medical benefits, pension, social security, paid leave, sick leave or holidays. In the absence of written contracts and registration, workers are too scared to complain when factory managers exploit or ill-treat them, for fear of losing their jobs.⁶⁴

Many factory owners are able to avoid paying statutory minimum wage by employing workers through a third-party contractor. In such cases, labor experts said the factory does

⁶¹ Mahnoor Sherazee, “Pakistani labour laws are protecting no one,” *Geo*, June 20, 2017, <https://www.geo.tv/latest/146449-pakistans-labour-laws-are-protecting-no-one> (accessed August 1, 2017).

⁶² Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968, section 2(f)(iv).

⁶³ Human Rights Watch interview with Mian Imran, Lahore, January 11, 2017.

⁶⁴ Human Rights Watch interview with Sheikh Liaqat Ali, Lahore, January 11, 2017. The absence of a written contract makes it difficult for the workers to establish employment in labor courts, which makes it difficult to bring a claim.

not show these workers on its payroll and directs worker wages to be paid through the labor contractor, successfully bypassing scrutiny.⁶⁵

Piece-Rate Wage Workers

It is also common practice in the garment and textile sector to hire workers on piece-rate wages, irrespective of whether the worker is permanent or hired on a contract basis. Human Rights Watch interviewed workers from 13 factories supplying international brands and 11 factories supplying local brands who said that the bulk of workers in the factory earn on a piece-rate basis.

The wage of the worker depends on the number of clothes they stitch, which may even, on occasion, pay more than the fixed minimum wage. However, this adds to worker insecurity because it takes away the guarantee of a fixed income.⁶⁶ It can also be used as disciplinary measure to enhance productivity. The payment is tailored in a manner that a worker will only be paid for 26 days in a month, even though workers often work during the Sunday holiday.⁶⁷

It also allows the management to sidestep legal requirements when they fire a worker, since they have no appointment letter. In some cases, the workers are issued factory identity cards. However, often the cards do not state the name of the company and hence do not constitute proof of employment.⁶⁸ Akbar Khan, a worker at a factory in Karachi who was hired on a year-long contract and had been working in the factory for six years, told Human Rights Watch:

I do not have a written contract or an appointment letter. The hiring process is that once the vacancies in the factory are advertised, people gather outside and their names, national identification, and years of work

⁶⁵ Ibid.

⁶⁶ Pakistani minimum wage law does mandate that the income of piece rate worker should not be less than a minimum wage. However, because most of the piece rate workers are hired through a sub-contractor and use oral contracts, the minimum wage law is very rarely followed in the case of piece-rate workers.

⁶⁷ Human Rights Watch interview with Nasir Mansoor, Karachi, June 8, 2017.

⁶⁸ Jahanzeb Hussain, "The ugly truth behind the glitz and glamour of textile exports," Dawn, September 18, 2016, <https://www.dawn.com/news/1284092> (accessed July 25, 2017).

experience are noted, and then those who are hired are allowed inside the gate.⁶⁹

In Karachi, workers from two factories supplying Pakistani and international brands who spoke to Human Rights Watch said that there was ethnic and religious discrimination in the hiring process. Karachi has a diverse population including majority Urdu-speaking refugees from India from the 1947 partition, and a host of minority Sindhi, Pashtun, and Baloch communities leading to ethnic tensions and violence for several decades. Muhammad Asad, a Sindhi worker at one of the factories said that he was repeatedly hired on 12-month contracts without any written appointment letter.

I have been working at a factory for the past four years. There is no real hiring process. The factory gives us a paper which needs to be signed from the local police station as character verification. The factory management then asks to fill in a form which they keep, and we are not given anything in writing. The form has a religion column and they also ask about ‘ethnicity.’ The management has told us that they don’t want to hire Sindhi workers.⁷⁰

The absence of a written contract or appointment letter makes it very difficult for workers to prove employment status in case of unfair and arbitrary dismissal. According to Ali Hussain, a worker who had worked in a factory producing for international brands in Lahore for four years, and was repeatedly hired on year-long contracts:

The only proof of our employment is a factory employee card that is given to us. Before the end of every year they cut our cards signifying an end to the employment and issue a new card so that each year our employment starts afresh, and we are not eligible for the yearly bonus.⁷¹

This lack of job security affects the ability of workers to take medical leave. Several workers whom Human Rights Watch interviewed said that factory owners often choose to replace non-permanent employees who are ill rather than grant medical leave. Hashim

⁶⁹ Human Rights Watch interview with Akbar Khan, Karachi, June 7, 2017.

⁷⁰ Human Rights Watch interview with Asad, Karachi, June 7, 2017.

⁷¹ Human Rights Watch interview with Ali Hussain, Lahore, June 24, 2017.

Ahmed, from a Karachi factory that was supplying international brands, was hired on year-long contracts and worked in the factory for three years, which he said produces for international brands. He told Human Rights Watch:

I had an infection and high fever and took two days off after filling in a leave form. However, when I came back to work, I was not allowed to enter and told that I had been terminated. Anyone who becomes ill is fired; that is the general rule. A woman who had a stomach ulcer requested a few days off for an operation. Instead of being granted medical leave, she was fired.⁷²

The non-permanent employee status affects the ability of the workers to demand rights and benefits guaranteed under law. Farkhanda, a worker employed through oral year-long contracts for four years at a factory supplying Pakistani brands, said:

In [2015], in the stitching department, four women workers protested the non-payment of bonus. The workers were told that there is no payment, and if they bring it up again, they will be fired.⁷³

The non-compliance with the law exists mainly because relevant government offices responsible for the enforcing these laws are inefficient and corrupt to varying degrees.

Nazir, a worker at a factory supplying international brands in Hafizabad district, Punjab described the methods employed by factory management to get around the requirement of firing workers via a written order specifying the reasons for the dismissal:

There used to be no employment contracts and workers were fired verbally. When workers brought cases before the labor court, the court has ordered that the workers be given employment contracts. Factory management has found a way of continuing to arbitrarily fire workers. Sometimes workers are required to sign a blank paper at the time of employment and whenever the

⁷² Human Rights Watch interview with Hashim Ahmad, Karachi, June 8, 2017. Although he filled out a formal leave application when he could not work for two days because of an infection and fever, when he returned to work, he was told that his job had been terminated.

⁷³ Human Rights Watch interview with Farkhanda, Karachi, June 9, 2017.

management desires to fire that worker, they print the resignation on that paper and put on a date. For those workers who have not signed blank papers, the management threatens and tortures [with beatings] them till they resign.⁷⁴

Asif, another worker at the same factory, also described how the factory management obtains forced resignations:

The factory management has made torture chambers inside the security office of the factory and has hired retired police and security forces personnel as ‘security guards.’ Anyone who refuses to resign is taken to the security office and beaten until they resign. They sometimes point guns at the workers as well. A couple of months ago, when a worker refused to do forced overtime, he was locked inside the security office for two days.⁷⁵

The legal requirement to serve a termination notice to the worker informing of the reasons for firing is commonly disregarded. Hamid Ali, a worker in a garment factory in Karachi supplying international brands narrated his experience:

I was fired today after three years. I was appointed as a helper and am now a sewing machine operator. I oversee the entire line and fulfil the production target. The security guard told me that I can’t enter and told me no reasons for firing me. Once an in-charge/supervisor protested the firing of a few employees and he was fired immediately.⁷⁶

Violating Regulations on Minimum Wage and Overtime

Pakistan’s labor law stipulates that “no adult worker shall be allowed or required to work in a factory for more than 48 hours in a week; if the factory is seasonal, 50 hours

⁷⁴ Human Rights Watch interview with Nazir, Hafizabad, July 2, 2017.

⁷⁵ Human Rights Watch interview with Asif Hafeez, Hafizabad, July 2, 2017.

⁷⁶ Human Rights Watch interview with Hamid Ali, Karachi, June 8, 2017.

a week and if the work is of continuous nature, he may work for 56 hours in a week.”⁷⁷ Work hours are limited to nine a day (10 hours in the case of seasonal work).⁷⁸

The law permits children between the ages of 14 to 18 to work, but only for five hours a day.⁷⁹ The Factories Act, 1934, is applicable to all the precincts employing 10 or more workers. The law makes provisions for one weekly holiday and if that is not given, a compensatory holiday as soon as possible.⁸⁰ These federal regulations apply to factories in the Sindh and Punjab regions, and remain mostly substantively unchanged by their respective provincial labor laws, including the Sindh Factories Act, 2015.

Forced Overtime

Workers and labor activists interviewed said that workers in the garment industry routinely work beyond the stipulated nine hours a day. Factory owners are required to pay overtime for the extra hours. Overtime rates differ depending on whether the work is performed on a week day, a weekly day off (typically Sunday), or on a public holiday.⁸¹

Given the low levels of minimum wage, and the fact that many factories do not pay even the stipulated minimum wage, many workers are left with no choice but to earn overtime. However, most workers Human Rights Watch interviewed also said that overtime was seldom genuinely voluntary: they feared retaliation, including dismissal, if they refused. Akbar Khan, a worker in a factory in Karachi, told Human Rights Watch:

I was fired last Sunday for not working overtime. I have not received a termination letter. On Monday, when I went to work, my name was listed with the security guard at the gate and he told me that I had been ‘gate stopped.’ Gate stopped is the most fearful term in the garment industry since it means that you have been fired and are no longer allowed to enter the factory. My standard shift is nine hours and I am paid 14,000 rupees [\$140/a month]. The management wants us to do overtime, meaning we

⁷⁷. The Factories Act, 1934, section 34.

⁷⁸. Ibid., section 36.

⁷⁹. Ibid., section 34; Factories Act, section 50; Sindh Factories Act, section 81.

⁸⁰. Ibid., section 35.

⁸¹. Ibid., section 47.

stay in the factory from 9 a.m. to 11 p.m. However, the factory pays us only half the overtime amount since according to law no worker can be made to work overtime exceeding 52 hours a month.⁸² But every worker in the factory does more than 100 hours of overtime a month.⁸³

The absence of a written contract and a formal appointment letter makes workers vulnerable to retaliation for refusing to work overtime. One worker said:

We are called in to work every Sunday to do overtime and anyone who refuses or is unable is ‘gate-stopped.’ I do not have a written contract or an appointment letter, so I can’t risk being gate stopped.⁸⁴

Another worker, Adnan Ali, who was fired for not doing overtime on a Sunday told Human Rights Watch:

I started as an operator in the factory and then became a supervisor after four years of employment. Two weeks ago, I did a double shift on Saturday from 9 a.m. to 10:30 p.m. and had fever on Sunday and couldn’t go to work. On the next Monday, I was ‘gate-stopped.’ They put pictures of employees who are fired at the gate so that they don’t enter. This was the first time that I did not go on a Sunday in six months and I was fired.⁸⁵

Apart from threats of job termination, workers from four factories told Human Rights Watch that another tactic used by factory managers to compel them to work overtime is by refusing to provide timely transportation. Often the workers are hired from distant localities or the factory is located outside the city, which leaves workers dependent on factory transport when they work late into the night.

Khalid, a worker at a factory in Pindi Bhattian, Hafizabad district of Punjab manufacturing for some international brands, told Human Rights Watch:

⁸². The maximum permissible overtime hours per year is 624. Weekly overtime hours cannot exceed 12 hours.

⁸³. Human Rights Watch interview with Akbar Khan, Karachi, June 9, 2017.

⁸⁴. Human Rights Watch interview with Adnan Ali, Karachi, June 9, 2017.

⁸⁵. Human Rights Watch interview with Rashid, Karachi, June 8, 2017.

The shift is supposed to be 8 hours, but in practice it goes on for a minimum of 12 hours. The night shift is supposed to end at 1 a.m. but at that time the only transportation available is the factory bus. The transport charge is deducted from our salaries and the factory is obligated to provide transport. However, the management tells us that the buses will leave only at 5 a.m. and we have no choice but to work until then.⁸⁶

Denying Wages and Benefits

Every factory in the country is required to register its workers with the provincial social security institution and the Employees Old-Age Benefits Institution (EOBI).⁸⁷ The factory must provide all its workers—irrespective of how they are classified—with social security and EOBI cards. However, many workers interviewed by Human Rights Watch were not registered with either, although they said the employee contributions were being deducted from their monthly payouts.⁸⁸

Some factories use “contract workers” to bypass government regulations on mandatory minimum wage and benefits, including health and pension. Contract workers that Human Rights Watch spoke with said that their salary is paid in cash and the record maintained informally, without registration with any government department. Rehana, a garment worker in a factory in Karachi, was hired without a written contract. Each contract lasted six months and was subsequently renewed orally. She said:

I have been working at this factory for the past eight years. There are 12 women and around 100 men who work at the factory. I work on cropping the [extra thread from] clothes. It is a 12-hour shift with one half-hour break for lunch. My salary is around 9,000 rupees [\$90] per month. I know that the payment is below the government minimum wage, but who will hear our complaint? If I protest to the manager, I will be fired in a heartbeat.⁸⁹

⁸⁶. Human Rights Watch interview with Khalid, Hafizabad, July 3, 2017.

⁸⁷. Employees' Old-Age Benefits Institution Act, 1976 (XIV of 1976).

⁸⁸. In June 2017, a media investigation found that an overwhelming majority of workers for a leading Pakistani apparel brand were not registered with the Sindh Employees' Social Security Institution (SESSI) or EOBI. See Fawad Hasan, “Exclusive: Khaadi ripping off workers of over Rs. 100 million every year,” Express Tribune, August 11, 2017, <https://tribune.com.pk/story/1479056/exclusive-khaadi-ripping-off-workers-off-rs100-million-every-year/> (accessed August 12, 2017).

⁸⁹. Human Rights Watch interview with Rehana, Karachi, June 7, 2017.

Usman Ali, 22, joined a factory owned by one of Pakistan’s largest apparel brands as a tailor in December 2015 and was told that he would become a permanent employee after three months and would then be entitled to available benefits.⁹⁰ Yet his employment status was never changed, and instead, he said, production targets kept increasing without a corresponding salary rise. In April 2017, he requested a leave for a few days to take his school-leaving examination. The factory management refused leave and said he could quit instead. Usman said: “I couldn’t lose my job as I have to support my family. Therefore, I decided to stay at work and abandon my studies.”⁹¹

Workers who are employed at a “per piece” or target-based arrangements are even more vulnerable, and salaries are routinely deducted for failing to achieve unrealistic targets. Hashim told Human Rights Watch:

The manager deducts our salaries for failing to complete impossible targets. Each production line has a target of completing 2,500 pieces per day and if the target is missed, the salary of the entire production line is deducted. On many occasions, salary is deducted without giving any reasons and if someone asks for the reason, they are threatened with dismissal.⁹²

For many workers, the only chance of completing the production targets is by working overtime and on holidays. According to Hashim: “On average I do six-seven nights per week which means an 18-hour shift from 8:30 a.m. to 2:30 a.m. Any worker who refuses is fired.”⁹³

Given that the per piece rate is extremely low, in addition to achieving the production target, many workers are compelled to work long hours to make a livable salary, in most cases below the statutory minimum wage. One worker told Human Rights Watch:

⁹⁰. Fawad Hasan, “Khaadi tailor skips intermediate exams for work, now he’s been ‘fired,’” Express Tribune, June 2, 2017, <https://tribune.com.pk/story/1424746/khaadi-tailor-skipped-intermediate-exams-work-now-hes-fired/> (accessed June 17, 2017).

⁹¹. Ibid.

⁹². Human Rights Watch interview with Hashim, Lahore, June 22, 2017.

⁹³. Ibid.

The fixed salary per month is 2,500 rupees [\$25] along with the “per piece” rate of 1.5 rupees per piece [1.5 US cents]. In a minimum 12-hour shift [for a month], that means 9,000 rupees [\$90]. We must work on most Sundays since the targets are impossible to meet otherwise. We are only allowed to take one 15-minute break [in a shift].⁹⁴

Workers told Human Rights Watch that in an effort to circumvent labor inspectors or brand auditors, some factory managements forged or coerced employees to “sign out” after the legally permissible shift even as work continued. Shabana, a worker in a factory in Lahore told Human Rights Watch:

I have been working in this garment factory for eight to nine years. The shift is 12 hours from 8 a.m. to 8 p.m. and the [monthly] salary is 7,000 rupees [\$70]. There is no written contract and the only proof of employment is a card. The factory management marks the attendance of the workers themselves and signs everybody out after nine hours so that if the record is ever inspected, it would appear that the management is complying with the law. In truth, there is even no sick leave and salary is deducted if someone is unwell even for a day. There is no maternity leave. Any woman who becomes visibly pregnant is told to leave.⁹⁵

Women workers from factories in Karachi and Lahore, who are forced to work overtime in the evenings, also said they have difficulties travelling back home due to lack of transport and security concerns. In some of the factories, the standard shift exceeds the legally permissible nine hours. According to a worker in Karachi:

I have been working in garment factories for the past 15 to 16 years since I was 12 years old. I do stitching work and I am paid about 14,000 rupees [\$140]. My normal work shift is 12 hours from 8 a.m. to 8 p.m. with a 30-45 minute lunch break in the afternoon, but I always work extra hours. There is no overtime payment for extra time [beyond the 12-hour shift]. The

⁹⁴ Human Rights Watch interview with Razzaq, Karachi, June 6, 2017.

⁹⁵ Human Rights Watch interview with Shabana Begum, Lahore, June 21, 2017.

management says that there is no overtime because the payment is based on production targets and not hours.⁹⁶

Lack of Breaks or Medical Leave

Pakistani labor law requires that each worker be given a rest interval of an hour after six hours of work or at least half-an-hour after five hours.⁹⁷ If the work day extends beyond eight-and-a-half hours, the worker must be given at least two intervals each of half an hour.⁹⁸

Several workers told Human Rights Watch that the factory management deny adequate breaks to the workers on grounds of “productivity.” They complained that they are even denied breaks to drink water or use toilets. Rehana, a worker in a garment factory producing for Pakistani brands in Karachi said:

I work on cropping the clothes. It is a 12-hour shift with one half-hour break for lunch. The managers do not even allow bathroom breaks and swear at us if we ask for one.⁹⁹

One worker at a factory in Karachi said she had developed kidney problems because of the restrictions on toilet breaks to only twice in a day.¹⁰⁰ Raza, a worker in Hafizabad district, Punjab said:

We are allowed a lunch break for half an hour and two short bathroom breaks. If anyone asks for an additional bathroom break, the managers verbally abuse him and mock him for having a weak bladder. The only way to cope is to not drink water except for at lunch.¹⁰¹

⁹⁶. Human Rights Watch interview with Munir Ahmad, Karachi, June 6, 2017.

⁹⁷. Factories Act, 1934, section 37.

⁹⁸. Ibid.

⁹⁹. Human Rights Watch interview with Rehana, Karachi, June 9, 2017.

¹⁰⁰. Human Rights Watch interview with Sajida, Karachi, June 8, 2017.

¹⁰¹. Human Rights Watch interview with Raza Syed, Hafizabad, July 1, 2017.

The production targets are often unrealistically high and act as a deterrent from taking sufficient breaks. One worker at a factory in Lahore told Human Rights Watch:

The production target of 50 to 60 pieces per hour is almost impossible to meet. Taking breaks means falling short of the target and that means a reduction in salary.¹⁰²

Many workers are not granted medical leave and are afraid of taking a day off for the fear of losing their jobs.

Unsanitary Conditions

Many of the workers complained about unsanitary conditions in the factories in Lahore, Karachi, and Hafizabad district, including dirty drinking water, substandard food, no provision of medical assistance, and overcrowding. A worker from a factory manufacturing for the local market in Karachi said:

There are 300 to 400 workers in the factory crammed in a small space. The factory is filthy, and the cleaning is done rarely. There is no clean drinking water in the factory. If any worker complains about feeling ill or nauseous, the managers give us a painkiller, deduct the cost of the medicine from our salary, and tell us to get on with the work.¹⁰³

Workers also complained of substandard food produced in unhygienic conditions. Rasheed Hasan, a worker at a factory in Lahore producing for a local brand said: “Lunch is almost inedible. The management does this so that workers eat less and hence save them money.”¹⁰⁴

Factories are required to provide clean drinking water and adequate numbers of toilets to the workers.¹⁰⁵ However, a common complaint is dirty drinking water and toilets. One worker told Human Rights Watch, “While the manager’s office has a water dispenser with a

¹⁰². Human Rights Watch interview with Sonia Masih, Lahore, July 7, 2017.

¹⁰³. Human Rights Watch interview with Kamran Masih, Lahore, July 9, 2017.

¹⁰⁴. Human Rights Watch interview with Rasheed Hasan, Lahore June 21, 2017.

¹⁰⁵. Factories Act, 1934, sections 20 and 21.

filter, we are forced to drink ‘saline water.’”¹⁰⁶ Asif, a sewing machine operator in a garment factory in Karachi said:

The water provided to us is *khara* (saline-heavy) and the bathrooms are very dirty. When we requested the management to fix these issues, we were told that we can go home, and this is a take it or leave it arrangement. We don’t have a proper cafeteria to eat and hundreds eat in one tiny, cramped room. It is suffocating.¹⁰⁷

Some of the larger factories also provide accommodation to workers. But these are often cramped spaces and are subjected to many restrictions. Ghulam Abbas, who works at a large factory in Hafizabad district of Punjab, described the living conditions:

It is virtually a curfew. The workers are not allowed to leave the factory even after work hours because the management does not want them mingling with the locals. The workers living in the factory quarters are those hired from far off cities. The factory management does not hire locals because they fear unionization and collective action. Each room has 18 *charpais* [jute beds] and there is barely space to put one’s foot down. In some rooms there are bunk charpais and hence there are 36 people in one room. It is difficult to even breathe. The food is worse than jail and it is mostly water with some pulses.¹⁰⁸

¹⁰⁶. Human Rights Watch interview with Muhammad Karim, Lahore, July 6, 2017. Saline water has a high concentration of salt and usually considered unsafe for regular drinking.

¹⁰⁷. Human Rights Watch interview with Abdul Basit, Karachi, June 5, 2017.

¹⁰⁸. Human Rights Watch interview with Ghulam Abbas, Hafizabad, July 1, 2017.

III. Workplace Discrimination and Challenges for Women Workers

Women workers are exceptionally disempowered and discriminated against in the garment industry in Pakistan. Many women are employed as contract, piece-rate, non-unionized workers in low-paid and low-skilled roles. According to the World Economic Forum's Global Gender Gap Report 2016, Pakistan ranks 143rd out of 144 countries in the gender inequality index, only above Yemen.¹⁰⁹

Sexual Harassment at the Workplace

In recent years, Pakistan has enacted a number of provincial laws guaranteeing protection against workplace harassment. Sindh province passed an anti-harassment law in 2010 and Punjab province in 2012.¹¹⁰ However, women's rights activists have criticized the poor implementation of these laws.¹¹¹ Most workers interviewed by Human Rights Watch were unaware of these legal protections and mechanisms of redress in cases of harassment.

Poor infrastructure also exacerbated problems for women. For example, labor laws require employers to provide for separate toilets for women.¹¹² However, female workers from four factories supplying Pakistani brands interviewed by Human Rights Watch complained about not having separate bathrooms for men and women and that it had increased their concerns about the risk of sexual harassment. Activists said, poor enforcement of laws guaranteeing protection from sexual and workplace harassment, job insecurity, as well as the fact that there are no awareness programs to inform women workers of their rights, means that very few women report cases of sexual harassment. A researcher working on harassment in the workplace told Human Rights Watch:

¹⁰⁹. World Economic Forum, "Gender Gap Report 2016," October 2016, <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=PAK> (accessed July 11, 2017).

¹¹⁰. The Punjab Protection against Harassment of Women at the Workplace (Amendment) Act, 2012 and the Sindh Protection against Harassment of Women Act, 2010.

¹¹¹. "Call for Workplace Harassment legislation," Nation, January 30, 2016, <https://nation.com.pk/30-Jan-2016/call-for-work-on-workplace-harassment-legislation> (accessed February 5, 2018).

¹¹². Factories Act, 1934, section 21.

Sexual harassment of women is disturbingly common in almost all Pakistani workplaces including garment factories. Most of these cases are never reported because of fear of reprisal, societal attitudes, and a lack of mechanisms to report. For example, under Pakistani law, all companies are supposed to display and circulate a code of conduct on sexual harassment in English and Urdu. In the overwhelmingly majority of factories that is not implemented. Hence, most women workers do not even know that they have a right to complain against sexual harassment.¹¹³

Women from two factories supplying international brands and five factories supplying Pakistani brands from Sindh and Punjab reported factory managers routinely reprimanding them using sexualized threats or other ways aimed to be derogatory and humiliating.¹¹⁴ For example, Faiza, a 21-year-old worker at a factory in Karachi supplying international brands, said the management was harsher on women when it came to breaks:

If a woman worker asks for a bathroom break, the managers mock her and ask if she is ‘having her period.’ This is very embarrassing, particularly when they ask this in front of male workers. The only way to avoid this embarrassment is to not ask for a bathroom break.¹¹⁵

Maternity Leave and Child Care

Pakistani law provides women workers employed in any factory, industrial or commercial establishment the right to three-month paid leave during pregnancy and child birth. The woman is entitled to maternity benefit if she has worked “for a period of not less than four months immediately preceding the day on which she is delivered of a child.”¹¹⁶

Workers from three factories supplying international brands and seven factories supplying Pakistani brands, asserted that in practice there is no maternity leave since pregnant women are either fired or themselves leave the job for a few months.¹¹⁷ Fehmida, who has

¹¹³. Human Rights Watch interview with Ayesha Ali, labor law researcher, Lahore, December 11, 2018.

¹¹⁴. Human Rights Watch interviews with Shabana, Faiza Khan, Fehmida, Zubaida, Naheed Begum and others, Karachi and Lahore.

¹¹⁵. Human Rights Watch interview with Faiza Khan, Karachi, June 9, 2017.

¹¹⁶. West Pakistan Maternity Benefits Ordinance, 1958 (a Punjab provincial law).

¹¹⁷. Human Rights Watch interview with Faiza Khan, Karachi, June 9, 2017.

worked for 11 years in her factory that supplies local brands said she witnessed several pregnant workers fired in her Karachi factory over the course of her employment even though these women had worked for extended periods and were entitled to paid maternity leave under the law. She said:

There is no maternity leave. Pregnant women are ‘left’ [an industry term for termination] and now whenever a woman worker becomes pregnant, she leaves the job herself to avoid the indignity of being fired.¹¹⁸

Employers are obligated by law to establish daycare centers and Pakistani labor law requires that anyone employing more than 50 women provide a separate room for children under the age of six.¹¹⁹ No such provision was made in any of the factories where Human Rights Watch interviewed workers, who estimated that the factories employed more than the threshold number of women needed for the factory to develop such centers. In the absence of alternate caregiving arrangements, children sometimes accompany their mothers to the factory and end up working. Bisma, 13, said:

I have been working in this factory for the past two years. I am paid 150-200 rupees [\$1.50 to \$2] a day. I work at the factory because my mother and father both work in garment factories and cannot leave me alone in the house.¹²⁰

According to labor union leaders, many of the larger factories have medical dispensaries in the premises, but they often are not stocked with essential medicines.¹²¹ Several do not have a supervising pharmacist. Zubaida, a worker in a factory in Lahore said:

If a worker complains about being unwell, she is told to go and rest in the factory dispensary. The factory dispensary is ill-equipped, and salary is deducted for any time spent there.¹²²

¹¹⁸. Human Rights Watch interview with Fehmida, Karachi, June 6, 2017.

¹¹⁹. Factories Act, 1934, section 33-Q read with provincial rules, which makes it mandatory for factories to set up a separate daycare rooms.

¹²⁰. Human Rights Watch interview with Bisma Aftab, Karachi, June 9, 2017.

¹²¹. Human Rights Watch interview with Asif Ali, Lahore, June 1, 2018.

¹²². Human Rights Watch interview with Zubaida Khatoon, Lahore, June 23, 2017.

Gendered Impact of Forced Overtime

Forced overtime poses specific additional challenges for women. Because household labor and caregiving work is gendered in Pakistan, women workers often juggle employment with primary caregiving and housekeeping responsibilities at home.

Labor law exempts women from being compelled to work in factories before 6 a.m. and after 7 p.m. unless it is with their consent and the employer provides transportation, in which case, work till 10 p.m. is permissible.¹²³ Shabana, a worker in a factory producing for international apparel brands in Lahore told Human Rights Watch:

I have been working in this garment factory eight to nine years. The shift is 12 hours from 8 a.m. to 8 p.m. and the salary is 7,000 rupees [\$70] per month. There is no written contract and the only proof of employment is a card. The factory management marks the attendance of the workers themselves and signs everybody out after nine hours so that if the record is ever inspected, it would appear that the management is complying with the law. In truth, there is no sick leave and salary is deducted if someone is unwell even for a day. There is no maternity leave. Any woman visibly pregnant is told to leave.¹²⁴

Women workers who are forced to work overtime in the evenings also said they have difficulties travelling back home due to lack of transport and security concerns.¹²⁵ However, in most factories where research was conducted by Human Rights Watch, factories were not only forcing women to do overtime against their wishes, but also did not organize transport as they are required to do under the law. A worker in a Karachi garment factory supplying local apparel brands said:

My standard shift is from 9 a.m. to 9 p.m. The factory does not provide transport for the workers and the management ignores our request of at least letting the women workers leave early in the evening because of

¹²³ Factories Act, 1934, section 45. Section 66 (1) (b) of the Sindh Factories Act 2015 sets the time limits to be between 7 a.m. and 7 p.m.

¹²⁴ Human Rights Watch interview with Shabana Begum, Lahore, June 21, 2017.

¹²⁵ Human Rights Watch interview with Naheed Khan, Karachi, June 9, 2017.

transport issues. They ignore us or even threaten to fire us. We face harassment in the vans returning from work at night from men who pass lewd remarks and sometime press against us.¹²⁶

Outsourcing to Home-Based Women Workers

Human Rights Watch found that some garment factories producing for domestic brands use home-based workers for special orders or on a seasonal basis. Women engaged in home-based work are not formally recognized as workers and hence are often denied the protections offered by the labor law. They are not able to join factory unions or unionize, and their work remains unregulated.

Women are more commonly employed in such subcontracted work because it provides them income with flexible working hours, letting them juggle their responsibilities at home. Older women, and those with young children, form the majority of women working as home-based workers.

Pakistan's economic statistics do not have any classification for home-based workers. According to a 2014 estimate, in Pakistan, almost 80 percent of total labor force is engaged in the informal economy and more than 50 percent of this consists of women. Approximately, 77 to 83 percent of the women in the informal economy are home-based workers.¹²⁷

Pakistan's minimum wage laws have not been amended to adequately cover home-based workers. In February 2018, Sindh province passed the country's first tripartite labor policy that extended labor law protections to home-based workers.¹²⁸ An ILO survey in Karachi in 2016 found that the average hourly wage rate across all work types is 41 rupees (39 US cents), which is about 60 percent of the current statutory minimum wage (67.50 rupees an

¹²⁶. Human Rights Watch interview with Naheed Khan, Karachi, June 9, 2017.

¹²⁷. Syeda Mahnaz Hasan, "Visible Work, Invisible Workers: A Study of Women Home Based Workers in Pakistan," April 2014, *International Journal of Social Work and Human Services Practice*, vol. 2, <http://www.hrpub.org/download/20140405/IJRH7-19290007.pdf> (accessed September 1, 2017).

¹²⁸. Usman Hanif, "Sindh announces first-ever tripartite labour policy," *Express Tribune*, February 11, 2018, <https://tribune.com.pk/story/1631585/2-sindh-announces-first-ever-tripartite-labour-policy/> (accessed February 20, 2018).

hour).¹²⁹ However, home-based workers are paid even less. For cropping, the most common task distributed to them, home-based workers are typically paid a quarter of the minimum wage rate.¹³⁰

Human Rights Watch spoke with 21 women in Lahore and Karachi who have been engaged in seasonal home-based work for garment factories supplying mostly for local brands in surrounding areas. The work usually becomes available when factories have rush orders with deadlines to meet.

Middlemen or contractors employ the women mostly to trim extra thread from stitched garments, embroider, make button holes, or package garments into plastic bags. Since they must rely on contractors to provide orders, these women have little or no bargaining power.

Zahida said she has been working as a home-based garment worker for the past 20 years in Karachi:

The work is given to us by a contractor who is our only point of contact. The contractor does not tell us if the garments are being made for an [international] brand or not. The payment varies from 2 to 4 rupees per piece [2 to 4 US cents]. At times, the contractor does not tell us the rate before production saying, 'We will discuss the rate once you have finished the order.' We can't bargain because if we do then the contractor will not give us the order the next time.¹³¹

Home-based workers often have extremely long working hours. An ILO survey in Karachi found that on average, the home-based workers surveyed (and their helpers) work 12.3 hours per day, six days a week, and derive a monthly income of 4,342 Pakistani rupees

¹²⁹. International Labour Organization, "Pakistan's Hidden Workers," April 2017, http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-islamabad/documents/publication/wcms_554877.pdf (accessed September 1, 2017).

¹³⁰. Ibid.

¹³¹. Human Rights Watch interview with Zahida Parveen, Karachi, June 8, 2017. Zahida was not clear on details but said she had seen international labels on the items that she stitched.

(\$43.42).¹³² One home-based worker in Karachi said, “There are no working hours for the home-based women workers, and I work all day except the few hours of sleep and household chores.”¹³³

According to another worker doing cropping as a home-based worker:

I have been working as a home-based worker since I was 6 years old. I am paid at ‘per piece’ rate. The standard rate is 80 rupees [80 cents] for 100 pieces. The average workday is a minimum of 12 hours. However, during the season with a big order it can be as long as 18 hours.¹³⁴

The income of each home-based worker is difficult to ascertain precisely and is often overstated because almost 60 percent of home-based workers are assisted by at least one helper, mostly family members living in the same household, but earnings tend to be reported as a whole, and not broken down to reflect the contributions of each individual.¹³⁵ One home-based worker in Karachi said:

All female members of the household work together to complete the orders. Both of my daughters have been working with me for the past 10-15 years. The total income from our work is 5,000 to 6,000 rupees [\$50 to \$60] per month. We are the most oppressed workers because we are invisible.¹³⁶

Shamim Bano, another garment worker who has been doing cropping work as a home-based worker for 40 years said:

¹³². ILO, “Pakistan’s Hidden Workers,” April 2017, http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-islamabad/documents/publication/wcms_554877.pdf (accessed September 1, 2017).

¹³³. Human Rights Watch interview with Shama Ali, Karachi, June 8, 2017.

¹³⁴. Human Rights Watch interview with Mehvish Shoaib, Karachi, June 9, 2017.

¹³⁵. International Labour Organization, “Pakistan’s Hidden Workers,” April 2017, http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-islamabad/documents/publication/wcms_554877.pdf (accessed September 1, 2017).

¹³⁶. Human Rights Watch interview with Seema, Karachi, June 9, 2017.

I work on daily orders and sometimes it takes 18-19 hours to complete the order. It is impossible for one person to complete the order and so my daughter and two daughters-in-law work with me.¹³⁷

¹³⁷. Human Rights Watch interview with Shamim Bano, Karachi, June 9, 2017.

IV. Child Labor

Children in Pakistan continue to engage in child labor, including the worst forms of child labor and bonded labor in different sectors, such as brick kilns and agriculture.¹³⁸ The increasing cost of living, particularly food and fuel prices, is a prominent factor that forces children to work rather than attend school.¹³⁹

Human Rights Watch research found that some of the smaller garment factories producing for the domestic market sometimes employ children to avoid paying minimum wage and overtime. In the nine cases documented by Human Rights Watch, the absence of a National Identification Card (NIC) was used as an excuse by the factory management to deny an employment contract and other benefits to workers under the age of 18. In Pakistan, citizens can voluntarily apply for national ID cards only after they turn 18, making it impossible for children to have these cards. Children sometimes accompany their parents, in most cases the mother, to the factory and often work there without a formal contract.

Pakistan's constitution provides safeguards to workers against exploitation and discrimination. These include the prohibition of forced labor, or engaging children under the age of 14 in factories.¹⁴⁰ The constitution's non-binding principles of policy include a commitment to ensure just and humane working conditions, so that women and children are not employed in employment unsuitable for their age or gender.¹⁴¹ Pakistani law permits children between the ages of 14 to 18 to work, but only up to five hours a day.¹⁴²

¹³⁸. "Bonded labour in Pakistan: A Humanitarian Crisis," Daily Times, February 27, 2015, <http://www.dailytimes.com.pk/opinion/20-Feb-2015/bonded-labour-in-pakistan-a-humanitarian-crisis> (accessed October 27, 2017). The Global Slavery index estimates that over two million people, including children, are trapped in slavery in Pakistan, most due to debt bondage.

¹³⁹. "Millions Pushed into Child Labor in Pakistan," *Reuters*, February 7, 2012, <http://www.reuters.com/article/us-pakistan-childlabour-idUSTRE816oLA2o12o2o7> (accessed October 27, 2017).

¹⁴⁰. Constitution of Islamic Republic of Pakistan, art. 11.

¹⁴¹. *Ibid.*

¹⁴². Factories Act, 1934, section 54.

Wahab, 17, told Human Rights Watch the management at his factory, which produces for domestic brands, prefers workers younger than 18 because they do not yet have a NIC, which hampers their access to legal remedies.¹⁴³ He said:

I work at a factory in the SITE industrial area, Karachi. I have been working there for the past three years, since the age of 14. The managers swear at us, sometimes for no reason. There is no employment contract, no social security cards, and no medical leave. They tell us, ‘You have no right to a leave or higher salary because you have no NIC.’¹⁴⁴

The lack of a NIC is commonly used as an excuse by the factory management to deny an employment contract and other benefits to workers under the age of 18. Arif, who is 16 and works in a factory producing for domestic brands in Karachi said:

I have been working at a garment factory for one year and have a regular 12-hour shift from 8 a.m. to 8 p.m. My monthly salary is 8,000 rupees [\$80]. The factory management calls us every Sunday, but they don’t pay me overtime because I don’t have an NIC as I am not 18 yet.¹⁴⁵

Children sometimes accompany their parents, in most cases the mother to the factory, and end up working there without a formal contract.¹⁴⁶

Long working hours without adequate breaks coupled with unhygienic conditions can disproportionately affect the health of child workers, sometimes resulting in serious illnesses. Zeeshan, a 17-year-old worker in the dyeing department in a garment and textile factory in Karachi, told Human Rights Watch: “In the dyeing section, it is extremely humid and it causes a very serious skin allergy. Almost all

¹⁴³ The National Identification Card (NIC) is treated as a requirement for filing complaints in the labor tribunals, and in the absence of a NIC the complaint must be filed through parents or legal guardians. In most cases of employment of children, the parents view the child as a source of income and do not want to contest any proceedings that can potentially put at risk the present or future employment prospects of the child. Factory owners also wrongly use the absence of a NIC as an excuse for not registering the child workers with social security departments and EOBI.

¹⁴⁴ Human Rights Watch interview with Muhammad Wahab, Karachi, June 6, 2017.

¹⁴⁵ Human Rights Watch interview with Arif Ali, Karachi, June 6, 2017.

¹⁴⁶ Human Rights Watch interview with Bisma Aftab, Karachi, June 9, 2017.

the workers have boils all over their body. Sometimes the itching is so extreme that I use a comb to scratch my body.”¹⁴⁷

¹⁴⁷ Human Rights Watch interview with Zeeshan Javaid, Karachi, June 8, 2017.

V. Union Busting

Many Pakistani garment workers involved in setting up trade unions face violence, intimidation, threats, and loss of employment. Factory owners use legal lacunas, fake unions, threats, and involuntary dismissals in efforts to stop unions from being registered. In the rare cases where unions are registered, the union leaders and members remain at risk of dismissal and reprisals.

Freedom of association is guaranteed under article 17 of the Pakistani constitution.¹⁴⁸ The Supreme Court of Pakistan has held that the right to form a trade union is a fundamental right and includes the right of collective bargaining. However, according to the court, the right to strike or “right to go slow” is not a constitutional right.¹⁴⁹ The legal anomaly of this decision is that it regards collective bargaining as the fundamental right but forbids the most effective tool to demand rights in violation of international labor rights law.¹⁵⁰

Pakistan’s labor law requires registration of all trade unions.¹⁵¹ All the members of a trade union must be engaged or employed in the industry. Where two or more unions are registered in a factory, every new union in the factory must have at least one-fifth of the total workers employed as its members.¹⁵²

As of 2016, there were 945 trade unions registered in Pakistan with a combined membership of 1.8 million people, about 3 percent of the total labor force.¹⁵³ According to Karamat Ali, the executive director of Pakistan Institute of Labor Education and Research

¹⁴⁸. Constitution of Islamic Republic of Pakistan, 1973, art. 17.

¹⁴⁹. Civil Aviation Authority vs. Union of Civil Aviation Employees, Supreme Court of Pakistan, PLD 1997 SC 781.

¹⁵⁰. Iftikhar Ahmad, “Labour and Employment Law: A Profile on Pakistan,” Wage Indicator, 2010, http://www.wageindicator.org/main/documents/Labour_and_Employment_Law-A_Profile_on_Pakistan.pdf (accessed July 26, 2017).

¹⁵¹. Sindh Industrial Relations Act 2013, section 9, Punjab Industrial Relations Act 2010, section 9.

¹⁵². Sindh Industrial Relations Act 2013, section 6, Punjab Industrial Relations Act 2010, section 6. Applications can be submitted to the Registrar of Trade Unions in each province. For a federation of two or more unions, the application needs to be submitted to National Industrial Relations Commission.

¹⁵³. Hasan Mansoor, “On death’s door: trade unions in Pakistan,” Dawn, May 1, 2016, <https://www.dawn.com/news/1255333> (accessed September 3, 2017).

(PILER), the real percentage of unionization is “not more than 1 to 1.5 percent.”¹⁵⁴ Even within this small fraction of unionized labor, the majority is in the government-owned sector. Ali told Human Rights Watch:

The private sector in Pakistan does not admit to unionization as a legitimate function of industrialization. More than 60 percent of the unions are in state and public enterprises. While the textile and garment sector is the largest manufacturing sector in Pakistan, it has not had long term unionization in the sector.¹⁵⁵

Fake and “Yellow” Unions

Many factory owners try and create obstacles for workers to register trade unions, primarily by registering dummy unions consisting of chosen or non-existent employees. Labor activists complained that factory owners establish these so-called yellow unions to control workers and prevent them from establishing or joining the union of their choice, often in collusion with the authorities.¹⁵⁶

This makes it close to impossible for the workers to register real unions as the legal requirements for registering a second and third union in the factory are particularly hard to meet, including mandating that one-fifth of the total workforce of the factory registers as members.¹⁵⁷ Ghulam Abbas, a union leader for workers in a large factory manufacturing international brands, told Human Rights Watch:

The factory has around 7,000 workers. The owners managed to get two ‘pocket’ [management picked] unions registered without the knowledge of the workers. The requirement for having the third union are very stringent and requires one-fifth of the total workforce to be part of the union. We

¹⁵⁴. Human Rights Watch interview with Karamat Ali, PILER, Karachi, June 6, 2017.

¹⁵⁵. Ibid.

¹⁵⁶. Corruption is a key issue that affects credibility of many government departments in the country. Pakistan was ranked 117 out of 180 countries in Transparency International’s annual corruption perception index 2017

¹⁵⁷. Industrial Relations Ordinance 2012, section 8.

managed to get enough workers on board and get the union registered in 1997. The union membership in our factory is now around 2,000.¹⁵⁸

According to Nasir Mansoor, secretary general of the National Trade Union Federation (NTUF), the registration of fake unions is pervasive in the textile and garment sector:

There are no real unions in any of the major factories. There are fake unions registered for every factory. Generally, the owners or management get two fake unions registered with the labor department because the requirements to get a union registered are difficult to meet. Mostly, the workers who are shown as the office bearers and members of the fake unions have no knowledge of it since either they are made to sign blank papers or their signatures are forged.

Also, the labor law requires workers to identify an employer before forming a union. They should go to the labor department for registration of their unions, however, the registration is only possible after informing the employers. Factory owners often fire the employees seeking to unionize and hence make it impossible for workers to form any union.¹⁵⁹

According to the labor law, if a company has presence in only one province then the union is registered locally with the provincial labor department.¹⁶⁰ However, if the company has presence in more than one province, then the registration can be done with the National Industrial Relations Commission (NIRC) in Islamabad.¹⁶¹ Many factory owners use this provision to impede the formation of trade unions. According to Mansoor:

All of this happens with the complete complicity of labor department officials who are aware of this practice but are often on the payroll [via bribes] of the factory owners. The unions for big factories have not been

¹⁵⁸. Human Rights Watch interview with Ghulam Abbas, Hafizabad, Punjab, July 1, 2017.

¹⁵⁹. Human Rights Watch interview with Nasir Mansoor, Karachi, June 6, 2017.

¹⁶⁰. Sindh Industrial Relations Act 2013, section 9; Punjab Industrial Relations Act 2010, section 9.

¹⁶¹. Industrial Relations Ordinance 2012, section 54.

registered locally and are registered with the NIRC in Islamabad. Most companies show a fake manufacturing or storage facility in another province to have the union registered in Islamabad and hence the information about the union not being available to the workers.¹⁶²

Raheel, a worker in a garment factory that manufactures for international brands, alleged:

The factory has a minimum of 2,000 workers. The factory has three trade unions on paper, however, no real one. The unions have been registered by the management in collusion with the labor department.¹⁶³

Factory workers said that owners also use job insecurity of that workers hired through a labor contractor who can then being fired at any time, to deter workers from joining trade unions. According to Zeeshan Javaid, a worker in a factory in Karachi:

There is no employment contract and the hiring is done through a *thekedar* [literally, ‘contractor’ in Urdu]. There are more than 400 workers in the factory and no union. There used to be a union, but the *seth* [factory owner] fired all the union members one day and since then no one has dared to undertake any union activity. The managers swear at us, sometimes hit us, and anyone who complains is fired immediately and he is ‘gate-stopped’ [barred from entering the factory].¹⁶⁴

Intimidation and Harassment of Independent Unions

On the rare occasion that workers in a factory manage to successfully unionize, labor rights activists allege that factory owners use violence and the threat of violence to intimidate and suppress them. Union leader Ghulam Abbas said:

Union leaders have been harassed and intimidated multiple times. The management has used the local police to have fake [criminal] cases

¹⁶². Human Rights Watch interview with Nasir Mansoor, Karachi, June 6, 2017.

¹⁶³. Human Rights Watch interview with Raheel, Karachi, June 9, 2017.

¹⁶⁴. Human Rights Watch interview with Zeeshan Javaid, Karachi, June 9, 2017.

registered against union members and workers. I have been arrested, kept in a police lock-up and tortured for calling a strike. Now any worker who is seen talking to a union leader is fired.¹⁶⁵

The factory managements sometimes also use direct violence, criminal complaints, and even bring terrorism charges to intimidate and harass union leaders.

In July 2010, unknown gunmen shot dead prominent labor leader, Mustansar Randhawa, and his brother in Randhawa's trade union office in Faisalabad district of Punjab. Randhawa was a leader of the Labor Qaumi Movement (LQM), a labor union seeking to organize workers of the textile and power loom sector in Punjab's Faisalabad industrial district.¹⁶⁶ Randhawa had reportedly been receiving threats from factory owners and had announced a strike and a lock-out for a wage increase for the day he was killed.¹⁶⁷

After his killing on July 6, 2010, workers postponed the lock-out and instead held a protest rally condemning his killing. Two weeks later, workers protested the refusal of the factory and loom owners to implement the 17 percent increase in wages that the government had announced in May.¹⁶⁸ Police use of force against the demonstrators resulted in several workers being injured and more than 100 being arrested.¹⁶⁹ Six LQM leaders were later arrested and charged under the anti-terrorism law for allegedly attempting to torch a factory during the strike. In November 2011, an anti-terrorism court sentenced the six trade union leaders to life imprisonment.¹⁷⁰

¹⁶⁵. Human Rights Watch interview with Ghulam Abbas, Union leader, Hafizabad, July 1, 2017.

¹⁶⁶. Farooq Tariq, "Pakistan: Labour Leaders killed for forming union in Faisalabad," Europe Solidaire Sans Frontieres, July 7, 2010, <http://www.europe-solidaire.org/spip.php?article17949> (accessed September 7, 2017).

¹⁶⁷. Qalandar Bux Memon, "Blood on the Path of Love," *Monthly Review*, December 2010, <https://monthlyreview.org/2010/12/01/blood-on-the-path-of-love/> (accessed September 6, 2017); Farooq Tariq, "Pakistan: Labour Leaders killed for forming union in Faisalabad," Europe Solidaire Sans Frontieres, July 7, 2010, <http://www.europe-solidaire.org/spip.php?article17949> (accessed September 7, 2017).

¹⁶⁸. Qalandar Bux Memon, "Blood on the Path of Love," *Monthly Review*, December 2010, <https://monthlyreview.org/2010/12/01/blood-on-the-path-of-love/> (accessed September 6, 2017).

¹⁶⁹. "Six power loom workers' leaders sentenced for 10 year each by Anti-Terrorist Court in Faisalabad," Labour Watch Pakistan, November 2, 2011, <http://labourwatchpakistan.com/six-power-loom-workers%E2%80%99-leaders-sentenced-for-10-year-each-by-anti-terrorist-court-in-faisalabad/> (accessed September 10, 2017).

¹⁷⁰. "NTUF to protest against convictions in Faisalabad power loom case," News, November 4, 2011, <https://www.thenews.com.pk/archive/print/329865-ntuf-to-protest-against-convictions-in-faisalabad-power-loom-case> (accessed September 10, 2017).

In March 2012, 12 trade union leaders in Karachi were charged under the anti-terrorism law for “extortion.”¹⁷¹ Six of the 12 were arrested. They alleged that police beat them. In May 2012, they were released on bail, and were eventually acquitted in August 2014 after a trial that continued for more than two years and included more than 100 court appearances by the workers.¹⁷²

Some union leaders alleged that factory owners often try and offer bribes to the workers to withdraw cases and back down from demands. For instance, a union leader at a factory in Hafizabad district, Punjab, said he turned down a bribe offer in 2015:

We had successfully organized a strike and the factory had come to an almost complete halt. We were demanding that our contracts should be regularized and our workers be made permanent employees. I was invited by the management to ‘negotiate.’ They insisted that I come alone. They offered me a car and 30,000 rupees [\$3,000] to convince the workers to end the strike.¹⁷³

¹⁷¹. “Protesting’ labourers booked under extortion charges,” News, March 24, 2012, <https://www.thenews.com.pk/archive/print/352804-%E2%80%98protesting%E2%80%99-labourers-booked-under-extortion-charges> (accessed September 9, 2017).

¹⁷². Clean Clothes Campaign, “Victory for 12 workers and trade unionists in Pakistan,” September 3, 2014, <https://cleanclothes.org/news/2014/09/03/victory-for-12-workers-and-trade-unionists-in-pakistan> (accessed September 7, 2017).

¹⁷³. Human Rights Watch interview with Asad Muneer, Lahore, September 3, 2017.

VI. Role of Government Labor Departments

Pakistan's government bears primary responsibility for enforcing labor rights protections. The 18th amendment to the constitution, enacted in 2010, devolved the labor ministry to the provinces.¹⁷⁴ As a result, it is the provincial departments that are tasked with enforcing and promoting awareness of employment standards—such as minimum wage, hours of work, public holidays—and with holding factory owners accountable. However, the authorized institutions have in large measure been unwilling or unable to do so.

Legal and Policy Framework

Instead of enforcing and monitoring rights, provincial labor departments have tended to be reactive, responding to complaints of violations and industrial disputes. The labor department often refuses to admit complaints by individual workers, requiring that they be made by the workers' union.¹⁷⁵ Considering that effective unionization in private sector factories is very small, less "than one percent" according to some reports, this requirement largely makes redress from labor departments inaccessible.¹⁷⁶ As discussed above, factory management also often sets up fake unions that do not actually represent worker rights.

A series of government policies and regulations since 2003 have made the provincial labor departments weaker and factory managements largely unaccountable. The policy for labor inspections changed in 2003 after a military coup by Gen. Pervez Musharraf. Previously, factories were inspected once a year without prior notice. The policy was amended to require the labor department to issue a month's notice to factory management mentioning the exact date of the inspection.¹⁷⁷ One former trade union leader said:

¹⁷⁴. Constitution (Eighteenth Amendment) Act, 2010, April 19, 2010, <http://www.pakistani.org/pakistan/constitution/amendments/18amendment.html> (accessed September 5, 2017).

¹⁷⁵. Human Rights Watch interview with Sheikh Liaqat, Labor lawyer, June 2, 2017.

¹⁷⁶. "Only one labour inspector 250,000 workers: report," Dawn, December 13, 2014, <https://www.dawn.com/news/1150581> (accessed September 7, 2017).

¹⁷⁷. Ibid.

Announcing the labor department inspection date one month in advance killed the entire purpose of an inspection. The entire exercise was a sham. The factory was cleaned up for a few hours and got a clean bill of health.¹⁷⁸

According to Ayub Quershi, a member of the Pakistan Trade Union Federation:

If inspections are allowed in jails where people serve time for their crimes, then why is this right denied to laborers who strive to earn by lawful means? Industrialists and entrepreneurs have been allowed to treat their laborers even worse than animals.¹⁷⁹

Punjab, the country's largest province, banned labor inspections through the Punjab Industry Policy in 2003 with the objective of "developing an industry and business-friendly environment to attract fresh investment."¹⁸⁰ The ban was in response to factory owners complaining about harassment and bribery demands by labor inspectors. The ban on labor inspections was removed in 2012 following several industrial disasters in the province.¹⁸¹

A senior official of the Punjab labor department spoke to Human Rights Watch on condition of anonymity:

The fundamental problem with the labor department is the recruitment, which is mostly done as political patronage and not through a merit-based system. The political elite and the business elite are often the same people in the Punjab. Any independent inspection or monitoring is not possible as it is discouraged from the highest level of government.¹⁸²

¹⁷⁸. Human Rights Watch interview with Amir Shah (pseudonym), Karachi, June 8, 2017.

¹⁷⁹. "Chief Minister directed me to stop the inspection of factories: Labour Minister," Express Tribune, September 13, 2012, <https://tribune.com.pk/story/435713/chief-minister-directed-me-to-stop-the-inspection-of-factories-labour-minister> (accessed July 5, 2017).

¹⁸⁰. Samira Shackle, "Karachi factory fire exposes Pakistan's lax health and safety regime," Guardian, September 14, 2012, <https://www.theguardian.com/commentisfree/2012/sep/14/karachi-factory-fire-pakistan-health-safety> (accessed July 8, 2017).

¹⁸¹. Aroosa Shaukat, "Labour inspections to resume," Express Tribune, February 25, 2012, <https://tribune.com.pk/story/341377/labour-inspections-to-resume/> (accessed September 1, 2017).

¹⁸². Human Rights Watch interview with Riaz Haq (pseudonym), Lahore, July 5, 2017.

The 2003 Punjab ban on labor inspections was followed by a similar ban in Sindh. A former labor minister for Sindh told the media that the chief minister had expressly prohibited taking any measures against factories violating labor laws.¹⁸³ He said:

We tried to persuade the CM [chief minister] that the cases have been referred to court, and cannot be withdrawn.... Since then we stopped the inspections. How can we continue with them when the chief executive of a province asks us to stop an inquiry and withdraw the cases?¹⁸⁴

Lack of Capacity

Provincial labor departments are severely underfunded and understaffed. According to an ILO study in 2016 the labor standards and inspections systems “are very weak, underfunded, lacking in modern training, and lacking in capacity to conduct effective training.”¹⁸⁵

The ILO reported in 2012 that there were only 337 inspectors in the country, around one for every 250,000 workers.¹⁸⁶ In 2017, according to one report there were 547 labor inspectors in Pakistan for over 350,000 factories in the country. There were only 17 women labor inspectors.¹⁸⁷ Nasir Mansoor, general secretary of National Trade Union Federation, told Human Rights Watch:

In Karachi, there are only two women labor inspectors for the entire city [which has 70 percent of the country’s industry] out of a total of around 200-225 labor inspectors. Women workers are extremely reluctant to talk

¹⁸³. “Chief Minister directed me to stop the inspection of factories: Labour Minister,” Express Tribune, September 13, 2012, <https://tribune.com.pk/story/435713/chief-minister-directed-me-to-stop-the-inspection-of-factories-labour-minister> (accessed July 5, 2017).

¹⁸⁴. Ibid.

¹⁸⁵. ILO, “Minimum wage setting, implementation and working conditions in the formal and informal sectors of the garment industry in Pakistan,” August 2016, http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-islamabad/documents/publication/wcms_532830.pdf (accessed July 27, 2017).

¹⁸⁶. “Only one labour inspector 250,000 workers: report,” Dawn, December 13, 2014, <https://www.dawn.com/news/1150581> (accessed September 7, 2017).

¹⁸⁷. Mahnoor Sherazee, “Pakistani labour laws are protecting no one,” Geo, June 20, 2017, <https://www.geo.tv/latest/146449-pakistans-labour-laws-are-protecting-no-one> (accessed August 1, 2017).

about sexual harassment and their other problems with a male government official.¹⁸⁸

Larger factories are often heavily guarded and labor inspectors are not allowed in unless the visit has been previously agreed. One trade union leader in Karachi told Human Rights Watch: “The factories are guarded more fiercely than military installations, no government inspectors are allowed in the factories.”¹⁸⁹

The provincial labor department inspector often does not have the capacity or training to conduct thorough inspections and ensure enforcement of worker rights. The situation was exacerbated by a federal labor policy in 2006 introducing the concept of “one inspector, one enterprise,” making a single labor inspector responsible for all areas of labor rights in one factory.¹⁹⁰ Labor department officials of the Punjab and Sindh governments told Human Rights Watch that an overwhelming majority of the inspectors are not equipped to make such assessments. One former deputy director of the labor department said:

The “one inspector, one enterprise” policy made the situation worse since it expects one individual to inspect the health and safety, minimum wage, and working hour compliance and harassment complaints among many other areas. It is not reasonable to expect that all these functions can be adequately performed by a single untrained and poorly paid labor department official.¹⁹¹

Corruption

Corruption is a key issue that affects credibility of many government departments in the country. Pakistan was ranked 117th out of 180 countries in Transparency International’s

¹⁸⁸. Human Rights Watch interview with Nasir Mansoor, Karachi, June 6, 2017.

¹⁸⁹. Human Rights Watch interview with Nasir Mansoor, Karachi, June 6, 2017.

¹⁹⁰. Labour Inspection Policy, 2006, Government of Pakistan, March 2006, :http://www.ciwce.org.pk/downloads/Labour_Inspection_Policy_2006.pdf (accessed September 1, 2017).

¹⁹¹. Human Rights Watch interview with Nazir Sheikh (pseudonym), Lahore, July 8, 2017; Human Rights Watch wrote to the Pakistan labor authorities in July 2018 however we did not receive a response.

annual corruption perception index 2017.¹⁹² Allegations of widespread corruption in the labor departments are common. One factory owner in Lahore told Human Rights Watch:

I pay a monthly bribe to the labor department. An official of the labor department comes to the factory and collects the money, which is divided between department officials. They are not interested in inspections; they only want the money.¹⁹³

Human Rights Watch gathered numerous accounts of corruption and bribery in the labor department.¹⁹⁴ According to trade union leaders, the labor department only conducts inspections as a “bargaining” tool—an unfavorable report is prepared and shown to the factory owner with the option of paying a bribe to have report altered.¹⁹⁵ One senior bureaucrat, a former head of the labor department, told Human Rights Watch:

I was astounded by the amount of wealth my subordinates—labor inspectors and directors—had amassed despite the low government salary. I attempted to hold a few accountable. But it was a futile exercise. The entire system is corrupt from the minister down to the inspector. Factory owners have practically bought off the labor department and it now serves at their will.¹⁹⁶

On December 1, 2018, the workers in a training institute for garment workers in Lahore stopped work and gathered outside the factory manager’s office demanding salaries. A major Pakistani brand had established the training institute in Gujju Mata area of Lahore in January 2018. Workers alleged that for the first three months, there was some “pretense of training,” but it stopped soon after and in practice, operated as a factory. According to Bilal, an employee at the training institute:

¹⁹². Transparency International, “Corruption Perceptions Index 2017,” February 21, 2018, https://www.transparency.org/news/feature/corruption_perceptions_index_2017 (accessed December 7, 2018).

¹⁹³. Human Rights Watch interview with Muhammad Ali (pseudonym), Lahore, September 4, 2017.

¹⁹⁴. Human Rights Watch interview with Mian Imran, Lahore, February 5, 2018.

¹⁹⁵. Human Rights Watch interview with Sheikh Liaqat, Lahore, February 5, 2018.

¹⁹⁶. Human Rights Watch interview with Hamid Raza (pseudonym), Lahore, September 3, 2017.

The company has shown this unit as a training institute in official records. However, there is no training conducted here. It is a factory. The government inspection teams are complicit. They come and mark fake attendances, take photographs of the ‘classrooms’ and leave. People who have been shown as “trainees” are all experienced garment workers.¹⁹⁷

The government incentivizes such institutes and has paid the factory management 2,000 rupees (\$20) for every worker they train. However, none of that money has reached the workers. Zia, working in the stitching department at the training institute told Human Rights Watch:

The total number of workers employed in this fake training institute is around 600-700, out of which 200 are salaried and the rest work on a daily per piece wage. None of the workers have a social security or a pension card because the establishment is not even shown as a factory. The government is obviously aware of this.¹⁹⁸

In none of the factories researched by Human Rights Watch were there regular or frequent inspections by the labor department.

Shortcomings in Judicial Remedy

In the absence of a functional and efficient labor inspection infrastructure, disputes between workers and management are brought to the courts. Pakistan has a three-tiered labor judiciary: Labor Courts, Labor Appellate Tribunals, and National Industrial Relations Commission.

Traditionally, the labor judiciary was based on the principle of a tripartite adjudication system and members of the court and tribunal included representatives of the employer, workers, and the government.¹⁹⁹ However, the prevailing labor judicial system has

¹⁹⁷ Human Rights Watch interview with Bilal (pseudonym), Lahore, December 3, 2018.

¹⁹⁸ Human Rights Watch interview with Zia Rehman (pseudonym), Lahore, December 3, 2018.

¹⁹⁹ Iftikhar Ahmad, “Labour and Employment Law: A Profile on Pakistan,” Wage Indicator, 2010, http://www.wageindicator.org/main/documents/Labour_and_Employment_Law-A_Profile_on_Pakistan.pdf (accessed July 26, 2017).

abandoned the tripartite system and the adjudication is done by judges appointed by the provincial governments.²⁰⁰

The proceedings in labor courts can be lengthy and expensive. The courts are sometimes in another district and travelling to attend court hearings considering the long working hours and handful of holidays, can prove to be very difficult to workers. NIRC has only one seat in every province which means that workers must often travel hundreds of miles to file appeals and attend hearings.²⁰¹ Rashid, a worker contesting an unfair dismissal claim in the Labor Appellate Tribunal, told Human Rights Watch:

My monthly salary is 12,000 rupees [\$120] and I have been contesting my dismissal for the past four years and have already spent at least 75,000 rupees [\$750]. This is a fortune for me and my family. But it is an insignificant amount for the factory owners. The owners use the courts to drag the cases on forever, and bleed the workers. The judicial system is skewed in favor of the rich.²⁰²

²⁰⁰. Ibid.

²⁰¹. Industrial Relations Ordinance, 2012, section 55.

²⁰². Human Rights Watch interview with Raheem Gondal, Hafizabad, July 1, 2017.

VII. International Labor Standards

Basic human rights standards guaranteeing everyone the right to just and safe conditions of work, reasonable limitations on work hours, and fair pay as well as non-discrimination in the workplace are articulated in the Universal Declaration of Human Rights (UDHR).²⁰³ These standards are enshrined as international law in treaties that Pakistan has ratified, notably the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR).²⁰⁴ Pakistan is also a party to many core ILO conventions, which further amplify workers' rights.

Freedom of Association and Right to Organize

A worker's right to organize is well-established under international human rights law, and explicitly guaranteed in the ICCPR and the ICESCR, as well as two of the core ILO conventions: ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, and ILO Convention No. 98 concerning the Right to Organize and Collective Bargaining—both of which Pakistan has ratified.²⁰⁵

These conventions, and their authoritative interpretations by the UN Human Rights Committee, the UN Committee on Economic, Social and Cultural Rights, and the ILO Committee on Freedom of Association, which examines complaints from workers' and employers' organizations against ILO members, obligate the Pakistan government to ensure that employers do not thwart workers' right to union formation and participation.

The ICCPR provides that “everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his

²⁰³ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71, arts. 2, 23 and 24.

²⁰⁴ International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976. Pakistan ratified the ICESCR in 2008; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Pakistan in 2010.

²⁰⁵ ILO Convention No. 87, entry into force, July 4, 1950, ratified by Pakistan in 1951; ILO Convention No. 98, entry into force, July 18, 1951, ratified by Pakistan in 1952. Article 23(4) states that, [e]veryone has the right to form and to join trade unions for the protection of his interests.

interests.”²⁰⁶ The ICESCR recognizes “[t]he right of everyone to form trade unions and join the trade union of his choice.”²⁰⁷ As a party to the ICCPR, Pakistan is required to “take the necessary steps ... to adopt such legislative or other measures as may be necessary to give effect to” the right to form and join trade unions and to ensure that any person whose right to organize is violated “shall have an effective remedy.”²⁰⁸

As a member of the ILO, Pakistan has an obligation “to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles the fundamental rights which are the subject of [the core] Conventions.” The ILO Committee on Freedom of Association has noted that ILO members, by virtue of their membership, are “bound to respect a certain number of general rules which have been established for the common good.... Among these principles, freedom of association has become a customary rule above the Conventions.”²⁰⁹

Under ILO Convention No. 87, “Workers ... without distinction whatsoever, shall have the right to establish and ... to join organizations of their own choosing without previous authorization” and “to elect their representatives in full freedom.”²¹⁰ Authorities should refrain from any interference that would restrict this right or impede its enjoyment.²¹¹ States are free to prescribe legal formalities for establishing unions, but they cannot abuse this freedom by prescribing formalities that impair fundamental labor rights guarantees.²¹²

The right to organize includes the right to official recognition through registration, and the conditions of registration cannot constitute a form of prior authorization before establishing a union.²¹³ The law should clearly specify the conditions for union registration and the grounds on which the registrar may refuse or cancel registration.²¹⁴ Government procedures that result in undue delays to registration are an infringement of workers’ right

²⁰⁶. ICCPR, art. 8(1)(a).

²⁰⁷. ICESCR, art. 8.

²⁰⁸. ICCPR, art. 8.

²⁰⁹. ILO Committee on Freedom of Association, Fact-Finding and Conciliation Commission Report: Chile, 1975, para. 466.

²¹⁰. ILO Convention No. 87, art. 2; *Ibid.*, art. 2.

²¹¹. *Ibid.*

²¹². *Ibid.*, art. 7; ILO Freedom of Association Decisions Digest, 2006 ed., http://www.ilo.org/wcmsp5/groups/public/--ed_norm/---normes/documents/publication/wcms_090632.pdf, paras. 275-76.

²¹³. Article 2; ILO Freedom of Association Decisions Digest, 2006 ed., paras. 294-307

²¹⁴. *Ibid.*, para. 302.

to organize.²¹⁵ If the law requires a minimum number of founder members to establish a union, states are not allowed to set the number so high that it effectively renders it impossible to set up a union.²¹⁶ In addition, Convention No. 98 guarantees that workers “shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.”²¹⁷

The ILO Committee on Freedom of Association has repeatedly underscored the importance of adequate penalties and mechanisms to ensure compliance with laws against union interference.²¹⁸

Creating a Violence-Free, Non-Discriminatory Workplace for Women

Pakistan is party to several international conventions that protect women at work from violence and discrimination, including pregnancy-based discrimination. In addition to the ICCPR, Pakistan is a party to the Convention on the Elimination of All Forms of Discrimination against Women, and has also ratified the core ILO Convention No. 111 Discrimination (Employment and Occupation) Convention, 1958.²¹⁹

Women have a right to a workplace free of sexual harassment. Governments are obligated to take preventive steps and ensure access to redress.²²⁰ Women are entitled to special protection during pregnancy to avoid work harmful to them.²²¹ Protection against pregnancy-based discrimination includes but is not limited to dismissal.²²²

²¹⁵ Ibid., para. 279.

²¹⁶ Ibid., paras. 279-290

²¹⁷ ILO Convention No. 98, art. 1.

²¹⁸ ILO Committee on Freedom of Association, Digest of Decisions: Fundamental obligations of member States in respect of human and trade union rights (Procedure in respect of the Committee on Freedom of Association and the social partners: Function of the ILO and mandate of the Committee on Freedom of Association), 1996, paras. 763-64.

²¹⁹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, art. 11(2) (prohibiting discrimination, including dismissal, on the basis of pregnancy). Pakistan became a party to CEDAW in 1996; ILO Convention No. 111, entry into force June 15, 1960. Pakistan became a party in 1961.

²²⁰ CEDAW Committee, General Recommendation No. 35, 2017, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf, (accessed February 5, 2018) para. 39, p. 12.

²²¹ CEDAW, art. 11(2) (d).

²²² CEDAW, art. 11(2) (prohibiting discrimination, including dismissal, on the basis of pregnancy).

ILO Convention No. 111 defines discrimination as “any distinction, exclusion or preference made on the basis of ... sex ... which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.”²²³

Contract Workers and Casual Hiring

ILO Convention No. 158 on Termination of Employment together with Recommendation No. 166 governs the use of short-term contracts. Pakistan has not ratified this convention, but it provides useful guidance.²²⁴

States should create “adequate safeguards” to ensure that contracts for specified periods are not used to avoid worker protection against unfair termination.²²⁵ Fixed-term contracts should be limited to situations where the “nature of work,” the “circumstances under which it is to be effected,” or “the interests of the worker” require them.²²⁶

Where short-term contracts are renewed one or more times, or when they are not limited to the situations described above, states should deem them as contracts of indeterminate duration.²²⁷

Children’s Rights

Pakistan has ratified the Convention on the Rights of the Child (CRC), which states that children have a right “to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”²²⁸ Pakistan has also ratified relevant ILO conventions, including Convention

²²³ ILO Convention No. 111, art. 1.

²²⁴ ILO Convention No. 158 concerning Termination of Employment at the Initiative of the Employer (Termination of Employment Convention), 1982, adopted June 22, 1982, entered into force November 23, 1995, not ratified by Pakistan, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C158 (accessed July 28, 2017); ILO Recommendation No. 166 on the Termination of Employment Convention, 1982, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:R166, art. 3(2)(a) (accessed July 28, 2017).

²²⁵ Recommendation No. 166, art. 3(1).

²²⁶ Ibid., art. 3(2)(a).

²²⁷ Ibid., art. 3(2)(b) and (c).

²²⁸ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990. Pakistan became a party to the CRC in 1990.

No. 182 concerning the Worst Forms of Child Labor and Convention No. 138 concerning Minimum Age for Admission to Employment.²²⁹

In compliance with these conventions, Pakistan has set a minimum age for admission to work at as low as 14 and has other rules governing work by children. However, because of poor labor inspections and enforcement, Pakistani child labor provisions are frequently violated.

²²⁹. ILO Convention No. 182 concerning Worst Forms of Child Labor, 1999. The ILO Worst Forms of Child Labor Recommendation (No. 190) provides guidance to states in defining hazardous work, and suggests consideration be given to several areas of work, including “work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.” ILO Recommendation No. 190 Concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labor, adopted June 17, 1999, art. 3(e); ILO Convention No. 138 concerning Minimum Age for Admission to Employment, 1973, [\(http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C138, arts. 2\(3\) and 3\(1\)\)](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C138,arts.2(3)and3(1)) (accessed July 23, 2014). Convention No. 138 says states should set a minimum wage for work corresponding with the age for completing compulsory schooling and cannot be below age 15. Where the work will jeopardize the health, safety of morals of young persons, the minimum age cannot be less than age 18. Children between ages 13 and 15 can engage in light work that does not harm their health, development, and does not adversely impact their school attendance. Children below the minimum age cannot engage in work.

VIII. Key Responsibilities of Apparel Brands

While the Pakistani government has the primary responsibility to respect, protect, and fulfill human rights under international human rights law, businesses, including domestic and international apparel brands, also have human rights responsibilities.²³⁰

The basic principle that businesses have a responsibility to respect worker rights has acquired widespread international recognition.²³¹ The “Protect, Respect and Remedy” framework, articulated most notably in the UN Guiding Principles on Business and Human Rights, reflects the expectation that businesses should respect human rights, avoid complicity in abuses, and adequately remedy them when they occur. The Guiding Principles urge businesses to exercise due diligence to identify, prevent, mitigate, and account for the impact of their activities on human rights.²³²

The Organization for Economic Cooperation and Development (OECD) sets out norms for responsible social behavior by multinational firms, incorporating the concept of due diligence and the content of ILO core labor standards. The OECD guidelines call on enterprises to respect human rights, “avoid infringing on the human rights,” and address adverse human rights impacts of their activities. This includes conducting “human rights due diligence” and working to remedy any negative fallout they have caused or contributed

²³⁰. The preambles to key human rights treaties recognize that ensuring respect for human rights is a shared responsibility that extends to “every organ of society,” not only to states. In addition, the preambles of both the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights recognize that “individuals” have human rights responsibilities, a term that can encompass juridical persons (including businesses) as well as natural persons.

²³¹. The Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises, UN Human Rights Council resolutions on business and human rights, the UN Global Compact, other multi-stakeholder initiatives in different sectors, and many apparel buyers’ codes of conduct borrow from international human rights law and core labor standards in guiding businesses on how to uphold their human rights responsibilities.

²³². UN Human Rights Council, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework,” A/HRC/17/31, March 21, 2011, <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf> (“Guiding Principles on Business and Human Rights”) (accessed September 7, 2017).

to.²³³ The OECD guidelines are supplemented by the 2017 OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector.²³⁴

To meet their responsibility to respect human rights, businesses should have policies and processes appropriate to their size and circumstances.²³⁵

Disclosure

All apparel companies—domestic and international—should avoid contributing to adverse human rights impacts either through acts or omissions.²³⁶ They should adopt good industry practice set by other apparel companies and publicly disclose their supplier factory lists.²³⁷

Companies that do not periodically disclose and update their supplier and subcontractor lists publicly make it more difficult to identify and remedy labor rights abuses in their supply chain. The Guiding Principles on Business and Human Rights state that businesses should “seek to prevent or mitigate adverse human rights impacts” that are “directly linked to their operations, products or services.”²³⁸ Such business relationships include “entities in its value chain.”²³⁹ The UN Guiding Principles also say that companies have a responsibility to “know and show” that they have policies and practices to respect human rights.²⁴⁰ The 2017 OECD due diligence guidance governing the garment sector notes that “increasingly enterprises—particularly those participating collaborative initiatives—are choosing to disclose: a list of their direct suppliers; the assessment findings of their

²³³ OECD, “OECD Guidelines for Multinational Enterprises,” 2011, <http://www.oecd.org/investment/mne/1922428.pdf>, p. 31 (“OECD Guidelines”) (accessed July 29, 2017).

²³⁴ OECD, “OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector,” <http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-Garment-Footwear.pdf> (accessed July, 2017).

²³⁵ Guiding Principles on Business and Human Rights, Principles 14 and 15.

²³⁶ Guiding Principles on Business and Human Rights, Principle 13

²³⁷ For more information on disclosing supplier factory lists, <https://www.hrw.org/report/2017/04/20/follow-thread/need-supply-chain-transparency-garment-and-footwear-industry>

²³⁸ Ibid.

²³⁹ Ibid (commentary).

²⁴⁰ UN Guiding Principles, Principle 21 and related commentary. See also, Aruna Kashyap, “Soon There Won’t Be Much to Hide: Transparency in the Apparel Industry,” <https://www.hrw.org/world-report/2018/essay/transparency-in-apparel-industry>. See also, OECD Due Diligence Guidance in the Garment Sector, <http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-Garment-Footwear.pdf>, para. 5.1, p. 87.

suppliers; the corrective action plans of their suppliers; the grievances raised against them and how those grievances were addressed.”

The OECD Guidelines for Multinational Enterprises state that businesses should disclose “material information ... whose omission or misstatement could influence the economic decisions taken by users of information.”²⁴¹ The guidelines note that such disclosure may also cover information about their subcontractors and suppliers or joint venture partners.²⁴²

Key Priority Human Rights Risks and Brands Due Diligence

Both domestic and international apparel companies (brands and retailers) should carry out human rights due diligence.²⁴³ Such due diligence should identify potential adverse human rights impacts and ways to prevent them. Human rights due diligence activity should be ongoing and not a one-time survey.²⁴⁴

The responsibility to conduct due diligence in the garment sector is twofold. Under the Guiding Principles, where businesses have large value supply chains and it is unreasonably burdensome to conduct due diligence across them all, businesses should “identify general areas where the risk of adverse human rights impacts is most significant, whether due to certain suppliers’ or clients’ operating context, the particular operations, products or services involved, or other relevant considerations, and prioritize these for human rights due diligence.”²⁴⁵

In Pakistan, Human Rights Watch research found that all apparel companies should “know and show” the steps they take to prevent and mitigate the following key human rights risks: fire and building safety; the abuse of hiring practices and use of “contract labor” to avoid paying legally due benefits; workers’ freedom of association; forced overtime and factory transportation for all workers, especially women, returning home at night from factories; and sexual harassment at the workplace.

²⁴¹. OECD Guidelines, p. 29, para. 30.

²⁴². OECD Guidelines, p. 30, para. 33.

²⁴³. Guiding Principles on Business and Human Rights, Principle 17.

²⁴⁴. Ibid.

²⁴⁵. Ibid., Principle 17 (commentary).

Apparel brands should also periodically and regularly review their purchasing and pricing practices to analyze how they influence labor conditions in sourcing factories.

IX. Recommendations

To the Pakistan Federal Government

- Revise the country’s labor laws to ensure they are in line with international labor standards. The Industrial Relations Act, 2012, and provincial labor laws fall short of International Labour Organization labor standards ratified by Pakistan, including Convention No. 87 on Freedom of Association and Convention and No. 98 on the Right to Organize and Bargain Collectively.
- Ensure that workers’ rights to form unions and collectively bargain are protected. Direct police to properly investigate complaints of physical attacks and identify those responsible. Investigate all factory owners credibly alleged to have engaged in anti-union activity, and hold accountable and penalize employers found to have violated workers’ rights.
- Periodically call for implementation reports from the provinces to oversee the implementation of all laws governing protection of worker rights including prevention of sexual harassment at the workplace.
- Expedite the harmonization of the labor laws in order to establish minimum age for employment in accordance with international standards, notably the ILO Convention No. 138 on Minimum Age for Admission to Employment, 1973, and vigorously pursue the enforcement of minimum age standards, including by requiring employers to possess, and to produce on demand, proof of the age of all children working on their premises.
- Develop and implement a plan to increase the number of government labor, fire, and building inspectors, improve their training, establish clear procedures for independent and credible inspections, and expand the resources at their disposal to conduct effective inspections.
- Enact legislation to strengthen the provincial labor departments so that they have greater powers to penalize factory owners for unfair labor practices, including fines and other sanctions to deter future violations.
- Ratify ILO Convention No. 121 on Benefits to Workers Injured in Workplace Accidents.

- Ratify ILO Conventions No. 158 on Termination of Employment at the Initiative of the Employer; No. 183 on Maternity Protection (2000); and No. 131 on Minimum Wage Fixing (1983).
- Establish mechanisms to monitor contractors who work with home-based workers and make factories and suppliers accountable for protecting the rights of home-based workers.

To the National Industrial Relations Commission

- Carry out effective and impartial investigations into allegations by workers of mistreatment, including beatings, threats, and other abuses, and prosecute those responsible.
- Investigate all credible allegations of corruption by labor inspectors and prosecute those responsible.
- Establish an effective complaint mechanism so that workers can raise violations of safety regulations and workers' rights without fear of retaliation.
- Investigate all cases in which managers or owners allegedly filed fabricated criminal complaints against workers and union organizers, and drop all such charges that are unwarranted.

To the Provincial Labor Departments

- Review, in consultation with independent unions and the ILO, all union registration procedures and eliminate unnecessarily burdensome requirements that violate ILO Convention No. 87 on Freedom of Association. Promptly address complaints lodged with the provincial labor departments and ensure that workers are able to express their concerns without intimidation by managers and supervisors.
- Improve labor inspection methods, including via periodic monitoring, and focusing on:
 - The practice of hiring through third-party contractors and oral contracts;
 - Forced overtime and retaliatory measures for refusing overtime;
 - Complaints about working conditions for pregnant workers, including discrimination in hiring, contract renewals, promotions, and provision of reasonable workplace accommodation;
 - Denial of sick leave;

- Child labor; and
- Complaints of anti-union practices, including the formation of “yellow” unions.
- Publicly and regularly disclose (e.g., every four months) the number of factories inspected, key labor rights violations found, and enforcement actions taken. The terms of disclosure should be finalized in consultation with various actors, including labor rights advocates and independent unions.
- Ensure adequate resources for labor inspectors in each province and periodically disclose a statement of allocation and expenditure, including out-of-pocket reimbursement for factory inspectors, in order to curb rent-seeking.

To the Federal Ministry of Commerce and Trade

- Publicly and regularly disclose (e.g., every six months) the names and number of garment and footwear factories that are registered with the ministry so that these may be cross-verified by labor rights groups and the labor departments for inspections.
- Collect information from the provincial labor departments and publicly and regularly disclose (e.g., every four months) any actions initiated by the ministry against factories that are not compliant with Pakistan’s labor law.
- Publicly and regularly disclose (e.g., every six months) the names of all international apparel and footwear brands sourcing from Pakistan.

To the All Pakistan Textile Manufacturers Association (APTMA)

- Publicly support the right of workers to form trade unions and work with unions and factory owners to ensure that workers’ right to freedom of association is respected.
- Encourage members to support the establishment of independent unions and ensure protection of both union members and leaders. Adopt and make public written policies prohibiting discriminatory action against workers, such as disciplining or dismissing workers based on pregnancy or union membership.
- Facilitate special training programs for all members to improve implementation of laws governing sexual harassment at the workplace.
- Encourage members to drop pending unwarranted criminal charges against labor activists and workers who have sought to organize unions.

- Collaborate with the ILO to educate factory owners in the benefits of having independent trade unions and improved labor relations.

To Domestic and International Apparel Companies

- Enhance workers' access to grievance redress through multiple avenues. These should include:
 - Publicly disclosing and regularly updating brand global supplier factory lists in user-friendly and easily accessible formats;
 - Joining collective brand initiatives that have grievance redress procedures;
 - Incorporating workers' freedom of association as a core part of all binding and non-binding brand agreements irrespective of whether these are individual or collective agreements;
 - Integrating effective periodic "external communication" and transparency strategies modeled on the public reporting of the Bangladesh Accord on Fire and Building Safety for all brand human rights due diligence efforts—individual or collective action;
 - Integrating strong internal due diligence at top-management levels to periodically examine and rectify brands' purchasing practices.
- Create a whistleblower protection system for workers and union representatives who alert an apparel company to labor rights abuses in a factory manufacturing their products. The system should ensure that all workers and union representatives receive appropriate protection for a reasonable period, including legal representation to defend themselves against vexatious lawsuits or criminal complaints filed by factories; monthly wages (including the minimum wage, reasonable allowances, and overtime pay); and, where workers are dismissed from work soon after reporting the labor rights abuses, that they do not face obstacles to obtaining alternative employment at a nearby location.

To the US, EU, UK, and Other Countries Whose International Companies Source from Pakistan

- Introduce legal measures to require companies domiciled in the country that purchase apparel from outside the country to periodically disclose and update their global suppliers and subcontractors.
- Provide funds and technical guidance to strengthen the capacity, transparency, and accountability of the federal ministry for commerce and trade and provincial labor departments.
- Ensure that pricing and sourcing contracts adequately reflect and incorporate the cost of labor, health, and safety compliance in consultation with labor rights experts and unions. This should include the cost of the minimum wage, overtime payments, and all legal benefits.
- Actively encourage women’s participation in union leadership and encourage training, awareness, and factory-level complaints mechanisms against sexual harassment at the workplace.

To the International Labour Organization

- Work with the Pakistani government brings its labor laws into compliance with all ILO conventions ratified by Pakistan, and the core labor standards outlined in the ILO Declaration on Fundamental Rights and Principles at Work.
- Provide technical assistance, as needed, to ensure that labor inspections by the provincial labor departments are comprehensive and transparent, and result in effective regulatory enforcement actions in accordance with the law.
- Collaborate with the provincial labor departments to assist them to formulate and implement policies that extend the protection of the ILO conventions to home-based garment workers.
- Actively encourage women’s participation in union leadership and encourage training, awareness-generation, and the development of factory-level complaints mechanisms against sexual harassment at the workplace.

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