

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE
ON OVERSEAS PAKISTANIS AND HUMAN
RESOURCE DEVELOPMENT (OPF & HRD)
ON

“The Industrial Relations (Amendment) Bill 2017”

Report No.4

PRESENTED BY
(SENATOR BAZ MUHAMMAD KHAN)
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON OVERSEAS PAKISTANIS AND HUMAN RESOURCE DEVELOPMENT ON THE INDUSTRIAL RELATIONS (AMENDMENT) BILL, 2017, INTRODUCED BY SENATOR MUHAMMAD AZAM KHAN SWATI IN THE SENATE ON 06-11-2017

I, Senator Baz Muhammad Khan, Chairman of the Standing Committee on Overseas Pakistanis and Human Resource Development have the honour to present, on behalf of the Committee, this report on the Industrial Relations (Amendment) Bill, 2017, introduced by Senator Muhammad Azam Khan Swati in the Senate on 06-11-2017 and referred to the Standing Committee for consideration and report.

2. Following is the composition of the Committee:-

1.	<i>Senator Baz Muhammad Khan</i>	<i>Chairman</i>
2.	<i>Senator Aurangzeb Khan</i>	<i>Member</i>
3.	<i>Senator Hafiz Hamdullah</i>	<i>Member</i>
4.	<i>Senator Islamuddin Sheikh</i>	<i>Member</i>
5.	<i>Senator Saeedul Hassan Mandokhail</i>	<i>Member</i>
6.	<i>Senator Sardar Muhammad Yaqoob Khan Nasar</i>	<i>Member</i>
7.	<i>Senator Ms. Najma Hameed</i>	<i>Member</i>
8.	<i>Senator Lt. Gen. (R) Abdul Qayyum</i>	<i>Member</i>
9.	<i>Senator Abdul Rehman Malik</i>	<i>Member</i>
10.	<i>Senator Muhammad Yousaf</i>	<i>Member</i>
11.	<i>Senator Haji Saif Ullah Khan Bangash</i>	<i>Member</i>
12.	<i>Senator Ms. Nighat Mirza</i>	<i>Member</i>
13.	<i>Minister for Overseas Pakistanis and HRD</i>	<i>Ex-Officio Member</i>

3. The Bill was placed on the agenda of the meeting of the Standing Committee held on 08-12-2017, however due to the absence of the mover on leave, the consideration of the said Bill was deferred by the Committee.

4. The Committee considered the said Bill in its next meeting held on 21-12-2017, which was attended by the following Members:-

1.	<i>Senator Baz Muhammad Khan</i>	<i>Chairman</i>
2.	<i>Senator Saeedul Hassan mandokhail</i>	<i>Member</i>
3.	<i>Senator Najma Hameed</i>	<i>Member</i>
4.	<i>Senator Lt. Gen. (R) Abdul Qayyum</i>	<i>Member</i>
5.	<i>Senator Abdul Rehman Malik</i>	<i>Member</i>
6.	<i>Senator Muhammad Azam Khan Swati</i>	<i>Mover of the Bill</i>

5. Senator Muhammad Azam Khan Swati while explaining the purpose of proposed amendments in the Industrial Relations Act, 2017, stated that the definition of the worker is not all encompassing. According to him those workers who are provided to an establishment by any other


establishment can not get their rights protected because they cannot be covered under the definition of the workers provided by the Industrial Relations Act, 2012.

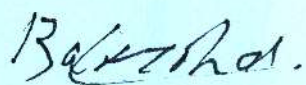
6. The Ministry of Overseas Pakistanis and HRD, opposed the proposed amendment in para XXXIII, of Section 2 of the Industrial Relation Act, 2012, (X) of 2012, stating that the term of workman has already been defined in the existing Section and the proposed amendment will create confusion, therefore, no need to be inserted. Regarding proposed amendment in Sub-Section (4) of Section 33 of the said Act, the Ministry proposed that in the proviso of Sub-Section 4 of Section 33 of Industrial Relations Act, 2012, the words "sixty days" shall be substituted with the words "ninety days".

7. The Standing Committee approved the proposed amendment in paragraph (XXXIII) of Section 2 of the Industrial Relation Act, 2012, (X) of 2012. The Committee also approved the proposed amendment in sub-section 4 of Section 33 of the said Act, as proposed by the Ministry. The representative of the Ministry of Law and Justice, however, opposed the amendment Bill introduced by Senator Muhammad Azam Khan Swati, stating that usually "Explanations" are not given in the definitions of any law. However the Committee did not agree with the view point of the representative of the M/O Law and Justice.

8. The Standing Committee unanimously recommended that the Industrial Relations Amendment Bill, 2017, moved by Senator Muhammad Azam Khan Swati, as reported by the Committee may be passed by the Senate.

9. The Bill as reported by the Standing Committee is at Annexure (A) and the Bill as introduced in the Senate is at Annexure (B).


(SHAUKAT JAVAID)
JS/Secretary Committee


(SENATOR BAZ MUHAMMAD KHAN)
Chairman Standing Committee on
Overseas Pakistanis and Human Resource
Development

[AS REPORTED BY THE STANDING COMMITTEE]

**A
Bill**

further to amend the Industrial Relations Act, 2012

WHEREAS it is expedient further to amend the Industrial Relations Act, 2012 (X of 2012) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement. - (1) This Act may be called the Industrial Relations (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment of section 2, Act X of 2012.- In the Industrial Relations Act, 2012 (X of 2012), hereinafter referred to as the said Act, in section 2, in paragraph (XXXIII), the following explanation shall be inserted, namely:-

"Explanation:- A workman working in an establishment in a permanent nature of work and having completed three months satisfactorily shall be workman of that establishment irrespective of his hiring directly, through a contractor or otherwise."

3. Amendment of section 33, Act X of 2012.- In the said Act, in section 33, in sub-section (4), **in the proviso, for the words "sixty days" the words "ninety days" shall be substituted.**

STATEMENT OF OBJECTS AND REASONS

The Industrial Relations Act, 2012 is the prime legislation which defines the rights and obligations of worker, his relation with the employer and the establishment. The existing Industrial Relations Act, 2012 has some lacunas due to which the workers suffers and cannot get justice. The definition of the worker is not all encompassing and those workers who are provided to an establishment by any other establishment not in the manner as provided in the definition of worker, cannot get their rights protected because they cannot be covered under the definition of the worker provided by the Industrial Relations Act, 2012. Similarly the lengthy procedural process in the binding provisions of section 33, sub-sections (2), (3) and (4) are major hurdles in acquiring remedy and protective measures on time. By adopting this process, the worker has no protective measures if the employer takes strict action against the worker including his termination. Through this amendment, both these issues are addressed.

The Bill has been designed to achieve the aforesaid objectives.

SENATOR MOHAMMAD AZAM KHAN SWATI
Member-in-Charge

[AS INTRODUCED IN THE SENATE]

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"Explanation:- A workman working in an establishment in a permanent nature of work and having completed three months satisfactorily shall be workman of that establishment irrespective of his hiring directly, through a contractor or otherwise."

3. Amendment of section 33, Act X of 2012.- In the said Act, in section 33, in sub-section (4), for the proviso, the following shall be substituted, namely:-

"Provided that nothing in this section shall be construed to prohibit a worker from taking the matter to the Commission at any time within ninety days of the day on which the cause of such grievance arises."

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