

SENATE OF PAKISTAN



House of the Federation

REPORT OF THE SENATE STANDING COMMITTEE ON OVERSEAS PAKISTANIS AND HUMAN RESOURCE DEVELOPMENT

ON THE

INDUSTRIAL RELATIONS (AMENDMENT) BILL, 2022

PRESENTED BY

SENATOR MANZOOR AHMED KAKAR

CHAIRMAN COMMITTEE

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON OVERSEAS PAKISTANIS AND HUMAN RESOURCE DEVELOPMENT ON THE INDUSTRIAL RELATIONS (AMENDMENT) BILL, 2022

I, Senator Manzoor Ahmed Kakar, Chairman of the Standing Committee on Overseas Pakistanis and Human Resource Development have the honor to present, on behalf of the Committee, this report on a Bill further to amend the Industrial Relations Act, 2012 [Industrial Relations (Amendment) Bill, 2022]. The Bill, as passed by the National Assembly, was moved by Senator Shahadat Awan, Minister of State for Law and Justice on behalf of Mr. Sajid Hussain Turi, Minister for Overseas Pakistanis and Human Resource Development in the sitting of the Senate held on 16th December, 2022, and referred to the Senate Standing Committee on Overseas Pakistanis and Human Resource Development for consideration and report.

2. The composition of the Committee is as under:

1.	Senator Manzoor Ahmed Kakar	Chairperson
2.	Senator Hilal-ur-Rehman	Member
3.	Senator Hafiz Abdul Karim	Member
4.	Senator Liaqat Khan Tarakai	Member
5.	Senator Muhammad Asad Ali Khan Junejo	Member
6.	Senator Rana Mahmood Ul Hassan	Member
7.	Senator Shahadat Awan	Member
8.	Senator Shaheen Khalid Butt	Member
9.	Senator Sherry Rehman	Member
10.	Senator Zeeshan Khanzada	Member
11.	Senator Prince Ahmed Omer Ahmed Zai	Member

3. The Committee took up discussion on the issue in its meetings held on 5th January, 2023, with the following in attendance:

I.	Senator Manzoor Ahmed Kakar	Chairperson
II.	Senator Rana Mehmood ul Hassan	Member
III.	Senator Shahadat Awan	Member
IV.	Senator Shaheen Khalid Butt	Member
V.	Senator Zeeshan Khanzada	Member

4. In the meeting held on 5th January, 2023, the Ministry for Overseas Pakistanis and Human Resource Development apprised the Committee that the Industrial Relations Act, 2012 was enacted to consolidate and rationalize the law in Islamabad Territory (ICT) and at Trans-Provincial level, relating to formation of Trade Unions, and Federations of Trade Unions, determining collective Bargaining Agents, regulations of relations between employers and workers, the avoidance and settlement of differences or disputes arising between them or matter

Syed Zahid

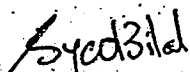
connected therewith. The Committee was further apprised that the Federal Cabinet, in its meeting held on 08.09.2017 directed all Ministries, Departments and Divisions to make amendments in their respective Acts/Rules to replace the words 'Federal Government' with the appropriate authorities. Subsequently, the Industrial Relations (Amendment) Bill, 2022 sought to make amendments in the Act of 2012.

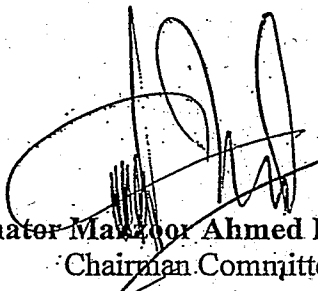
5. Senator Shahadat Awan, Minister of State for Law and Justice noted that in the findings of the Mustafa Impex Case, the 'Federal Government' is described as a collective entity, the Cabinet, constituting the Prime Minister and Federal Ministers. As such, amendments are being made by the Ministries and Divisions of the Federal government in their respective Acts/Rules. The Managing Director, OPF added that the amendments contained in the Industrial Relations (Amendment) Bill, 2022 sought to delegate non-policy decisions to relevant authorities to improve efficiency of work.

6. Senator Zeeshan Khanzada noted that the powers being delegated through the Industrial Relations (Amendment) Bill, 2022 should remain vested with the 'Federal Government', and should not be delegated to the Prime Minister. He registered dissent with regards to Clause 6 of the Industrial Relations (Amendment) Bill, 2022, which sought to amend Sections 53(1) and 53(4) Industrial Relations Act, 2012.

7. Following detailed discussions, the Industrial Relations (Amendment) Bill, 2022 was put to a vote. 3 members of the Committee voted in favor of the Bill, while one member, Senator Zeeshan Khanzada, voted against the Bill. Subsequently, the Bill was approved by a majority vote in the Committee.

8. Accordingly, the Senate Standing Committee on Overseas Pakistanis and Human Resource Development recommends that the 'Industrial Relations (Amendment) Bill, 2022, as passed by the National Assembly and transmitted to the Senate, may be passed. A copy of the Bill is annexed as 'A'.


(Syed Bilal Bokhari)
Secretary Committee


(Senator Manzoor Ahmed Kakar)
Chairman 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 shall be called the Industrial Relations (Amendment) Act, 2022.
(2) It shall come into force at once.
2. **Amendment of Section 4, Act X of 2012:**— In the Industrial Relations Act, 2012 (X of 2012), hereinafter referred to as the said Act, in section 4, for the word "Government", the words "Prime Minister" shall be substituted.
3. **Amendment of Section 29, Act X of 2012:**— In the said Act, in Section 29, for the expression "the Government may, by notification in the official Gazette appoint", the words "may be appointed in the prescribed manner" shall be substituted.
4. **Amendment of Section 42, Act X of 2012:**— In the said Act, in section 42,
 - (a) in sub-section (3), for the word "Government", wherever occurring, the words "Secretary of the Division concerned" shall be substituted; and
 - (b) in sub-section (4), for the word "Government", the words "Secretary of the Division concerned" shall be substituted.
5. **Amendment of Section 45, Act X of 2012:**— In the said Act, in Section 45, sub-section (1), for the word "Government", the words "Secretary of the Division concerned" shall be substituted.

6. **Amendment of Section 53, Act X of 2012.**— In the Said Act, in Section 53,—
- (a) in sub-section (1), for the words “Federal Government”, the words “Prime Minister” shall be substituted; and
 - (b) in sub-section (4), for the word “Government”, the words “Prime Minister” shall be substituted.
7. **Amendment of Section 62, Act X of 2012.**— In the said Act, in section 62, in sub-section (1), for the words “Federal Government”, the words “Secretary of the Division concerned” shall be substituted.
8. **Amendment of Section 80, Act X of 2012.**— In the said Act, in section 80, for the word “Government”, the words “Secretary of the Division concerned” shall be substituted.

STATEMENT OF OBJECT AND REASONS

In order to consolidate and rationalize the law in Islamabad Capital Territory (ICT) and at Trans-Provincial level relating to formation of Trade Unions, and Federations of Trade Unions, determining the Collective Bargaining Agents, regulations or relations between employers and workers, the avoidance and settlement of differences or disputes arising between them or matters connected therewith, Industrial Relations Act, 2012 was enacted on 14.03.2012.

2. The Federal Cabinet in its meeting held on 08/09/2017 directed inter-alia that “all Ministries and Divisions should in consultation with Law & Justice Division, make amendments in the respective Acts/ Rules and replace the words “Federal Government” with appropriate authority(ies)”.

3. The IRA, 2012, is therefore, required to be amended in pursuance of Cabinet's decision. The Bill has been formulated to achieve the above said purposes. Hence this needs to be passed by the Parliament.

Minister In-Charge of Overseas Pakistanis &
Human Resource Development