

Study Of Labour Legislation And Its Implementation To Women Workers In The Fisheries Industries Of Pakistan

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Abstract

Pakistan is endowed with rich fishery potential and can contribute extensively in the Nation Economy in terms of foreign exchange. At present, there is 300,000 and 400,000 employment opportunities as direct and indirect respectively. About 10,000 Fisher Women are working in different sea food Processing Plants and "Warrahs" (unregistered Processing Plants being run by the Contractors). These Fisher Women working in the "Warrahs" have been deprived off the basic fundamental rights of an Industrial Worker. This discrimination is because the fisher workers being women, resulting in appalling work conditions, low wages, insecurity of job and all types of malpractices are inflicted upon them. All these malpractices are drastically causing health problems and low productivity of fisher women thereby increasing poverty in the society.

تلخیص مقالہ

پاکستان ماہی گیری کی بھرپور صلاحیت سے مالا مال ہے جو پاکستان کی معیشت کے لیے غیر ملکی زر مبادلہ کے حصول میں بہت بڑا کردار ادا کر سکتی ہے۔ فی الوقت بالترتیب ۳۰۰,۰۰۰ اور ۴۰۰,۰۰۰ افراد بلا واسطہ اور بلا واسطہ ماہی گیری کے پیشے سے منسلک ہیں۔ تقریباً ۱۰,۰۰۰ ماہی گیر خواتین سمندری غذا تیار کرنے والے مختلف "پروسیسنگ پلانٹ" اور "واڑہ" (وہ پروسیسنگ پلانٹ جو ٹھیکیدار کے زیر نگرانی چلتے ہیں اور کسی بھی سرکاری محکمہ میں رجسٹرڈ نہیں ہیں) میں کام کر رہی ہیں۔ ان ماہی گیر خواتین کو "ورکر" کے بنیادی حقوق سے محروم رکھا گیا ہے۔ عورت ہونے کی بنا پر امتیازی سلوک روار کھا جاتا ہے۔ نتیجتاً ناسازگار کام کا ماحول کم تنخواہ ملازمت کا غیر یقینی اور ہر قسم کی بد عنوانیوں سے ان ماہی گیر خواتین کا واسطہ رہتا ہے ان تمام بد عنوانیوں اور بے ضابطگیوں کی وجہ سے ان ماہی گیر خواتین کی صحت خراب سے خراب تر ہوتی چلی جاتی ہے جو نہ صرف ان کے کام کے معیار پر اثر انداز ہوتی ہیں بلکہ معاشرے میں غربت کے اضافے کا باعث بھی بنتی ہیں۔

Introduction

More and more women are stepping out to work to supplement the income of their male family members. This is a positive change and that finally women are also being considered as providers, compared to their traditional roles as unpaid housekeepers. This may be a sign that women's empowerment is finally taking place, but the picture is not as

rosy as it may seem. While within their homes they are under the control of their fathers, husbands or brothers, when they step out, their problems increase, as their employers and society, in general, try to exploit them. This exploitation may be physical, emotional or even sexual. It brings to the fore a sad picture of human Rights violations, and little effort towards implementing laws and bringing about social awareness to help the victims are the major issues. An example of this gross violation is the condition of women who work in *warrahs* (sheds for processing fish), where one can witness human misery and the manipulation is at its worst.

What is Warrahs

During field visit it was identified that *Warrahs* are big halls or rooms, measuring 20 ft 50 ft or more. The walls are typically bare, unplastered cement blocks, and the roofs are made of asbestos or iron sheets. Women workers sit on the floor with their backs towards the walls. The number of women workers (and their children) in each *warrah* ranges between a minimum of 40 and a maximum of 250, depending on its size. The workers employed are usually female, more often accompanied by their young children, who also lend a helping hand to them.

Use of Warrahas

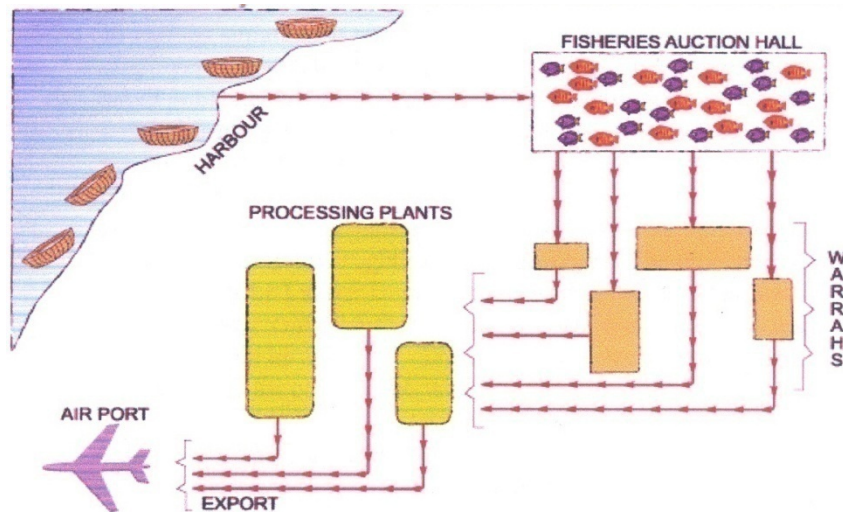
In the fisheries sector, *warrahs* are used for peeling shrimp, cleaning and gutting fish, and extracting meat from crabs, shellfish, etc. The operator of a *warrah* could be the owner of the premises or the one who has rented it. Typically, the following activities are undertaken in *warrahs*:

- Supply of peeled shrimp, gutted fish, etc. to processing plants on terms and conditions mutually agreed by both parties.
- Arranging for raw materials (fish) is the sole responsibility of the operator.
- Peeling of fish/ shellfish provided by the processing plants on terms and conditions mutually agreed upon by both parties.

In both cases, the operators of the *warrahs* are doing the job at processing plants for some third party exporting seafood. Hence, they are called contractors in the local fisheries industry.

Comparison of Contractors of Fisheries Industry with Contractor of Other Industries

Contractors of Fisheries Industry	Contractors of Other Industry
<ul style="list-style-type: none"> Contractors have their own separate premises in the form of Halls or large rooms. 	<ul style="list-style-type: none"> Contractors normally do not have their own premises rather work in the premises of an industry.
<ul style="list-style-type: none"> Hiring of worker (women workers) is being done by the Warrah's owner/operator himself. 	<ul style="list-style-type: none"> Hiring is done either by the industry itself or through the contractor.
<ul style="list-style-type: none"> Control and Supervision is done by owner/operator of warrah. 	<ul style="list-style-type: none"> Control and supervisor is normally done by the representatives of the employer.
<ul style="list-style-type: none"> Exercise his own direction as to mode and time of doing the work 	<ul style="list-style-type: none"> Direction as to the mode and time of doing it is being given by the representatives of employer.



Source: By the author

In some situations, it may be absolutely necessary to give out certain tasks to a contractor. For instance, a small publisher who does not regularly handle bookbinding work, has no option but to get this task done by a professional binder. The binder, in turn, works for many publishers, employing his own labour. Thus, if there is exploitation of labour, it is the binder who is prosecuted, not the publisher who has subcontracted work to the binder.

It is the job of the employer to obtain work from the labour he employs. The job of the Labour Department is to ensure a fair deal for labour and due compliance with labour laws. The contractor has to be treated as an employer and is responsible legally to comply with the provisions of labour laws.

Status of Contractor

In pursuance of the above, one must look at the status of the contractor/owner/operator of the *warrah*. It appears obvious that in the case of fisheries *warrahs* as well, the contractors must be seen as the 'employers', responsible for payment of wages, labour welfare, terms and conditions of employment, discipline and compliance with labour laws. However, in practice, this does not happen. In general, workers are paid low wages, made to work for long hours without overtime payment, are not entitled to leave, and have no social security, health or accident coverage, or access to welfare schemes. In other words, laws for the protection and welfare of labour are not adhered to. Infact, the fault is more with the poor enforcement machinery, which is the Labour and Man power Division, and its failure to deal with such violations in a suitable manner.

Working Conditions in Warrahas

It has been observed that majority of women workers are illiterate, are living in joint and nuclear family system. Majority of women are from fisher folk communities- (generation to generation was born as fisher women), whereas in minority are those who are migrant from different cities and provinces of the country came in search of livelihood. The Bangladeshi women were also found in fishery industries of Pakistan who are migrant from Bangladesh. The living standard of these fishery women workers is very low even below the average poverty level. In Warrahs, these women work for more than 8 hours. There is no proper ventilation system at the work place, no toilet and no proper sanitation system. No proper uniform and safety equipment is provided such as boots and others gadgets at the work place.

There are no registration formalities of the establishments and fixed timings of work in Warrahs. The conditions of Warrahs are very unhygienic and unhealthy.

The health conditions of these women are affected by working in an unhygienic environment. Some of these women are suffering from backbone pain, urine infection and skin diseases. No compensation amount is paid during the off season (months when fishing is ban). No overtime is paid for putting in extra hours. Due to low wages these women bring their children with them to perform work along with them in order to get extra money to fulfill their home requirements. No medical facilities are provided to these women workers.

Percentage of Age Group of Women Workers

Age	Frequency	%
Below 14	----	----
14-18	30	10%
19-23	31	10.3%
24-28	22	7.4%
29-33	31	10.3%
34-38	49	16.4%
39-43	44	14.7%
44-48	45	15%
49-53	39	13%
54-58 and Above	01	0.3%
	300	97.4%

Majority of the respondents belong to the age group of 34-38 which shows that mature and adult women have selected the profession.

Women Workers' by their Educational Qualification

Qualification	Frequency	Percentage
Illiterate	215	71.7
Literate	85	28.3
Matriculation to Intermediate	-	-
Graduate	-	-
Total	300	100

Majority of respondents are illiterate and due to illiteracy they are unable to find good jobs and remain stick to their present profession.

Percentage of Women Workers by their Monthly Working Days

Days	Frequency	Percentage
Daily	195	65%
26 Days	58	19.3%
25 Days	32	10.7%
22 Days	09	3%
20 Days	06	2%
Total	300	100%

Women workers work on daily basis because they get wages on daily basis and don't want to lesser their money.

Women Workers and their Working Hours

Hours	Frequency	Percentage
6 hours	19	6.4%
7 hours	74	24.7%
8 hours	113	37.7%
9 hours	49	16.4%
10 hours	16	5.3%
11 hours	14	4.7%
12 hours	07	2.3%
13 hours	-	-
14 hours	08	2.7%
	300	100.2%

Majority of women are working longer hours which affect their physical health moreover they get low wages for their work which is also exploitation.

Availability Medical Facilities to Women Workers

Medical Facilities	Frequency	Percentage
Dispensary	60	20%
OPD	-	-
Hospitalization	-	-
Deprived of Facilities	240	80%
Total	300	100%

Women in fisheries are deprived of medical facilities which show the discriminatory behaviour / exploitation of their owners towards them.

Number of Women Workers Protected by Labour Law

EOBI or Social Security	Frequency	Percentage
Yes	-	-
No	300	100%
Total	300	100%

Because they are working in informal sector that's why labour law cannot protect them.

Number of Women Workers Not Satisfied with their Wages

Satisfaction	Frequency	Percentage
Satisfied	60	20%
Not Satisfied	240	80%
Total	300	100%

Women workers are not satisfied with their wages because they work longer hours and harder in comparison with their wages.

No Compensation of Wages during Off Season

No Compensation	Frequency	Percentage
Compensated	60	20%
Not Compensated	240	80%
Total	300	100%

Majority of women workers did not get any compensation in off season because of informal work.

Protective Measures Used by Women Workers Against Salty Water during Work

Protective Measures Against Salt Water	Frequency	Percentage
Yes	251	83.7%
No	49	16.3%
Total	300	100%

Majority of women workers have skin problems of hands due to the intensity of work / harmful work.

Percentage of Women Workers not having Job Security

Job Security	Frequency	Percentage
Job Secured	60	20%
Job not Secured	240	80%
Total	300	100%

Women worker don not have job security because they work on contract basis.

Applicable Provisions of Labour Laws

There are several provisions in existing labour laws that should apply to the labour employed in the *Fishery Industry* namely:

- The West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (section 1 (4) (a)) explicitly covers those “Employed directly or through any other person”. In Section 2(b), a commercial establishment is defined

to include “the office establishment of a person who for the purpose of fulfilling a contract with the owner of any commercial establishment or industrial establishment, employs workmen” and “such other establishments or class thereof, as Government may, by notification in the official Gazette, declare to be commercial establishment for the purpose of this Ordinance.”

- According to Section 2 (xxx) of the Industrial Relations Ordinance, “workman” means any person who is employed in an establishment or industry for hire or reward either directly or through a contractor ...”, and, according to Section 2(xiv), “industry means any business, trade, manufacture, calling, service, employment or occupation”.
- The Workmen’s Compensation Act, 1923 ((section 2 (1) (n) and Schedule II) covers numerous types of work, including those of contractors.
- Section 2 (ii) (g) of the Payment of Wages Act, 1936 refers to “establishment of a contractor who directly or indirectly employs persons....”
- According to section 2(h) of the Factories Act, 1934, “worker” means a person employed directly or through an agency...” in work “connected with the subject of the manufacturing process.”
- According to section 2 (9) of the Provincial Employees’ Social Security Ordinance, 1965, “employer” means in the case of works executed or undertakings carried on by any contractor or licensee on behalf of the State, the contractor or licensee working for the State, and, in every other case, the owner of the industry, business, undertaking or establishment in which an employee works, and includes any agent, manager or representative of the owner.”
- According to the West Pakistan Shops and Establishment Ordinance, 1969 (section 2 (g)), an employee “means any person employed, whether directly or otherwise, about the business of an establishment.” As per section 2(g), the Ordinance can be applied by Gazette notification to any other establishment not presently covered by the Ordinance.
- According to the Employees’ Old-Age Benefits Act, 1976 (section 2 (b)), “employee” means any person employed, whether directly or through any other person, for wages or other-wise in any industry, and as per section 2 (g), “industry” means “any business, trade, undertaking, manufacture or calling of employers, and includes any calling, service, employment, handicraft, industrial occupation or avocation of workmen.”
- According to Employees Cost of Living (Relief) Act, 1973 (section 2 (b)), “employee” means “any person employed, whether directly or through any other person . . . in any undertaking”, and, as per section 2 (d), “undertaking” “includes any class of establishments which the Federal Government may, by notification in the official Gazette, declare to be undertakings for the purpose of this Act.”
- According to the Minimum Wages Ordinance, 1961 (section 2 (9)), a “worker” means “any person including an apprentice employed in any industry...” and, as

per section 2 (6), “industry” has been assigned the same meanings as in Industrial Relations Ordinance, viz. “any business, trade, manufacture, calling service, employment or occupation.”

Implementation of Labour Laws

It is clear from the above that contractors, such as the owners/operators of *warrahs*, are already covered under most of the labour laws. If violation of labour laws and consequent exploitation continues to take place, the responsibility falls on those who fail to enforce the law. In order to make the law more effective, a provision could be added, making it mandatory to register addresses of worksites and offices of contractors with the Labour Department. Regular inspection of such worksites, maintenance of proper records and submission of returns by them must be made compulsory, as for other employers. These measures can check the abuses of the contract system. There is no need for any fresh legislation. The laws are already there—it is only that the people in power need to set right their priorities, only then this gross exploitation of labour can be stopped.

Without Women in Fisheries, no Fish in the Sea

It is true because processing of sea food from peeling to packing all work is done by these Fisher women. It means 80% of work is done by these women workers. The backbone of export of the Fishery Industry of Pakistan is fisher women. In the light of findings of this research, there are some recommendations for the welfare and upliftment of Pakistani Fisher Women workers.

Government and Non- Governmental Organizations have to put in hard work to raise the standard of female education at the grass root level because female illiteracy is a basic problem of Pakistani women and it is also a main hurdle in the way of overall socio-economic development of the country.

The conditions of women workers in the fishery industry of Pakistan deserve urgent attention. They were not able to organize themselves and cannot do anything at the workplace, as they are at the mercy of contractors or agents who employ them. An important suggestion which came up from many quarters is to form an organization of these women of Pakistan. Such an organization could slowly replace recruiting agents and can directly liaise with companies and demand a better deal for the workers in fishery industry.

The only and ever lasting solution to all the problem of women workers is the implementation of Labour Legislation already promulgated in the country. It is clear from the foregoing paragraphs that contractors, in the case of Fisheries Industries, are the owners or operators of WARRAHS, are already covered by almost all the labour laws. If

evasion of law and consequent exploitation is taking place, the responsibility rests with those who fail to enforce the law.

In order to make the law more effective, a provision can be added in various laws for registration of addresses of work-sites and offices of contractors with the Labour Department. Regular inspection of work-sites of contractors, maintenance of proper records and submission of returns by them must be made compulsory and mandatory like other employers. These measures can check the abuses of the contract system. There is no need for any fresh enactment. The laws are already there. What is needed is their strict enforcement and compliance. They should also provide Identity cards as well as employment agreement to each woman, wherein the terms & conditions of the employment are clearly stated.

Suggestions

- ★ Implementation of Labour laws in the Fishery Industry can only be made by having a Committee which may comprises of:
 - Local UC Councillors
 - Local influential persons
 - Labour Inspector of the area
 - By Co-operation of NGO
 - Representative of the area Police Station(The committee is to be duly notified by the concerned authority)

- ★ The minimum demands of the workers from the Government of Pakistan are the following:
 - Implementation of Minimum Wages, overtime Allowance, Medical Benefits and displacement allowances as prescribed under the Labour Law.
 - Ensure an eight-hours work a day as prescribed under the Labour Law.
 - Medical care under the Provincial Social Security Ordinance, 1965.
 - Provide compensation to the families in case of fatal accident or serious physical injury. (Group Insurance & Workmen Compensation Act)
 - Provide and maintain suitable residential accommodation with basic facilities like Drinking Water, Mess Facilities and drainage etc.
 - Provide compensation in the off season months (2 month of seasonal ban when fishing is not allowed).
 - It should be clearly brought into the notice of all exporters, Warrahs Contractor that violation of Labour Laws could be fatal to their business.
 - Provide a set of uniform or apron to cover their clothes from dirt of sea food and also boots for protection from greasy surface of sea food water at the work place.

- Provide them proper Gas connection to save Rupees, 100/- per day spent as fire wood.
- Electric connection lines to their homes and also reduced billing charges.
- Schools to educate their children.

These issues should be brought to the attention of the National Commission on Status of Women, Ministry of Women Development of Pakistan, the Ministry of Labour Government of Pakistan and the fish workers organizations of the Country, so that pressure is exerted on the management of the Fish Processing Plants to improve the matters.

References

- Asian and Pacific Development Center: 1990. Asia and Pacific Women's resource and action series: Health. *Asian and Pacific Development Center*, Kuala Lumpur: *Pakistan Institute of Security Management*, 5-15.
- Abbasi, S. (2005). Women labour-unrealized potential. *Economic & Business Review*. The Dawn Newspaper.
- Abbasi, S. (June 27-July 03). The Dawn Economic & Business Review. Pg # V.
- Anti-Women Attitudes. (2001). *Iqra Corner*, Pg # 11. Karachi: Jang Group of Pakistan.(2001-11). *Ten Year Perspective Development Plan*. Government of Pakistan Planning Commission.
- Khan, Moazzam Muhammad. (1999)Handbook of Fisheries Statistics of Pakistan, Volume 18, Published by Marine Fisheries, *Department Government of Pakistan*, Fish Harbor West Wharf, Karachi 2002
- M. Shafi, Labour Law Advisor (2002) Hours of Work & Overtime, *(BLP) Bureau of Labour Publication*, Karachi, Pakistan.
- M. Shafi, Labour Law Advisor (2004) Laws of Factories, Commentary on the Factory Act -1934, *(BLP) Bureau of Labour Publication*, Karachi, Pakistan
- Masood, K. H. (2004). Lack of enforcement of rights hinders women empowerment. Pg-IV. The Dawn Newspaper.
- Mustafa, K. Z. (2000). Micro-finance and poverty alleviation. *The Pakistan Development Review*, Vol 4, Part II, 771-792.

Owais Ali, April 1987, Pakistan Seafood Digest, Vol-I, Pg. # 7-8, Pub: *Press Centre, Shahrah-e-kamal Ataturk, Karachi*

Patel, R. (1991). *Socio-Economic Political Status and Women and Law in Pakistan*. Karachi: Faiza Publishers, .

Saeed, A. (1990). *Structural issues in Women's Development in Pakistan*. UNICEF, Islamabad.

Saeed, A. (2001). *The Review*, Pg# 10-12. Karachi: Jang Group of Pakistan.

Saleem, A. (2004). Women in the workforce. *International Corner*, pg-6. The News.Salo, E. (n.d.).

Sarfarozi Zari, B. (1989). Report of the Pakistan Commission on the status of women. 1-13.

Shafi. M, P. (n.d.). Labour Code of Pakistan.

Shaheed, F. A. (1990). Women's Economic Participation in Pakistan. *A status Report UNICEF*.

Shah, N. (1997). Urban Slums: Women's Struggle for survival. *Alam-e-Niswan Pakistan Journal of Women's studies Vol 4 no 2*.

Shah, (. N. (1997). Women in Fisher Women's village. *Alam-e-Niswan Pakistan journal of Women's Studies Vol Website: www.jang.com.pk/thenews/*

Sharif, M. B. (2002). Women's Right in Pakistan.

Vijayan, Aleyamma and Nayak, Nalini, (Oct-1996) 'WOMEN FIRST' — Report of the Women in Fisheries Programme of ICSF in India. Pub: *ICSF – India*.

Vijayan, Aleyamma & Nayak, Nalini, (Oct-1996) 'WOMEN FIRST' — Report of the Women in Fisheries Programme of ICSF in India. Pub: *ICSF – India*.

Wallman, S. 1984.s Eight London household. London; Tavistock. What is the Code of Conduct for Responsible Fisheries, 2003, Pg #4-6 Pub: *Food & Agriculture Organization, Karachi?*

What is the code of conduct for responsible fisheries. (2003). 4-6. Karachi, Pakistan: Food & Agriculture Organization.

Wooster. (1989). Fishery Science and Management. *WS (Ed)*.

Retrieved from nation: www.nation.com.pk/daily/jan-2004/national/k1asp (2004).

Retrieved from Jang Pakistan: www.jang.com.pk/thenews/investors/apr2003/if.htm (2003).

Retrieved from nation: www.nation.com.pk/daily/jan-2004/national/k1asp (2004).

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