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BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 23rd April, 2022.

No.PAB/Legis:V(10)/2022/8096. The Balochistan Home Based Workers Bill, 2022 (Bill No.10 of 2022), having been passed by the Provincial Assembly of Balochistan on 11th April, 2022 and assented to by the Governor Balochistan, on 16th April, 2022 is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALOCHISTAN HOME-BASED WORKERS ACT, 2022, ACT NO. VIII OF 2022.

AN
ACT

to formulate the law for protection of home-based workers for their basic rights and giving equal treatment/status to the home-based workers at the workplace and their dependents in the event of sickness, maternity, employment, injury or death and for matters ancillary thereto.

Preamble. Whereas it is expedient to formulate a law for provision of basic labour rights to home-based workers, bringing them into the coverage of social protection and devising mechanism for settlement of differences or disputes between them and their employers and intermediaries and matters ancillary thereto.

Short title, extent, application and commencement.

1. (1) This Act may be called the Balochistan Home-based Workers Act, 2022.

(2) It extends to the whole of Balochistan Province.

(3) It shall apply to all persons working for any Industry, Undertaking, Establishment, Commercial Establishment, Contractor, Sub-Contractor or with any other Intermediary;

(4) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context, -

(a) **"Act"** means the Balochistan Home-based Workers Act, 2022;

(b) **"Arbitration Committee"** means an Arbitration Committee constituted by the Labour & Manpower Department for settlement of disputes;

(c) **"Award"** means the determination by the Arbitration Committee of any dispute or any other matter relating thereto and includes an interim award;

may be specified in the regulations, arising out of and in the course of his/her employment;

(m) **"Establishment"** means any office, firm, factory, society, undertaking, company, shop, premises or enterprise in the Province, which employs workmen directly or through a contractor for the purpose of carrying on any business or industry and includes all its departments and branches whether situated in the same place or in different;

(n) **"Employees Old Age Benefits"** means old-age pension, invalidity pension, old age grant and such other payments as may be determined by the Provincial Government from time to time under Old Age Benefits law for the time being in force.

(o) **"Group of Establishments"** means establishments belonging to the same employer and the same industry;

(p) **"Government"** means the Government of Balochistan;

(q) **"Home-based Worker"** means any person involved in production and manufacturing of goods and rendering services, including online work, in relation ancillary thereto in the home premises or nearby premises or in a yard, garage or any other place near the home while working in connection with the work of any Industry, establishment, undertaking or commercial establishment for hire or reward or remuneration either directly or through a contractor or sub-contractor or intermediary whether the terms of employment be express or implied.

(r) **"Industry"** means any business, trade, manufacture, calling service, employment or occupation of producing goods or services for sale excluding those set up for charitable purposes;

(s) **"Protected Person"** means a home-based worker who is registered with the Provincial Council and with EOBI and BESSI under special social protection scheme initiated under this Act;

(t) **"Intermediary"** means a person or a legal entity or a body corporate who contracts with a sub-contractor for an economic profit all or part of a job the sub-contractor has agreed to perform, for the benefit of hirer and includes any person natural or legal, who enters into a contract with a sub-contractor regardless of how many stages of sub-contract there may be;

(u) **"Labour Court"** means a court established under Balochistan Industrial Relations Act for the time being in force;

(v) **"Prescribed"** means prescribed by rules.

(w) **"Remuneration"** means sum of money that an employer agrees to pay a home-based worker in return for work done;

(x) **"Provincial Council"** means agency constituted under section 3 of this Act.

(y) **"Sub-Contractor"** means a person who contracts with a primary contractor to perform, for an economic profit all or part of a job the primary contractor has agreed to perform, for the benefit of hirer. The sub-contractor includes any person natural or legal, who enters into a contract with a sub-contractor regardless of how many stages of sub-contract there may be;

(z) **"Shop"** means any premises used wholly or in part for the whole-sale or retail sale of commodities or articles, either for cash or on credit, or where services are rendered to customers, and includes an office, a store room, godown, warehouse or place of work, whether in the same premises or otherwise, mainly used in connection with such trade or business;

(aa) **"Wages"** means remuneration for service or payable in cash or in kind to a protected person, not being less than remuneration based on minimum rates of wages declared under the Minimum Wages law in force in Balochistan (as amended till to date), without taking account of deductions for any purposes, under a contract of service or apprenticeship, expressed or implied, and shall be deemed to include any dearness allowance or other addition in respect of the costs of living and any payment by the employer to a protected person in respect of any period of authorized leave, illegal lock out or illegal strike;

(bb) **"Workplace"** means any premises where home based workers perform any work.

Establishment of Provincial Council.

3. The Labour & Manpower Department shall notify a Provincial Council for the home-based workers in the Province under the administrative control of Labour & Manpower Department.

Functions of Provincial Council for the Home-based Workers.

4. (1) The Council shall monitor and oversee the;

(a) Registration of home-based workers, as prescribed;

(b) Registration of employers engaging home-based workers on remuneration, contract, hire or reward, as prescribed;

(c) Maintenance of record of registration of home-based, as prescribed; and

(d) Establishment of Regional, District and Sub-District Arbitration Committees with assigned functions through notification in the official gazette, as prescribed.

(2) The Council shall coordinate with concerned institutions and authorities to facilitate: -

(a) in initiation of special social protection schemes by BESSI and EOBI;

(b) in fixation of minimum wage of different categories of home-based workers by concerned wage board established under the Minimum Wages law in force in Balochistan;

(c) for extension of the benefits of Workers' Welfare Board to the home-based workers and their legal heirs.

Social Benefits and Grants.

5. The benefits for a protected person shall include old age benefits, survivors' benefits, invalidity benefits as are provided under the Employees Old Age Benefits Act, 1976 or the law in force in Balochistan and sickness benefits and medical care, injury benefits, disablement pension and survivor's pension as are provided under the Provincial Employees Social Security Ordinance, 1965 or the law in force in Balochistan. The benefits for the protected persons shall be provided through the special rules for provision of social protection to home-based workers made under the above referred laws, leading to the launch of separate social security schemes for home-based workers. The level of benefits, contribution rates and qualifying conditions shall be determined under special EOBI and BESSI schemes for home-based workers.

Protection of Home-based Workers.

6. The Directorate General, Labour Welfare Balochistan shall survey the workplace of home-based workers periodically with the purpose: -

(a) to identify decent work deficits including remuneration, working conditions, child labour, forced labour, freedom of association, social dialogue, discrimination, health and safety, violence and sexual harassment;

(b) to suggest measures for correction /improvement of the situation identified under sub-section (1) above;

(c) to report to the Labour & Manpower Department, Government of Balochistan on the implementations of the provisions of this Act and results of the survey.

(d) to register the home based workers and employers and to maintain record of such registration, as prescribed.

Establishment of Fund.

7. (1) After the commencement of this Act, the Labour & Manpower Department with approval of the Government shall establish by notification in the official gazette, a Fund for the home-based workers.

(2) The Fund shall consist of. _

(a) an initial contribution to be made by the Government;

(b) such moneys as may, from time to time be paid by the employers at the rate and manner as prescribed by the Labour and Manpower Department;

(c) voluntary contributions in the shape of money or building, land or other property made to it from time to time by the Government or by any person or by any organization;

(d) grants, donations and gifts from any Government, donor or a multilateral organization, a local authority or any other person and general public; and

(e) proceeds of loan raised by the Governing body of the Fund.

Note: Notwithstanding anything to the contrary contained in the Stamp Act, 1899 (Act II of 1899), stamp duty shall not be chargeable upon any draft or order or receipt in respect of any benefit payable under this Act.

Purposes to which moneys in the Fund may be applied.

8. Moneys in the Fund shall be applied to. —

(a) the financing of projects connected with the welfare of the home-based workers;

(b) the financing of measures for the welfare and benefits of the home-based workers

(c) the meeting of expenditure in respect of the cost of management and administration of the Fund;

(d) the repayment of loans raised by the Governing body; and

(e) investment in securities approved for the purpose by the Government.

Constitution of Governing Body.

9. (1) As soon as may be after the commencement of this Act, the Labour & Manpower Department shall, by notification in the official gazette, constitute a Governing Body of the Fund to whom shall be entrusted the management and administration of the Fund.

(2) The Governing Body shall consist of the Secretary to the Government, Labour & Manpower Department, who shall be its Chairperson and not more than eight other members to be appointed by the Government, of whom from-

(a) Additional Secretary, Finance Department, Balochistan Member;

(b) Additional Secretary, Industries Department, Balochistan Member;

(c) Director General Labour Welfare, Balochistan Member;

(d) At least two Members shall be appointed from amongst the home-based workers;

(e) At least two Members shall be appointed from amongst the employers' organizations;

(f) At least one shall be appointed amongst the home-based workers' organizations.

(3) The Member of the Governing Body other than the Chairman and official member shall hold office for such period and on such terms and conditions as may be prescribed.

(4) No act or proceeding of the Governing Body shall be invalid by reason only of the existence of a vacancy, or defect in the constitution of the Governing Body.

Governing Body to lay down procedure, etc.

10. As soon as constituted, the Governing Body shall, with the previous approval of the Government, lay down the procedure for making applications of the Fund, prioritization between respective applications and allocations from the Fund accordingly.

Arbitration Committee.

11. (1) The Labour and Manpower Department may by notification in the official Gazette, establish the Arbitration Committee as it considers necessary and, where it establishes more than one Committees, shall specify in the notification the territorial limits within which the Committee shall exercise jurisdiction under this Act.

(2) The Arbitration Committee shall consist of two members.

Powers and Procedure of Arbitration Committee.

12. Subject to the provisions of this Act, the Arbitration Committee shall;

(a) adjudicate and determine the dispute which has been referred to or brought before it under this Act;

(b) enquire into or adjudicate any matter relating to the implementation or violation of a settlement which is referred to it;

(c) exercise and perform such other powers and functions as are or may be conferred upon or assigned to it by or under this Act or any other law.

Settlement of Dispute.

13. (1) Any dispute arising between home-based worker and Employer/or Contractor or sub-contractor or intermediary contractor related to the contract of a job whether implied or express or payment of delayed and deducted wages or matters ancillary thereto shall be settled by the Arbitration Committee constituted by the Labour and Manpower Department.

Provided that every such dispute shall be presented within three years from the date on which the dispute arises or from the date on which the payment was due to be made, as the case may be.

(2) The parties shall be given full opportunity to defend their case.

Appeal.

14. **(1)** Any party aggrieved of the order passed by the Arbitration Committee, shall file an appeal before the Labour Court.

(2) The appeal shall be filed within 30 days of the order of the arbitration committee.

(3) No appeal shall lie against the order passed by the Labour Court.

Application of the Benefits.

15. No benefit, provided by this Act, shall be extended to an unregistered home-based worker unless registered under Section 4 of this Act.

Responsibility for payment of wages.

16. Every employer including a contractor, sub-contractor or intermediary shall be responsible for the payment to home-based workers engaged by him of all wages required to be paid under this Act.

Maintenance of record by the employers.

17. Every employer shall keep such records and shall submit to the Provincial Council, at such times, in such form and containing such particulars relating to persons employed by him/her, as may be prescribed.

Inspector.

18. (1) The Labour & Manpower Department may notify Inspector of Shops & Establishments to act as Inspector for the purposes of ensuring compliance of the provisions of this Act.

(2) No workplace shall be inspected unless a written complaint is received from the Arbitration Committee or a direction in this behalf is issued by the Provincial Council.

Penalty for contravention of the Act.

19. Whoever contravenes the provisions of section 16 and 17 of this Act shall be punishable –

(a) for the first offence, with fine which may extend to twenty thousand rupees but not less than five thousand rupees; and

(b) for every subsequent offence, with fine which may extend to thirty thousand rupees but not less than ten thousand rupees.

Removal of Difficulties.

20. If any difficulty arises in giving effect to any provision of this Act, the Labour & Manpower Department may, by notification in the official gazette make such

orders, not inconsistent with the provisions of the Act, as may appear to it to be necessary for the purposes of removing the difficulty.

Tax treatment of the income of the Fund.

21. The income of the Fund including capital gains shall be exempt from Income Tax within the meaning of the income tax Ordinance, 2001 (XLIX of 2001).

Powers to make Rules.

22. The Government may make rules for carrying out the purposes of this Act.

(TAHIR SHAH KAKAR)
Secretary.

No.PAB/Legis:V(10)/2022/8075. **Dated Quetta, the 19th April, 2022.**

A copy is forwarded to the Chief Controller, Government Printing Press, Balochistan, Quetta for favour of publication in the next issue of Balochistan Gazette. Before final printing, a copy thereof be sent to this Secretariat for proof reading. Fifty copies of the Act may please be supplied to this Secretariat for record.

(ABDUL REHMAN)
Special Secretary (Legis:)

No.PAB/Legis:V(10)/2022/8075. **Dated Quetta, the 19th April, 2022.**

A Copy is forwarded for information and necessary action:-

1. The Principal Secretary to Governor Balochistan, Quetta.
2. The Principal Secretary to Chief Minister Balochistan, Quetta.
3. The Secretary Government of Balochistan, Labour and Manpower Department, Quetta
4. The Secretary, Government of Balochistan, Law and Parliamentary Affairs Department.
5. The Director General, Public Relations, Balochistan, Quetta.
6. The System Analyst, Balochistan Provincial Assembly.
7. P.S. to Secretary, Balochistan Provincial Assembly.

23/04/22

Special Secretary (Legis:)