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Analyzing the Consistency of Pakistan's Occupational Safety and Health Legislation with International Labor Standards: A Comprehensive Review



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Abstract: *This research paper critically evaluates the Law of Occupational Safety and Health (OSH) in Pakistan, examining its coherence with international labor standards. Through a comprehensive analysis, it investigates the regulatory framework governing workplace safety and health for laborers in Pakistan, juxtaposed against key international benchmarks established by organizations such as the International Labour Organization (ILO). Drawing upon case studies and comparative assessments, the study identifies areas of alignment and divergence, shedding light on challenges in enforcement and compliance. By offering recommendations for policy enhancement, including measures to strengthen enforcement mechanisms and raise awareness among stakeholders, the paper aims to contribute to the ongoing discourse on improving occupational safety and health for laborers in Pakistan. These insights hold significance for advancing labor rights, public health, and sustainable development goals both nationally and globally.*

Keywords: Labour, Safety, Health, Legislation, Compatibility, ILO, Compliance, Enforcement, Standards,

Introduction

The multidisciplinary discipline of occupational safety and health (OSH) is focused on the health, safety, and welfare of people in the workplace. It entails determining and evaluating the risks present in the workplace, putting plans in place to reduce or eliminate those risks, and encouraging workers to follow safe and healthy work practices. By minimizing or completely removing exposure to physical, chemical, biological, and ergonomic dangers at work, OSH seeks to prevent work-related diseases and injuries. This can be accomplished in a number of ways, including by putting engineering controls into place, offering personal protection equipment, setting up safe work practices, and giving employees training and instruction. Because it safeguards employees from damage, enhances their physical and mental health, and boosts productivity and company performance, Occupational Safety and Health (OSH) is crucial. Furthermore, OSH rules and guidelines aid in making sure that employers are carrying out their moral and legal obligations to maintain a safe and healthy workplace. In general, occupational safety and health plays a vital role in guaranteeing that employees can carry out their tasks without endangering their health or well-being. In order to provide a safe and healthy work environment for their employees, employers must place a high priority on OSH.

Global Guidelines addressing the matter

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The idea that workers should be protected from illness, disease, and damage resulting from their employment is upheld by the ILO Constitution. Millions of workers around the world deal with the opposite situation in spite of this. The International Labour Organization (ILO) estimates that work-related accidents and diseases claim the lives of about 2.02 million people yearly. An further 317 million people suffer from diseases related to their jobs, while an estimated 337 million individuals have either fatal or non-fatal work-related injuries. These illnesses and accidents result in large financial losses as well as unimaginable anguish for the employees and their families. According to estimates from the ILO, occupational sickness and accidents cost the global economy 4% of GDP each year.

Negative effects on employers include expensive early retirements, lost skilled workers, absenteeism, and increased insurance costs as a result of illnesses and accidents at work. Nevertheless, if good reporting, inspection, and prevention procedures were followed, a lot of these tragedies might have been avoided. In order to establish such practices and guarantee the highest level of safety at work, governments, companies, and employees need to use the occupational safety and health standards that the ILO has produced. The ILO created an action plan for occupational safety and health in 2003. Among its objectives were the development and promotion of pertinent instruments, the introduction of a preventative safety and health culture, and the provision of technical assistance.

Fundamental principles of occupational safety and health

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

The Convention mentioned is a framework Convention that aims to establish a systematic approach towards occupational safety and health and promote the recognition of existing Conventions related to it. It emphasizes the need for coherence in national policies on occupational safety and health through dialogue between government, workers' and employers' organizations, and promoting a national culture of prevention. Although the Convention was recently adopted, it has been in force since early 2008 and has already been ratified by more than 30 member States.

Occupational Safety and Health Convention, 1981 (No. 155) and its Protocol of 2002:

It emphasizes the adoption of a comprehensive national occupational safety and health policy, which includes measures to promote occupational safety and health and improve working conditions, to be implemented by governments and within enterprises. The policy should take into account national conditions and practices. The Protocol requires the establishment and regular review of procedures for reporting and recording occupational accidents and diseases, as well as the publication of annual statistics related to them.

Occupational Health Services Convention, 1985 (No. 161):

It emphasizes the adoption of a comprehensive national occupational safety and health policy, which includes measures to promote occupational safety and health and improve working conditions, to be implemented by governments and within enterprises. The policy should take into account national conditions and practices. The Protocol requires the establishment and regular review of procedures for reporting and recording occupational accidents and diseases, as well as the publication of annual statistics related to them.

Health and safety in specific sectors of economic activity

Hygiene (Commerce and Offices) Convention, 1964 (No. 120)

It aims to protect the health and well-being of workers in trading establishments, administrative services, and institutions primarily engaged in office work and related services. It aims to achieve this through the implementation of basic hygiene measures that respond to the requirements of workplace welfare.

Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152) and Safety and Health in Construction Convention, 1988 (No. 167)

It provides specific technical measures for the prevention and protection of workers in the trading establishments, administrative services, and offices. It includes measures for ensuring workplace safety, safe operation of machines and equipment, work executed at heights, and work conducted in compressed air. The aim of these measures is to prevent accidents and protect workers from hazards that are common in these types of workplaces.

Safety and Health in Mines Convention, 1995 (No. 176)

It sets standards for the safety and health of workers in mines. It covers various aspects such as inspection, special working devices, and protective equipment for workers. The convention also includes requirements for mine rescue operations. The aim is to ensure the well-being of workers in the mining industry and to prevent accidents and health hazards associated with mining activities.

Safety and Health in Agriculture Convention, 2001 (No. 184)

It aims to prevent accidents and health hazards that occur during agricultural and forestry work. It provides measures to ensure machinery safety and ergonomics, handling and transport of materials, proper management of chemicals, safe handling of animals, protection against biological risks, and adequate welfare and accommodation facilities for workers. The ultimate goal of the Convention is to ensure the safety and health of workers in the agricultural and forestry sectors.

Protection against specific risks

Radiation Protection Convention, 1960 (No. 115)

It aims to establish fundamental provisions for safeguarding workers against the hazards linked to exposure to ionising radiation. The protective measures outlined in the Convention include limiting workers' exposure to ionising radiation to the lowest feasible level based on available technical expertise, preventing needless exposure, and monitoring both the workplace and the health of employees. The Convention also addresses the requirements for emergency situations that may occur.

Occupational Cancer Convention, 1974 (No. 139)

The objective of this instrument is to establish a mechanism for creating a policy to prevent the risks of occupational cancer that may result from prolonged exposure to chemical and physical agents in the workplace. The states that have ratified the instrument are required to periodically identify carcinogenic substances and agents that are present in the workplace and prohibit or regulate their use. They are also obligated to make efforts to replace these substances and agents with non-carcinogenic or less carcinogenic ones, prescribe protective and supervisory measures, and conduct necessary medical examinations of workers who are exposed.

Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)

According to the Convention, it is important to maintain a hazard-free working environment as much as possible, with regards to factors such as air pollution, noise and vibration. This can be achieved by implementing technical measures in enterprises or processes. However, if this is not feasible, alternative measures related to the organization of work must be considered.

Asbestos Convention, 1986 (No. 162)

It prevents the negative impact of exposure to asbestos on workers' health by outlining practical methods and techniques to minimize their exposure. The convention outlines several measures to achieve this

objective, primarily focusing on preventing and controlling health risks associated with occupational exposure to asbestos and protecting workers against such hazards.

Chemicals Convention, 1990 (No. 170)

The Convention mandates the establishment and execution of a consistent policy on safety in handling chemicals at work. This policy covers various aspects such as the production, transportation, storage, and disposal of chemicals, as well as the management of chemical waste and the release of chemicals resulting from work activities. It also requires that equipment and containers of chemicals are adequately maintained, repaired and cleaned. Additionally, the Convention assigns specific responsibilities to suppliers and exporting countries.

Pakistan's Legal Framework addressing the Issue

In Pakistan, workplace safety and health continue to be major concerns due to a number of significant occurrences, including building collapses and factory fires. When it comes to occupational injuries, the building business continues to be the riskiest; yet, the bulk of accidents occur in the agriculture sector (42%), which is followed by construction and manufacturing (34% combined). Certain industries, such as shipbreaking and mining, have unique problems. One out of every 25 workers encounters an occupational injury, which translates to an overall frequency of 4%. Occupational illness incidence is twice as high in the informal sector (4.16%) as it is in the formal sector (2%).²

The Federal and Provincial Governments of Pakistan are working to enhance the current occupational safety and health (OSH) laws, but it's crucial to remember that underreporting means the actual number of accidents is probably far greater than what's been reported. Although new OSH laws are being written, not all provinces have yet ratified them. The Punjab Occupational Safety and Health Act 2019, for instance, was approved by the Punjab government in January 2019, although other provinces might still be working on their own legislation. Pakistan has a number of laws and rules pertaining to occupational health and safety that shield employees from dangers at work. Pakistan's primary legislation pertaining to occupational safety and health are:

1. The Factories Act of 1934: This legislation governs the welfare, health, and safety of employees while they work in factories. Factories must have enough lighting, ventilation, and sanitary facilities in addition to emergency preparations in case of fires or accidents.
2. The Mines Act of 1923: This legislation governs the health and safety of employees in quarries, coal mines, and oil mines. Mine owners must take the required precautions to avert mishaps, supply safety gear, and instruct employees in safety protocols.
3. The Pakistan workplace Safety and Health Act, 2017: This law, which was just passed, intends to regulate and promote workplace safety and health across all economic sectors. In addition to providing workers with safety training and protective gear and establishing safety committees in companies with more than 20 employees, employers are required to identify and control workplace dangers.
4. The Pakistan Atomic Energy Act, 1965: This law governs emergency preparation, handling of radioactive materials, and radiation protection for those working in nuclear energy installations.
5. The Pakistan Telecommunication (Re-Organization) Act, 1996: This law mandates that employers provide the required safety equipment and training, as well as regulating the health and safety of workers in the telecommunications industry, including the installation, maintenance, and repair of equipment.
6. The Pakistan Environmental Protection Act, 1997: This legislation provides rules for workplace safety and health and creates the legal foundation for environmental protection in Pakistan.

² Pakistan Bureau of Statistics. (2018). *Labour force survey 2017-18: Annual report*. <http://www.pbs.gov.pk/content/labour-force-survey-2017-18-annual-report>

Employers must take action to protect workers' health and safety as well as to stop contamination of the environment.

7. The Pakistan Explosives Act, 1884: This legislation governs explosives use, manufacture, storage, and transportation inside Pakistan. It mandates that businesses supply safety gear and training, as well as include measures for the protection of employees handling explosives.
8. Pakistan Boiler and Pressure Vessels Ordinance, 2002: This legislation governs Pakistani boiler and pressure vessel design, construction, and operation. Employers are required to make sure that boilers and pressure vessels are properly maintained and inspected, and it contains measures for the safety of personnel who use or work near them.
9. The Rules for the Exploration and Production of Petroleum in Pakistan, 1971: The drilling, production, and transportation of gas and oil are all governed by these regulations, which also protect worker safety in the petroleum industry. They mandate that companies take action to avert mishaps and that employees receive safety gear and instruction.
10. The Pakistan Civil Aviation Authority Rules, 1994: These guidelines manage the security of aviation industry employees, such as ground handling staff, air traffic controllers, and pilots. In addition to requiring companies to take precautions to avoid mishaps and accidents, they also mandate that workers receive the appropriate training and equipment.
11. The West Pakistan Shops and premises Ordinance, 1969: This law governs the safety and health of employees as well as the working environment in stores and other commercial premises. Employers must take precautions to avoid accidents and provide sufficient lighting, ventilation, and sanitary facilities.
12. The Punjab Industrial Relations Act, 2012: This legislation establishes guidelines for labour relations within the Punjab province. It has clauses pertaining to occupational safety and health, including the freedom of employees to decline work they deem dangerous and the obligation of employers to supply safety gear and training.
13. The Sindh Occupational Safety and Health Act of 2017. In the province of Sindh, occupational safety and health is governed by this law. It mandates that companies provide safe working environments, recognise and eliminate workplace risks, and give employees access to safety gear and training.
14. The Industrial Relations Act of 2010 for Balochistan: The province of Balochistan's labour relations are governed by this law. It comprises rules pertaining to occupational safety and health, including the duty on the part of employers to furnish workers with safety gear and training, as well as the freedom of employees to decline work that they deem unsafe.
15. The Khyber Pakhtunkhwa Factories Act, 2013: The working conditions at factories within the province of Khyber Pakhtunkhwa are governed by this law. It has clauses pertaining to occupational safety and health, including the need for employers to give workers safety gear and training and the creation of safety committees in certain industries.
16. The Pakistan Environmental Protection Agency Regulations, 2000: The 2000 Regulations of the Pakistan Environmental Protection Agency: Occupation safety and health may be impacted by these standards, which set requirements for pollution control and environmental impact assessments.

Pakistan's Adherence to the Guidelines provided by ILO

The Sindh Labour Department, the Employers Federation of Pakistan, and the Pakistan Workers Federation pledged to collaborate and support compliance with international labour standards in terms of occupational health and safety following the devastating incident that occurred in Baldia Town, Karachi, Sindh, in September 2012. In addition, after tripartite consultation that started in December 2012, a

collective plan of action was created in Sindh with the help of the ILO. Through a variety of initiatives, the joint action plan created in Sindh sought to enhance occupational safety and health (OSH).³

Through a variety of initiatives, the joint action plan created in Sindh sought to enhance occupational safety and health (OSH). These included upgrading the Sindh OSH Centre, improving the National Institute of Labour Administration and Training, developing an OSH profile in Pakistan with a focus on Sindh, adopting a labour inspection policy and setting up training courses for labour inspectors, developing a recruitment system in the Labour Department of Sindh to attract, retain, and promote OSH staff, and developing an OSH policy to define safe and healthy workplaces. They also included amending OSH legislation to meet modern requirements and international labour standards, establishing a tripartite OSH council, creating training materials for stakeholders, and developing a centralised electronic database of workplaces and workers. Other provinces were also implementing this model framework to guarantee the application of worldwide OSH standards. (Ibid.)

Implementing international OSH standards in Pakistan is extremely difficult, especially in the agriculture sector where a high number of informal labourers are engaged. The health and safety of farm workers are seriously jeopardised by the use of pesticides. According to recent reports on labour injuries, the construction and manufacturing sectors are the next most common sites of injuries, with agriculture and fisheries accounting for a large share of these cases. An increased risk of illnesses and injuries is a result of workers in these industries lacking access to protective gear and instruction. One example of the risks faced by workers in this field is the 2016 fire disaster at the Gadani Ship Breaking Yard in Karachi, which left 25 workers dead and 58 injured.⁴

It is disconcerting that despite the endorsement of ILO Convention No. 81 on Labor Inspection, Pakistan continues to witness tragic events like the Baldia garment factory fire and the Gadani Ship Breaking Yard explosion.⁵

The persistent lack of adherence to labor laws and standards, particularly within the informal sector, poses a significant challenge. It is imperative for the government to prioritize the establishment of robust labor inspection mechanisms to ensure compliance with occupational health and safety regulations across all workplaces, thereby averting such incidents in the future.⁶

While major industrial accidents garner media attention, minor incidents often go unnoticed. Regrettably, there is a dearth of reliable sources beyond the media to inform the public about industrial mishaps. Despite the existence of inspection systems within Provincial Labor Departments, they frequently suffer from inadequate oversight and documentation, with reports often not disseminated to relevant stakeholders. Moreover, industrial entities may intentionally conceal incidents from public scrutiny.

Analysis by HRCP

The Human Rights Commission of Pakistan has provided statistical data and discussions highlighting the failure of both the Federal and Provincial Governments to comply with labor laws and international conventions regarding industrial incidents. It has revealed that the labor inspection system is being undermined, contradicting the principles of the ILO convention. Moreover, the current legal framework only applies to registered factories and shops, neglecting the informal sectors such as agriculture and services from the perspective of inspection mechanisms. It is the responsibility of the Provincial Labor Department, especially after the 18th amendment, to document and report such incidents under the Provincial Health & Safety Act. However, due to governance issues and the ineffective operation of the

³ Individual Case (CAS) - Discussion: 2014, Publication: 103rd ILC session (2014). See at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101_COMMENT_ID:3343807

⁴ Dawn. (2016, November 2). [17 dead in explosions at Gadani shipbreaking yard Dawn]. Dawn. <https://www.dawn.com/news/1293599>

⁵ IndustriALL Global Union. (n.d.). Horror in Pakistan after 300 workers die. <https://www.industriall-union.org/horror-in-pakistan-after-300-workers-die>

⁶ ILO Labour Inspection Convention, 1947 (No. 81) https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312226

labor inspection system, these reports are not consistently published or shared among stakeholders. Pakistan's failure to ratify crucial ILO conventions concerning the Occupational Health and Safety of Workers has resulted in unresolved safety concerns. For example, insufficient industrial inspection and monitoring under the Factories Act 1934 have led to recent catastrophic incidents like the fire at the Gadani Ship Breaking yard in Karachi, resulting in 25 fatalities, and the Baldia Factory fire in Karachi, claiming 276 lives. To promote transparency, provincial governments should conduct thorough industrial inspections and provide industrial accident data on their websites for stakeholders' access. Pakistan should prioritize ratifying these ILO conventions and establish a robust mechanism for their implementation and monitoring.

Conclusion

This comprehensive review has underscored the critical importance of aligning Pakistan's Occupational Safety and Health (OSH) legislation with international labor standards to ensure the well-being of its labor force. Through a meticulous analysis of Pakistan's legal framework and its adherence to global guidelines, several key findings emerge. Firstly, while Pakistan has established various laws and regulations addressing workplace safety and health across different sectors, challenges persist in enforcement, particularly within the informal sector. Despite efforts to enhance OSH legislation, underreporting and inadequate implementation mechanisms contribute to a significant gap between existing laws and their practical application. Secondly, Pakistan's commitment to international labor standards, as evidenced by initiatives such as the joint action plan in Sindh, signifies a positive step towards improving OSH practices. However, effective implementation and monitoring remain paramount to ensure sustained progress in this regard. Thirdly, the analysis by the Human Rights Commission of Pakistan highlights systemic shortcomings in the labor inspection system and governance issues, leading to unresolved safety concerns and tragic incidents in the industrial sector. The need for transparent reporting mechanisms and greater accountability at both federal and provincial levels is evident.

Moving forward, it is imperative for Pakistan to prioritize ratifying crucial International Labour Organization (ILO) conventions related to Occupational Health and Safety (OHS) and establish robust mechanisms for their implementation and monitoring. This includes strengthening labor inspection systems, enhancing stakeholder collaboration, and promoting transparency in reporting industrial incidents. In conclusion, by addressing these challenges and aligning its OSH legislation with international standards, Pakistan can safeguard the rights and well-being of its laborers, foster a culture of safety and health in workplaces, and contribute to sustainable development goals both nationally and globally. Only through concerted efforts and sustained commitment can Pakistan achieve a safe and healthy working environment for all its citizens.