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Equal Opportunity in Employment: A Comparative Analysis of Pakistan's Legal Framework and International Standards



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Abstract: *This research paper conducts a comprehensive comparative analysis of Pakistan's legal framework on equal opportunity in employment with international standards, particularly focusing on the conventions ratified by the International Labour Organization (ILO). Discrimination in employment remains a pervasive issue globally, affecting individuals based on gender, race, ethnicity, or beliefs, irrespective of qualifications. The paper examines how Pakistan's legal framework aligns with global standards and addresses challenges faced by female workers, particularly in sectors like transportation and agriculture. Despite Pakistan's ratification of ILO conventions, practical implementation remains a concern, with issues such as wage discrimination and inadequate social protections persisting. The paper highlights key Pakistani laws addressing equal opportunity in employment, including the Constitution of Pakistan, the Equal Remuneration Act, and various labor ordinances. It also discusses challenges such as low female labor force participation, educational disparities, and limited involvement in trade unions, suggesting strategies to empower women workers and enhance their representation in the workforce. By analyzing Pakistan's adherence to global standards and identifying areas for improvement, this paper aims to contribute to the discourse on gender equality and labor rights in Pakistan.*

Keywords: Equal Opportunity, Employment, Pakistan, International Labour Organization, Legal Framework, Discrimination, Gender Equality, Labor Laws, Women Workers, Trade Unions

Introduction

Discrimination in the realm of employment and occupation is a widespread and persistent issue, impacting countless individuals globally on the basis of factors such as gender, race, ethnicity, or beliefs, irrespective of their qualifications and competencies. Even in developed nations, disparities exist where women may earn significantly less—up to 25%—than men for performing identical roles.²

The right to be free from discrimination is a fundamental human entitlement, essential for individuals to select their employment autonomously, cultivate their skills, and receive recognition based on their abilities. Fostering equality in the workplace not only yields social advantages but also holds economic benefits. It enables employers to tap into a broader and more diverse talent pool, while affording workers enhanced prospects for training, improved wages, and career progression. Moreover, the attainment of equality fosters equitable distribution of profits, enhances social cohesion, and garners broader public

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² International Labour Organization. *Rules of the Game: A Brief Introduction to International Labour Standards*. Revised edition. 2019. <https://www.ilo.org/publications/rules-game-brief-introduction-international-labour-standards-revised-0>.

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endorsement for economic progress. The International Labour Organization (ILO) offers a framework of equality standards aimed at eradicating discrimination across all spheres of employment and society, facilitating the adoption of gender mainstreaming strategies within the labor domain.

Global Standards

International Labour Organization (ILO) standards play a pivotal role in advancing equality within workplaces and broader societal contexts. These standards serve as essential guidelines and resources for combating discrimination across various facets of employment, spanning from recruitment and training to advancement and remuneration. Through the adoption and enforcement of ILO standards, governments and employers can strive towards cultivating more inclusive work environments where individuals are evaluated based on their merits rather than factors such as gender, race, ethnicity, or other personal attributes. Furthermore, ILO standards facilitate the process of gender mainstreaming, which involves integrating gender perspectives throughout the formulation, implementation, monitoring, and assessment of policies and initiatives across all sectors and levels. By mainstreaming gender considerations, organizations can enhance their understanding of and response to the diverse needs and experiences of both men and women within the workplace and society at large.

Equal Remuneration Convention, 1951 (No. 100)

The Equal Remuneration Convention of 1951, a cornerstone convention of the International Labour Organization (ILO), stipulates that signatory nations must uphold the principle of equal pay for men and women engaged in work of equal value. "Remuneration" encompasses various forms of compensation, including base wages or salaries, as well as any supplementary benefits or remunerations arising from employment. To ascertain the equivalence of two roles, it is necessary to employ a method for evaluating and comparing their relative merit, considering factors such as skill, effort, responsibility, and working conditions. However, the convention does not prescribe a specific methodology for determining job equivalence.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

This convention defines discrimination as any form of differentiation, exclusion, or preference based on specified factors that undermines equality of opportunity or treatment in employment or occupation. These factors include race, color, sex, religion, political opinion, national origin, or social background. Additionally, the convention allows for the inclusion of other grounds of discrimination following consultation with representative employers' and workers' organizations and relevant bodies. Recent national legislation has expanded the scope of prohibited grounds of discrimination to encompass a wide range of factors such as HIV status, age, disability, nationality, sexual orientation, and gender identity. The convention addresses discrimination concerning access to education, vocational training, employment opportunities, specific occupations, and terms and conditions of employment. Ratifying states are obligated to develop and implement a national policy aimed at promoting equality of opportunity and treatment in employment and occupation, continuously assessing and reviewing these policies and measures to ensure their efficacy in an evolving context.

Workers with Family Responsibilities Convention, 1981 (No. 156)

This convention seeks to establish equal opportunities and treatment for both male and female workers by mandating signatory countries to prioritize, as a national policy objective, enabling individuals with family responsibilities to work without discrimination or conflict with their familial duties. Governments are further tasked with considering the needs of workers with family responsibilities in urban planning and promoting community services like childcare and family facilities. Beyond these conventions, numerous other ILO standards address equality across various facets of employment and occupation. These standards encompass provisions for equal opportunities and treatment for specific worker

demographics, including migrants, domestic workers, and individuals with disabilities. They also address issues such as equal access to education and training, the prevention of workplace sexual harassment and gender-based violence, and the promotion of workplace diversity and inclusion. By adopting and implementing these standards, nations can endeavor to ensure equitable treatment for all workers, fostering environments where individuals can realize their full potential.

Pakistani Laws on the Subject

The Constitution of Pakistan, particularly Articles 25 and 38, emphasizes the state's duty to ensure equal opportunities for all citizens without discrimination based on gender, religion, or ethnicity. Additionally, Pakistan has ratified two significant conventions: the Equal Remuneration Convention of 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention of 1958 (No. 111), obligating the state to fully and effectively implement these conventions. To uphold the constitutional guarantees and comply with international obligations regarding equal remuneration, Pakistan has enacted various labor laws over time. Among these, the following are notable:

The Constitution of Pakistan

Articles 25 and 38 prohibit discrimination based on sex, religion, and race, mandating equal opportunities for all citizens without bias.

The Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968

This ordinance necessitates employers to establish regulations governing employment, prohibiting discrimination in recruitment, promotion, and wage practices.

The Equal Remuneration Act, 1974

This act prohibits gender-based discrimination in wages and other employment conditions for identical or equivalent work.

The Employment of Children Act, 1991

This legislation bars the employment of children below 14 years of age in any occupation, and limits the work of those aged 14 to 18 to light tasks that don't interfere with their education.

The Provincial Women Employment (Reservations) Act

This law mandates employers, in both public and private sectors, to allocate a certain percentage of job opportunities for women.

The Minimum Wages for Unskilled Workers Ordinance, 1969

It mandates the establishment of minimum wages for unskilled workers, while also prohibiting wage discrimination based on gender. These laws collectively aim to foster a fair and inclusive work environment, aligning with constitutional principles and international standards on equal opportunity and treatment in employment.

Pakistan's Adherence with the Global Standards

Pakistan's consistency with international standards on gender equality and employment presents a mixed picture, reflecting broader challenges faced by women in the country's workforce. While Pakistan has ratified key conventions such as the Equal Remuneration Convention of 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention of 1958 (No. 111), the practical implementation of these standards remains a concern. The participation of women in Pakistan's economy

reflects broader trends in South Asia, where vulnerability and precariousness are prevalent, particularly among women.

The high rate of vulnerable employment in the region, with women disproportionately affected, underscores the need for greater efforts to address gender disparities in the workforce.³ Pakistan's performance in terms of women's participation in decision-making roles, as assessed by indicators like the Gender Development Index (GDI) and Gender Empowerment Measure (GEM), is concerning. The country ranks low in these global indices, indicating significant gaps in gender equality across various spheres of social, economic, and political life. Despite some progress in recent years, with an increase in the female labor force participation rate, significant challenges persist.⁴

Many women continue to work as unpaid workers within their families, limiting their formal participation in the economy and undermining their contributions, which often go unrecognized. To enhance consistency with international standards, Pakistan must prioritize efforts to address systemic barriers to gender equality in employment and tackle entrenched social norms that perpetuate discrimination and gender-based disparities. This includes implementing and enforcing existing laws and policies aimed at promoting equal opportunities and treatment for women in the workforce, as well as investing in education and skill development initiatives to empower women economically and socially. Additionally, efforts to promote women's participation in decision-making processes at all levels are crucial for advancing gender equality and fostering inclusive development in Pakistan.

The growing presence of female workers in commercial establishments, especially in sectors like transportation, presents challenges regarding their entitlement to legal benefits and protections. This is particularly evident in roles such as receptionists, attendants, clerks, bus hostesses, and supervisors within the transportation sector. However, existing legislation such as the "Road Transport Workers Ordinance, 1961," falls short in adequately addressing key issues such as maternity benefits, exemption from night duty, and the provision of separate washrooms and dining areas for female workers in this industry. Consequently, many female workers in transportation are deprived of these essential protections.⁵ While labor laws in Pakistan prohibit gender discrimination in employment, wages, and profession, the application and interpretation of these laws often result in indirect discrimination against women. Moreover, social security and old-age benefits are typically accessible only to permanent employees of commercial establishments, excluding a significant portion of female workers employed on short-term contracts or as home-based workers. Similarly, informal and home-based workers are not covered by the Workers Welfare Fund (WWF), further exacerbating their lack of access to social security and old-age benefits. Addressing these challenges requires comprehensive reforms in labor legislation and enforcement mechanisms to ensure gender-sensitive policies and practices in the workplace. This includes revisiting existing laws to explicitly incorporate provisions for maternity benefits, protection from night duty, and adequate facilities for female workers, particularly in sectors where they are underrepresented. Additionally, extending social security coverage to all workers, including those in informal and home-based employment, is essential to safeguarding the rights and well-being of female workers in Pakistan. By addressing these gaps and barriers, Pakistan can strive towards creating a more equitable and inclusive work environment for all its citizens.

The agriculture sector serves as a stark illustration of the challenges facing female workers in Pakistan, where despite comprising 54% of the female labor force, they receive limited attention and

³ International Labour Organization. *Global Employment Trends for Youth 2013: A Generation at Risk*. 2013. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/documents/publication/wcms_229929.pdf.

⁴ Javed, T. *Understanding the Labour Issues in Pakistan*. Karachi: Pakistan Institute of Legislative Development and Transparency, 2006. p. 18.

⁵ Pakistan. *Road Transport Workers Ordinance, 1961*. [http://punjablaws.gov.pk/laws/797a.html#:~:text=%E2%80%9320\(1\)%20No%20person%2C,age%20of%20twenty%2Done%20years](http://punjablaws.gov.pk/laws/797a.html#:~:text=%E2%80%9320(1)%20No%20person%2C,age%20of%20twenty%2Done%20years).

protection under labor laws. ⁶Despite the substantial presence of women in the labor force, their participation in the market remains significantly lower compared to global standards. Recent government survey reports indicate a modest increase in the female workforce, reaching 17%, yet women continue to grapple with inadequate wages, substandard working conditions, and insufficient social protection benefits. Wage discrimination persists, undermining the principle of "Equal Pay for Equal Work" enshrined in ILO Convention No. 100, ratified by the Government of Pakistan. ⁷The female labor force encounters various challenges, including lower wages, unsafe working conditions, and scant social protection, exacerbated by their vulnerable job status and lack of organization. A "Glass Ceiling" phenomenon impedes their career advancement relative to male counterparts. Additionally, educational disparities contribute to noncompliance and weak implementation of provisions safeguarding women workers' rights. Although the Standing Order Ordinance 1968 mandates the regularization of temporary female workers, industrial exploitation often denies them welfare entitlements such as maternity benefits, social security, and job security. Despite comprising a significant portion of the labor force (approximately 15.5% nationwide), female workers' participation in labor unions remains inadequate. Many are employed under precarious arrangements, including temporary, contractual, or piece-rate agreements, with a considerable number engaged in the informal and home-based sectors where working conditions are often unsuitable. Moreover, while formal sectors benefit from labor laws, social security, and maternity benefits, the agriculture sector, where a substantial portion of female laborers is employed, is largely overlooked. Female workers in this sector often fear harassment or dismissal if they join trade unions and perceive unions as unhelpful, compounded by their status as primary breadwinners in their households. Addressing these multifaceted challenges requires comprehensive reforms to ensure gender-sensitive policies, improved working conditions, and enhanced social protection for female workers across all sectors in Pakistan.

The low job growth, education levels, and skills among women contribute to their limited involvement in trade unions, compounded by gender discrimination. It is imperative to educate both women workers and trade unions about their legal rights as outlined in the Constitution of Pakistan. Civil society and trade unions play a pivotal role in raising awareness of this issue and supporting women workers and unions. Encouraging women workers to join trade unions is essential to assert their right to association and collectively bargain against exploitation and for their legal rights. Despite Pakistan's ratification of ILO Convention No. 100 on "Equal Pay for Equal Work," women workers continue to encounter unequal opportunities compared to their male counterparts. Additionally, factors such as concerns over the "Protection of Family" and inhumane working conditions for women and children have further diminished women's representation in trade unions. As the participation of women in the labor force grows, policies should prioritize facilitating their integration into the economic cycle. (Ibid.)

Addressing the root causes of low participation in trade unions, such as inadequate knowledge of labor laws, skills deficits, and low literacy rates among women workers, is crucial. Providing education through seminars and workshops about their right to freedom of association and collective bargaining can empower women to advocate for their rights, speak out against exploitation, and demand equitable treatment in the workplace. By empowering women workers and promoting their active engagement in trade unions, Pakistan can advance gender equality and create a more inclusive and fair labor market for all.

Conclusion

Pakistan's labor laws encompass various provisions aimed at promoting equal opportunity and treatment in employment, including protections against discrimination and exploitation. However, the effectiveness of these laws is hindered by factors such as inadequate enforcement, educational disparities, and low

⁶ Pakistan Bureau of Statistics. *Labour Force Survey, 2014*. 2014. <https://www.pbs.gov.pk/publication/labour-force-survey-2014-15-annual-report>.

⁷ Ahmed, K. *Labour Movement in Pakistan: Past and Present*. 2nd ed. Institute of Workers Education and Labour Studies, 2011.

female labor force participation rates. Women workers, particularly those in sectors like transportation and agriculture, face systemic barriers such as wage discrimination, unsafe working conditions, and limited access to social protections. Addressing these challenges requires concerted efforts from multiple stakeholders, including the government, civil society, employers, and trade unions. Strategies should focus on improving awareness of labor rights among women workers, enhancing enforcement mechanisms, promoting gender-sensitive policies, and facilitating women's participation in trade unions and decision-making processes. By aligning its legal framework more closely with international standards and implementing comprehensive reforms, Pakistan can advance gender equality in the workplace and create a more inclusive and fair labor market for all its citizens.

Ultimately, fostering equal opportunity in employment is not only a legal obligation but also a moral imperative essential for promoting social justice, economic development, and human dignity. Through continued advocacy, collaboration, and commitment to gender equality, Pakistan can pave the way towards a more equitable and prosperous society, where every individual has the opportunity to thrive and contribute to national progress.