



Draft

**National Policy on
Home-based Workers**

Government of Pakistan
Ministry of Labour and Manpower
in collaboration with
Ministry of Women Development

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EXECUTIVE SUMMARY

The National Policy on Home-based Workers (NPHBWs), framed by the Government of Pakistan, is intended to guide and support the Provincial Governments and Local Bodies of Punjab, Sindh, Khyber Pakhtunkhwa (KPK), Balochistan, Azad Jammu and Kashmir and the Northern Areas, in developing their own strategies, plans and programmes for the protection and promotion of the rights and benefits of Home-based Workers (HBWs), particularly Women Home-based Workers (WHBWs).

This Policy is the result of several stakeholder consultations held at the provincial and national level with HBWs, in addition to several Working Group (WG) meetings representing the federal, provincial and local bodies (governments) and representatives of civil society organisations and networks working for the cause and welfare of HBWs in the country. The Ministry of Labour and Manpower (MoLMP) before finalising the “Policy” also organised provincial and national consultations in collaboration with the Ministry of Women Development (MoWD) mainly with the employers’ and workers’ organisations, HBWs, Provincial Departments of Labour and related federal and provincial organisations.

This Policy reaffirms Government’s commitment to bring the laws and regulations concerning HBWs in Pakistan into conformity with the Constitutional provisions; and common standards and principles developed by international human rights treaties and ILO Conventions.

The goals of the policy is to recognise and accept HBWs in their own right through legislative and administrative actions; accord legal equality; focus on their needs, concerns and demands through an institutional approach of gender mainstreaming at all levels. The Government of Pakistan (GoP) shall recognise that HBWs are a special category of workers that include: a) a person who works within the home boundaries, or in any other premises of his/her choice, but excluding the premises of the employer’s or contractor’s workplace; b) a person who works at home for remuneration or monetary returns; and c) a person who is self-employed or does piece-rate, own-account, or contract work, which results in a product or services as specified by the employer/contractor.

The key policy measures of the NPHBWs with the focus on WHBWs include: i) Definition and Equality of Legal Status, ii) Equality of Treatment and Wages, iii) Skills Training Enhancement, iv) Access to Credit, Land Ownership and Assets, and v) Access to Marketing Channels and Linkages.

The Government will ensure in collaboration with other concerned stakeholders that skills training enhancement initiatives for HBWs are undertaken on an outreach basis to their villages and urban slum settlements to address the constraints of mobility and poverty and the “triple burden” of work in the context of WHBWs.

The Government shall further endeavour to see that HBWs, particularly the WHBWs: i) gain easy access to comparatively cheaper credit through several ongoing programmes, ii) their issues of easy access to markets for the products will be effectively tackled, thus eliminating the fruit of their labour denied in this area through the malpractices of the ‘intermediaries’ and ‘middlepersons’, iii) non-industrial handicraft goods are promoted through purchase and utilization in public sector offices as affirmative action (e.g. public sector office furniture, furnishings, fixtures, stationery items, official awards, prizes and gifts), iv) they will enjoy the core labour standards (CLSs) along with the rights and entitlements in addition to all rights and benefits available to other wage earners performing the similar work, under the existing or any futuristic laws and regulations, and v) social security benefits currently applicable only to workers in the formal organized sector of employment are extended through enactment or amendment in the laws relating to Employees Social Security Institutions (ESSIs) in the provinces.

The social security laws include (but are not limited to) the a) old-age pension funds, b) workers welfare funds, c) general and reproductive health services for workers and their families, maternity care, child care and education, d) death, disability and accident insurance benefits, d) housing, e) legal counselling services, and f) last but not least, support for disaster risk reduction, preparedness, mitigation, reconstruction and rehabilitation. Insurance of HBWs against accident, disability and death shall also be the mandatory responsibility of the employers.

The Government shall devise a mechanism for the mandatory and free registration of all HBWs, in all public and private sectors of the economy, especially industries, through a tiered system at the Federal, Provincial, District, Tehsil/Taluka and Union Council levels. The details of this mechanism will be formulated in consultation with all the relevant federal line Ministries and provincial Departments, in order to avoid duplication and to promote coordination. Registration will automatically entitle HBWs to social protection and insurance provisions.

The Government shall undertake appropriate measures to include HBWs in the decennial Population Censuses, Labour Force Surveys and all other national data

collection exercises, which will be disaggregated by gender and rural-urban location, especially all research on living standards and poverty measurement.

The Government shall strive to facilitate retail platforms for the products of HBWs throughout the SAARC region and shall strive to encourage its peer SAARC Governments to collectively negotiate with the OECD countries for preferential or zero tariffs on the South Asian HBWs' products collectively.

The main implementing agencies for this National Policy shall work under the mandate of the Provincial Governments in close collaboration with the Local Bodies; and they will be guided by the national Plan of Action and their respective Provincial Plan of Action. The Action Plans may also suggest or establish inter-sectoral and inter-ministerial steering group, including representation from the national/Pakistani civil society organisations, at the federal and provincial, to oversee the implementation of this Policy.

The Federal and Provincial Governments shall prepare comprehensive Plan of Action for implementing the NPHBWs; it shall be widely shared and consultations held at the provincial and national levels to ensure its feasibility and acceptability to all. Once the various stakeholders have endorsed it, its implementation shall start, using time-bound, results-oriented and objectively verifiable indicators.

The Federal and Provincial Governments shall set up inter-ministerial and cross-sectoral autonomous bodies, at the federal and provincial level, on the basis of public and private partnership (PPP) to coordinate the efforts to be undertaken for the implementation of this Policy. These "Policy Steering and Coordination Committees" (PSCCs) shall be empowered to carry out the required overseeing and monitoring of the functions of various stakeholders, including the roles and responsibilities of respective Governments, as well as those of employers or intermediaries of the HBWs.

Cognizant of the competence of ILO in developing standards and helping member countries in implementation, the Government would continue working with ILO in mainstreaming the HBWs. It will also seek cooperation and collaboration with other UN specialized agencies including UN-WOMEN.

I. INTRODUCTION

The National Policy on Home-based Workers (NPHBWs), framed by the Government of Pakistan, is intended to guide and support the Provincial Governments and Local Bodies of Punjab, Sindh, Khyber Pakhtunkhwa (KPK), Balochistan, Azad Jammu and Kashmir and the Northern Areas, in developing their own strategies, plans and programmes for the protection and promotion of the rights and benefits of Home-based Workers (HBWs), particularly Women Home-based Workers (WHBWs).

This Policy is the result of several stakeholder consultations held at the provincial and national level with HBWs, in addition to several Working Group (WG) meetings representing the federal, provincial and local bodies (governments) and representatives of civil society organisations and networks working for the cause and welfare of HBWs in the country. The Ministry of Labour and Manpower (MoLMP) before finalising the “Policy” also organised provincial and national consultations in collaboration with the Ministry of Women Development (MoWD) mainly with the employers’ and workers’ organisations, HBWs, Provincial Departments of Labour and related federal and provincial organisations.

The Government recognises its obligations under the Constitution and believes that the National Policy on Home-based Workers is inspired by the vision of an egalitarian society, which is free of exploitation and coercion, and where all citizens are equal before law and enjoy equal rights to lead their lives with dignity and self-respect.

The Government recognises that there are millions of HBWs in the country. Furthermore, home-based work is dominated by women as 71 percent of them are women. More than 10 percent of the female workforce is employed as HBWs; this proportion is a mere 1.2 percent in respect of male workforce engaged as HBW, table-1 below s.

Most of these women home-based workers, mostly women workforce of the country, are piece rate workers involved in manufacturing and post-manufacturing tasks such as embroidery, carpet weaving and handlooms, wood work and other handicrafts, bangle making, dates cleaning and packing prawn peeling and packing and many other similar tasks.

The women HBWs usually come from the poor, lower or lower middle income background and form various age groups and possess very little or no education at all. Young girls of less than 14 years are also working and helping their family members in

making and finishing the tasks assigned to them by the middleperson against extremely low remuneration while working longer hours daily under conditions that are frequently harsh, unhealthy and hazardous.

Table-1: Some Basic Facts about Home-based Workers

HBWs by Gender and Areas	Proportions
Males	29.6%
Females	71.4%
HBWs as percent of total labour force	3.18
Males	1.20
Females	10.41
HBWs	
Rural areas	67.2%
Urban areas	38.2%

Source: Labour Force Survey 2008-09

The Government of Pakistan (GoP), however, realises that currently the workers in the informal economy (sector) as well as in the home-based sector are neither covered by the labour laws nor the definition of the “home-based worker” is part of any statute. Labour protection, social security coverage and provision of safety and health services and benefits are not extended to the informal sector, including the home-based sector. Therefore, they are unable to access the services, facilities, rights and benefits, including a fair remuneration.

This Policy lays down a framework on the key elements relating to legislative and administrative measures necessary to ensure the fulfilment of rights and benefits to the HBWs, the responsibilities of the Federal and Provincial Governments, Local Bodies (LBs) and other key stakeholders, within the ambit of its guiding principles and core objectives.

It also provides an outline of institutional mechanism for the implementation of measures to be undertaken for the welfare of HBWs, which will be elaborated in more detail and specificity through the formulation of Action Plans, to be prepared by the provinces. The Policy has earmarked a key role for the Local Bodies for its implementation.

The Government cognizant of the need to address concerns of HBWs on a priority basis; its Constitutional obligations and international commitments, hereby reiterates its commitment to take affirmative actions in order to improve the situation immediately within the resources at its disposal, and subsequently through further resource mobilisation, in a collaborative, consultative and coordinated manner.

The Government is also aware of a number of associations and networks working for the cause of the HBWs, particularly women in the South Asian region – an area displaying significant proportion of workforce engaged as HBWs. It would therefore encourage establishment and/or strengthening of relations with them for protecting and promoting the rights of HBWs in the sub-region.

The Government places on record its appreciation of the technical assistance provided by the International Labour Organisation (ILO) in various fields of its competence and concern, such as: implementation of international labour standards through improvements in national labour law, and other policy measures in addition to women workers' rights, equality and non-discrimination at the workplace, elimination of child labour and prevention and elimination of bonded labour, etc. The Government would like to continue and strengthen this relationship with ILO and other relevant regional and international organisations and bodies of the United Nations, in particular with UN-Women for the purpose of mainstreaming HBWs.

There have also been several policy initiatives, such as: development of Labour Policy 2010, Employment Policy 2008, and Labour Inspection and Labour Protection Policies 2006. Furthermore, a number of institutions have been established and put into operation in the country to provide Technical Vocational Education and Training (TVET) to also cater for the needs of women. The present Government has also initiated providing social protection mainly to women belonging to poorer segment of the population through the launch of nation-wide Benazir Income Support Programme (BISP). Furthermore, several national institutes for labour management and administration have also been established to improve the working conditions of the working women and men in the country. The Government would like to further strengthen these policies and institutions with the intent to extend their mandate and scope to the HBWs.

The Government, while cognizant of the harsh and painful realities faced by the HBWs, particularly by the women, due to the high and increasing levels of poverty and food insecurity, believes that a cautious and phased approach is required to the elimination of home-based girl-child labour through consistent efforts in collaboration

with other ongoing programmes and initiatives to end the worst forms of child labour, exploitation and the remnants of bonded labour.

The Government in pursuant of this Policy would initiate the process of bringing the laws and regulations concerning HBWs in Pakistan into conformity with the common standards and principles developed by international human rights treaties and ILO Conventions. It also would look into the possibilities of ratifying the ILO Convention on Home Work, C-177 along with the adoption of ILO Recommendation on the Employment Relationship, R-198 which prescribe the "definition" of home-based worker and call for equal treatment with HBWs in relation to other wage earners performing the similar work.

II. GUIDING PRINCIPLES

The Government recognises its Constitutional obligations and believes that the Policy will be inspired and guided by the principles as enshrined in the following Articles of the Constitution of the country:

1. Equality and Non-discrimination

- All citizens are equal before law and are entitled to equal protection of law [Article 25 (1)].
- There shall be no discrimination on the basis of sex alone [Article 25 (2)].

2. Elimination of Exploitation

- The State shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability to each according to his work (Article 3).

3. Empowerment of Women

- Steps shall be taken to ensure full participation of women in all spheres of national life [Article 34].
- Nothing in this Article shall prevent the State from making any special provision for the protection of women and children [Article 25 (3)].
- The State shall make provisions for just and humane conditions of work, ... and for maternity benefits for women in employment [Article 37 (e)].

4. Social and Economic Well-being of the People

- The State shall provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure [Article 39 (b)].
- The State shall provide basic necessities of life, such as: food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, religion, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness, or unemployment [Article 39 (d)].
- The State shall promote, with special care, the educational and economic interests of backward classes or areas [Article 37 (a)].

5. Freedom of Association

- Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality [Article 17].

The Government shall also endeavour to fulfil its international obligations arising from the State's ratification of the International Covenant on Social, Economic and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Child Rights Convention (CRC) and the relevant ILO Conventions, such as: C-100 and C-111.

III. MAIN OBJECTIVES

The Government will take steps to ensure/guarantee to attain the following objectives within the broad parameters of the Policy, through legislative and administrative actions in cooperation and coordination with the HBWs, and the various other stakeholders in the public, private and non-governmental sectors, in pursuance of its responsibility to reach out to and address the concerns of this vulnerable segment of the workforce.

The main objectives of the National Policy on Home-based Workers are:

- to recognize and accept HBWs as workers in their own right through legislative and administrative actions;
- to accord legal equality to HBWs in status and rights in relation to other wage earners performing the similar work;
- to focus on the needs, concerns and demands of Women HBWs through an institutional approach of gender mainstreaming at all levels;
- to increase the remuneration of HBWs to a just, decent and living wage in phases and in consideration of the inflationary trends in the country;
- to make the work of HBWs economically viable by creating, facilitating and regulating the marketing opportunities of their products;
- to ensure the application of all rights and entitlements to HBWs available to other wage earners performing similar work, including social protection coverage, as well as safe and fair conditions of work for them;
- to provide HBWs visibility and the opportunity for an organised voice to articulate their concerns and demands through registration as Collective Bargaining Agent (CBA) on behalf of co-workers;
- to work in collaboration with Provincial Governments and Local Bodies to implement the aims and objectives of the Policy in a participatory, transparent and accountable manner;
- to work in close collaboration with all stakeholders, including representatives of the HBWs, non-government and community-based organisations, the trade

unions, local and national networks of NGOs in pursuance of the objectives of this National Policy; and

- to bring into conformity the laws and regulations relating to HBWs with the international treaties to which Pakistan is a State Party; and to explore the possibilities of ratification of the ILO Convention-177 on Home Work.

IV. KEY POLICY MEASURES

This Policy for HBWs with the focus on women will be based on the following key measures:

1. Definition and Equality of Legal Status;
2. Equality of Treatment and Wages;
3. Skills Training Enhancement;
4. Access to Credit, Land Ownership and Assets; and
5. Access to Marketing Channels and Linkages.

The Federal and Provincial Governments and Local Bodies would work, in collaboration with other concerned stakeholders, to provide HBWs an equality of legal status, a fair arrangement of terms and conditions at workplace with just reward of work in terms of remuneration, in addition to building their skills and creating and facilitating their access to credit schemes and market outlets.

IV.1 Definition and Equality of Legal Status

The Federal and Provincial Governments shall take appropriate legislative and administrative action to accord equality of legal status to HBWs in relation to other wage earners, who perform similar work to ensure a decent living wage; and define through enactment or notification the following definitions in relevant laws and regulations.

The Government of Pakistan shall recognize that HBWs are a special category of workers; and that HBW is a person:

- (a) who works within the home boundaries, or in any other premises of his/her choice, but excluding the premises of the employer's or contractor's workplace;
- (b) who works at home for remuneration or monetary returns; and
- (c) who is self-employed or does piece-rate, own-account, or contract work, which results in a product or services as specified by the employer/contractor.

Explanation:

- i) The above-said definition of Home-based Worker does not include the following:

- (a) a person with employee status who occasionally performs his/her work as employee at home, rather than at his/her usual workplace;
 - (b) a home-based worker who has the degree of autonomy and of the economic independence necessary to be considered as an independent self-employed worker under national laws, regulations or court decisions;
 - (c) a domestic worker, since he/she does not work in his/her own home; and
 - (d) a person working, outside his/her home boundaries, in the rural or non-formal sectors of agriculture, livestock, forestry, fisheries, etc., since he/she is still termed as “unpaid agricultural family helper”.
- ii) The Government shall enact and notify the following term of the “employer” in the specific context of home-based work in relevant laws and regulations; and that the employer in this context is:
- (a) a person, natural or legal, who either directly or through an intermediary/ies or “middleperson/s” – whether or not intermediaries are provided for in national legislation, gives out home-based work in pursuance of her/his business activity; and
 - (b) a person who can be an owner, sub-contractor, agent or middleperson, irrespective of who provides the materials, equipment or other inputs used by a HBW.

IV.2 Equality of Treatment and Wages

The Federal and Provincial Governments shall take steps through appropriate legislation and administrative measures to ensure that HBWs are provided equality of treatment, in all areas of work and remuneration, with other wage earners who perform similar work at the workplace.

The governments and concerned institutions and individual, including employers, shall take appropriate measures to ensure that HBWs earn a decent living wage and in this regard:

- (a) all rules and regulations, common standards and entitlements available to all wage earners performing work similar to HBWs, under existing national laws and regulations, shall be applicable to HBWs;
- (b) HBWs are not forced to work disproportionately longer hours than all wage earners performing work similar to theirs;
- (c) employers and sub-contractors (“middlepersons”) shall utilise the services of HBWs only with prior written contracts, just the same as for employees

- working at the workplace, with comparable remuneration, terms and conditions; and
- (d) minimum wage of the HBWs is brought at par with the minimum wage of all wage earners performing work similar to theirs.

IV.3 Skills Training Enhancement

The Federal and Provincial Governments and Local Bodies will ensure, in collaboration with other concerned stakeholders, that skills training enhancement initiatives for HBWs are undertaken on an outreach basis to their villages and urban slum settlements to address the constraints of mobility and poverty and the triple burden of work in the context of women HBWs.

The traditional skills, wishes and needs of the HBWs shall be kept paramount in all skills training programmes. The two main objectives shall be:

- (i) to upgrade their capacity with skill upgradation, improved designs, consistent quality control, product innovation and development, and
- (ii) to revive the traditional handicrafts heritage and the desire to revive and sustain dying arts and crafts as a means of livelihood.

IV.4 Access to Credit, Land Ownership and Assets

The Federal and Provincial Governments shall further endeavour to see that HBWs, particularly the women, gain easy access to comparatively cheaper credit through several ongoing programmes in the public, private and NGO sectors, e.g. by using group guarantees, revolving funds, cooperative initiatives, profit and loss sharing and other innovative mechanisms.

The Federal and Provincial Governments shall endeavour to link and coordinate the uplift drive for HBWs, particularly for the Women, with the poverty reduction and gender mainstreaming strategies at the macro-economic level, through:

- (a) the transfer and creation of permanent assets, especially women's ownership of land, through joint spousal title deeds of state-distributed lands to e.g. small farmers/tenant farmers and;
- (b) the reform and enforcement of inheritance law to ensure that women receive their due share, and affirmative measures result in their economic well-being.

IV.5 Access to Marketing Channels and Linkages

The Federal and Provincial Government and Local Bodies, in collaboration with concerned institutions and agencies, shall lay particular emphasis in streamlining the issues of easy access to markets for the products of the HBWs as they are mainly deprived of the fruit of their labour in this area through the malpractices of the 'intermediaries' and 'middlepersons'.

The Governments shall work at three levels, namely: (a) within the public sector line agencies, e.g. the Ministry of Industries, Production & Special Initiatives, Ministry of Trade & Commerce and Ministry of Social Welfare amongst others; (b) with the private-for-profit sector industry, to ensure that HBWs are provided access to marketing channels, as well as the two-way linkages and networks required to avail them; and (c) with national and international networks of HBWs, to directly and collectively promote their own enterprises, thereby excluding the current unjust practice of intermediaries and middlepersons cutting into their already low remuneration.

The Governments shall promote the HBWs' production of non-industrial handicraft goods through purchase and utilisation in public sector offices as affirmative action (e.g. public sector office furniture, furnishings, fixtures, stationery items, official awards, prizes and gifts).

V. RIGHTS AND ENTITLEMENTS

The HBWs will enjoy the core labour standards along with the following rights and entitlements in addition to all rights and benefits available to other wage earners performing the similar work, under the existing or any futuristic laws and regulations.

V.1. Right of Association and Collective Bargaining

The HBWs shall have the right to organise, unionise, associate, and bargain collectively, in addition to their fundamental rights to freedom of assembly, freedom of speech and freedom of movement. Employers and intermediaries shall not be permitted to intimidate or threaten them with loss of livelihoods or social security benefits or sexual harassment or gender-based violence.

The associations or unions of the HBWs shall have the right to join the networks and umbrella organisations or the existing federations or trade unions of other wage earners or workers to raise a collective voice for them. The Government shall encourage and facilitate such national networks to fulfil their role as coordinating entities and to promote the registration procedures for them.

V.2 Health and Occupational Safety Standards at Workplace

The Government, working with the national networks of HBWs, shall endeavour to convince large, medium and small industry owners and business owners, employers and their intermediaries/sub-contractors to ensure the home-based workers' right to health and occupational safety through the provision and use of protective clothing, such as: masks, gloves, goggles, and by minimising occupational safety hazards of respiratory, eye and skin diseases. Alternate practices are introduced in hazardous sectors, such as: bangles, carpet weaving and fisheries.

The Federal and Provincial Governments and Local Bodies shall endeavour to extend the laws pertaining to Occupational Safety and Health (OSH) for the formal labour to HBWs. The Government shall also take steps to provide women HBWs workers with basic and reproductive health care, HIV/AIDS prevention care, VCT and mother and child health care through the Employees Social Security Institutions' (ESSIs) and other available health outlets. The women HBWs workers shall be brought under the purview of any existing or proposed legislation on sexual harassment at workplace and domestic violence against women.

V.3 Social Security Benefits

The Government shall encourage the provincial governments to extend the social security benefits currently applicable only to workers in the formal organised sector of employment to the HBWs through enactment or amendment in their respective laws relating to ESSIs.

The benefits under laws include (but are not limited to) the following: old-age pension funds, workers' welfare funds, general and reproductive health services for workers and their families, maternity care, child care and education, death, disability and accident insurance benefits, housing, legal counselling services, and last but not least, support for disaster risk reduction, preparedness, mitigation, reconstruction and rehabilitation. Insurance of HBWs against accident, disability and death shall also be the mandatory responsibility of the employers.

V.4 Literacy, Basic and Adult Education

The Government shall take a holistic view of the educational needs of HBWs, particularly of women and girl child workers, and shall address them together. Basic functional literacy and numeracy shall be introduced alongside the above-cited skills training programmes for HBWs, especially through the collaboration of the provincial Departments of Education.

The Government shall make efforts to persuade the mothers and fathers among the HBWs to enrol their children and especially daughters in regular schools or non-formal education classes especially through the provincial Departments of Social Welfare. The Federal and Provincial Governments shall undertake appropriate legislation for the provision of, and access to, universal, compulsory and free education for the children of HBWs.

V.5 Registration of Home-based Workers

The Government shall devise a mechanism for the mandatory and free registration of all HBWs, in all public and private sectors of the economy, especially industries, through a tiered system at the Federal, Provincial, District, Tehsil/Taluka and Union Council levels. The details of this mechanism will be formulated in consultation with all the relevant federal line Ministries and provincial Departments, in order to avoid duplication and to promote coordination. Registration will automatically entitle HBWs to social protection and insurance provisions.

VI. ROLES AND RESPONSIBILITIES

VI.1 Gender-Disaggregated Data Collection and Research

The Federal and Provincial Governments shall undertake appropriate measures to include HBWs in the decennial Population Censuses, annual Labour Force Surveys (LFSs), and all other national and provincial data collection exercises, which will be disaggregated by gender and rural-urban location. This will also be looked into with regard to all research on living standards and poverty measurement. In addition, the data base will include provisions for documenting the various paid work of women HBWs, such as their contribution in agriculture, construction, mining or brick kiln sectors.

The Ministry of Labour and Manpower in collaboration with Ministry of Women Development will ensure that these measures are taken and institutionalised within the Population Census Organization (PCO), Federal Bureau of Statistics (FBS), and other data collection and research institutions. For the Population Census planned in the latter part of 2011, it will be ensured that a column on HBWs is added to the data enumeration form as “place of work (f/m)”.

VI.2 Ensuring Resources and Gender Budgeting

The Government shall endeavour to see that all the measures enunciated in this Policy as well as the subsequent legislative and administrative measures, including data collection, registration and provision of social security benefits to HBWs are carried out through budgeting, earmarking, allocation and timely disbursement of funds. The Government shall also ensure that gender audits are carried out annually to ensure that gender budgeting is being implemented in both letter and spirit.

The Government shall make efforts to mainstream and institutionalise these activities in each of the respective Ministries/Departments and entities to promote ownership and permanently institutionalised gender-responsive budgeting and auditing in the public sector. This would preclude a wider ownership of HBWs’ issues in all the respective Ministries/Departments and entities that are to be involved in implementing this Policy.

VI.3 Mainstreaming in Policies and Poverty Reduction Initiatives

The Government would fulfil its responsibility in providing Social Protection and Poverty Reduction measures for HBWs, who shall be given priority in the public sector poverty reduction initiatives and programmes, such as: food stamps, food-for-

work, ration cards and the like. It shall also mainstream and integrate HBWs' concerns in other relevant Policy documents. In this regard, relevant policies and strategies, such as: the Poverty Reduction Strategy Paper (PRSP-II) and Poverty Alleviation Strategy, etc along with the national Trade, Labour, Employment and Social Welfare Policies will be revisited for further engendering. Furthermore, the traditional Bait-ul-Maal and Zakat administration systems for Social Protection will be revamped, in line with the Government's commitment to achieving the Millennium Development Goals (MDGs) and adherence to the provisions of the ICSECR, CRC and CEDAW.

VI.4 Regulating Equal and Fair Treatment in Private Sector

The Federal and Provincial Governments and Local Bodies, as well as concerned institutions in public and private sector, shall endeavour to convince industry and business owners, employers and their intermediaries that from their own long-term self-interest perspective, it is their inherent Corporate Social Responsibility (CSR) to:

- (a) ensure and protect the rights and benefits of HBWs;
- (b) enhance their traditional skills and upgrade their capacities for improved and standardised quality products; and
- (c) provide them decent wages and conducive working conditions.

VI.5 Addressing HBWs' Concerns at Regional and International Fora

The Federal Government shall take steps to advocate the cause of HBWs at the highest decision-making levels at the South-Asian level and at the United Nation forums. At the South Asian regional level, the Government shall take steps to address HBWs' concerns at the South Asian Association for Regional Cooperation (SAARC) Summit platform for collective decision-making, e.g. the need for giving adequate considerations on the ratification of C-177 and R-198.

At the International level, the Government would work with the UN agencies, especially the UN-Women and ILO, as well as the other relevant international development agencies, to bring its labour and employment policies and laws into conformity with those of the relevant international instruments, and shall participate in experience-sharing and learning of best practices pertaining to HBWs, for adaptation and utilisation.

VI.5 Protecting HBWs through Greater Market Access in Industrialised Countries

The Government would work for facilitating retail platforms for the products of HBWs throughout the SAARC region and to encourage SAARC Governments to

collectively negotiate with the Organisation for Economic Cooperation and Development (OECD) countries for greater market access through preferential or zero tariffs to the South Asian HBWs' products collectively in order to protect the communities of home-based workers. .

The Government would also endeavour to undertake worldwide Trade Promotion Initiatives (TPIs) specific to home-based products through the Ministry of Commerce, the Trade Development Authority of Pakistan (TDAP) and through the Chambers of Commerce and Industry, thereby bringing HBWs into the mainstream of trade promotion as is currently being done for the formal organised sector products.

VI.6 Ensuring Access to Information and Technological Advances

The Government shall work cooperatively with the public and private entities, including non-governmental organisations to bring both the hardware and software of information communication technology to HBWs, in order to facilitate the linkages and networks of HBWs and to increase their productivity. The Government shall also work with national networks to encourage the print and electronic media in both the public and private sectors, to focus on the situation and needs of HBWs, particularly the needs of women HBWs.

The Government shall also undertake special efforts to create, facilitate or provide circumstances whereby the HBWs are able to benefit from the technological advances, especially the increasing focus on the safety of the tools of their trades, quality-enhancement technology, and labour-and time-saving devices. Since the increasing feminisation of poverty is partly also due to women's continuing lack of information on and access to information communication technology, steps shall be taken to overcome these constraints.

VII. IMPLEMENTATION AND ENFORCEMENT

The main implementing agencies for the Policy shall work under the mandate of the Provincial Governments in close collaboration with the Local Bodies; and they will be guided by the national Plan of Action (NPA) and their respective Provincial Plan of Action (PPA). The Action Plans may also suggest or establish inter-sectoral and inter-ministerial steering group, including representation from the national/Pakistani civil society organisations, at the federal and provincial level, to oversee the effective and timely implementation of the Policy.

VII.1 Plan of Action for Implementation of National Policy

The Federal and Provincial Governments shall prepare comprehensive Plans of Action for implementing this Policy. The Plan of Action shall be widely shared and consultations held at the provincial and national levels to ensure its feasibility and acceptability to all. Once the various stakeholders have endorsed it, its implementation shall start, using time-bound, results-oriented and objectively verifiable indicators.

The national and provincial Plans of Action shall clearly elaborate the rights and benefits of the HBWs, roles and responsibilities of Federal and Provincial Governments, and Local Authorities, in addition to the functions of the other stakeholders. The Plans will also lay down the enforcement mechanisms for the implementation of this Policy, particularly regarding access to credit and markets, and the forums and processes of conflict resolution.

VII.2 Inclusion in Labour and Employment Policies and Legislation

The Federal and Provincial Governments shall undertake a legislative review process of the National Employment Policy and the draft laws with regard to Employment and Services Conditions, OSH, etc., as well as the Labour Inspection Policy (2006), the Labour Protection Policy (2006) and the Labour Policy (2010). Possibilities of ratification of ILO Convention 177 will be explored together with according recognition of HBWs as workers, and the protection of their rights, in accordance with this Policy.

The Governments shall ensure that the any such review process and or initiation of new legislative measures will be inclusive and through a quadripartite consultation process, involving the representation of the Employers, HBWs, trade unions and other networks and cooperatives working with HBWs, as well as different entities representing employers, business community and chambers of commerce etc.

VII.3 Dispute and Conflict Resolution Mechanisms

The Government shall work with the provincial governments to ensure that all existing dispute/conflict resolution institutions of the Ombudsperson, Government tribunals, tripartite mechanisms, Labour Courts, and Local Bodies systems are explored for this purpose, in a quadripartite consultative manner, involving all the stakeholders. It shall also be ensured that a grievance reporting and redressal mechanism shall be available to women HBWs under the existing or forthcoming laws relating to sexual harassment of women at workplace or domestic violence against women, if such an adverse situation arises.

VII.4 Ensuring Participation of Local Governments

The Provincial Governments shall ensure that the Local Bodies, particularly women councillors, play a key role in the implementation of various measures stipulated in this Policy. The Provincial Governments in collaboration with Local Bodies will ensure that councillors make special efforts to identify HBWs in their respective locations, as well as to collect data on HBWs, and also assist in the registration of HBWs, which are the most crucial links in the process. The Plan of Action shall lay special emphasis on the role of Local Bodies for delivering the benefits of this policy to the HBWs.

VII.5 Ensuring Participation of Women Parliamentarians and National Commission on Status of Women (NCSW)

The Federal and Provincial Governments shall ensure the involvement of women Parliamentarians, at the federal and provincial levels, to facilitate the process of legislative action in the interests of HBWs. The Federal Government shall also encourage and involve the National Commission on the Status of Women (NCSW), as a Permanent Statutory body, in its mandated umbrella watchdog functions, in monitoring the implementation of this National Policy on HBWs, and, where the need arises, also in the above-cited dispute and conflict resolution mechanisms and processes.

VIII. COORDINATION AND MONITORING

VIII.1 Institutional Mechanisms for Coordination and Monitoring

The Federal and Provincial Governments shall set up inter-ministerial and cross-sectoral autonomous bodies, at the federal and provincial level, on the basis of public and private partnership to coordinate the efforts to be undertaken for the implementation of this Policy. These “Policy Steering and Coordination Committees” shall be empowered to carry out the required overseeing and monitoring of the functions of various stakeholders, including the roles and responsibilities of respective Governments, as well as those of employers or intermediaries of the HBWs.

The Federal and Provincial Governments shall also ensure that mechanisms created or set up for the purpose of this Policy are also linked with the coordinating and monitoring role of the Planning Commission and its provincial counterparts; and the concerns of HBWs are reflected in the *“Social Protection Strategy to Reach the Poor and the Vulnerable”*, for further strengthening the policy framework for the protection and promotion of the rights and benefits of HBWs.

VIII.2 Reporting and Accountability

The Government shall ensure that Sub-Committees are formed under the inter-sectoral and inter-ministerial “Policy Steering and Coordination Committees”, at the federal and provincial level, to perform the role of reporting and accountability under this Policy. The Sub-Committees, established for the purpose may appoint Focal Persons in the relevant Ministries/Provincial Departments with the assigned role of maintaining liaison with the private sector stakeholders relating to home-based work and with the networks, trade unions and other associations working with HBWs; and to report back to the Sub-Committees the progress made in pursuance of the objectives of this Policy and the constraints faced during its implementation.

IX. THE WAY FORWARD

The goals of the Policy is to recognise and accept HBWs in their own right through legislative and administrative actions; accord legal equality; focus on their needs, concerns and demands through an institutional approach of gender mainstreaming at all levels. This Policy, providing a framework for the protection and promotion of the rights of HBWs and social protection coverage as well as ensuring work under decent work conditions, does need a road map for its effective implementation. The preceding sections have clearly pointed out areas of actions to be undertaken in a participatory and coordinated manner for mainstreaming HBWs. The role of Provincial Governments already highlighted by the Policy is reinforced further in the wake of 18th Constitutional amendment of 2010; labour-related matters also standing transferred to the provinces.

The HBWs are scattered and spread across the country. Outreaching and mainstreaming them is a challenge that this Policy has set for itself. However, its effective implementation is linked with “prior” actions that range from legislative and institutional changes to institutional arrangements.

IX.1 Protection and Promotion of Rights of HBWs: Changes Needed in Relevant Labour Laws

Right to organise and Bargain Collectively

The Policy lays greater stress the right of HBWs to organise and bargain collectively. The provinces, after the 18th amendment, enacted Industrial Relations Acts (IRAs). Whereas, all the provincial IRAs contain exclusion and/or limiting clauses even for a segment of the workforce engaged in the formal sector of the economy to organise and bargain collectively, they also lack provisions for the HBWs. The whole of the informal sector and those engaged in the agriculture are also excluded from the application of IRAs.

Working Conditions at the Work Places of HBWs

Currently, there is no independent law governing Occupational Safety and Health (OSH). However, a number of laws have clauses on OSH, most important being Factories Act 1934; chapter 3. All the provinces, under this Act have devised Factories Rules. The Hazardous Occupations Rules, 1963 under the authority of Factories Act is another relevant legislation. These rules not only specify some hazardous occupations but also authorize the Chief Inspector of Factories to declare any other process as hazardous. The OSH protection under this Act is available only to the factories/establishments in the organised sector.

The Policy provides for OSH measures for the HBWs. Besides making a comprehensive law on OSH, there is also a need to have specific clauses for the HBWs.

IX.2 Social Protection to HBWs: Changes Needed in Relevant Labour Laws

Currently, workers' access to social security, old age benefit and workers welfare benefits are mainly governed by: i) Provincial Employees Social Security Ordinance, 1965, ii) Workers' Welfare Fund Ordinance, 1971, and iii) Employees Old Age Benefits Act, 1976. These laws led to the establishment of Provincial Employees Social Security Institutions, Workers Welfare Fund and Employees Old Age Benefits Institution. Exclusively created for workers' social protection, these organisations have not been, as yet, able to cover all the establishments in the organised sector. Extension of their work to the HBWs is critically linked with their strengthening and developing a universal registration mechanism as well as making necessary amendments in the laws to extend coverage to the HBWs.

IX.3 Labour Inspection Extended to HBWs

Labour inspection, among others, ensures application of labour laws, and health and safety of workers at the workplaces. Existing machinery is not responding effectively to these functions even to the workplaces in the formal sector. Its extension to the HBWs would require: i) legislative changes, ii) strengthening in terms of personnel and financial resources, and iii) withdrawal of restrictions imposed in two provinces.

IX.4 Tiered System of Registration - Federal, Provincial, District, Tehsil/Taluka and Union Council

Outreaching HBWs in different localities in urban areas and rural areas would be a challenge. It will also be challenge for their registration and facilitating their access to the social security, old age benefit and workers' programmes. In this regard, the Policy lays reliance on a tiered system of registration with federal, provincial, district, tehsil/taluka and union councils as being the different tiers. This system has to be carefully worked out.

IX.5 National and Provincial Action Plans

The Policy provides for preparation of national and provincial action plans. Besides the areas indicated above, the action plans would need to carefully look into: i) data limitations, ii) access to credit and market, iii) TVET and skills development tailored to

HBWs needs, iv) ensuring minimum wage, v) universal, free and compulsory education of children of HBWs, and vi) adequate consideration of socio-cultural norms in different provinces.
