



Status of International Labour Standards in Brick Kiln Industry of Pakistan

Bisharat Ali Lanjwani *

Fehmida Aslam †

Anwar ul Mustafa Shah ‡

Abstract *This research article attempts to investigate “State of Implementation of International Labour Organization (ILO) Labour Standards in Brick Kiln Industry of Pakistan”. Based on qualitative methods, this research/investigation has tried to understand different processes and mechanisms through which the government of Pakistan is fulfilling its international obligation i.e., provision of Core Labour Rights to the workers of brick kiln industry in the country. From all its Conventions, ILO has picked 8 Conventions and grouped them under four most basic human rights as which include Conventions 87 and 98 as “The right to organize and engage in collective bargaining”, Conventions 100 and 111 as “The right to equality at work”, Conventions 138 and 182 as “The abolition of child labour” and Conventions 29 and 105 as “The abolition of forced labour”. To investigate the state of implementation of ILO Labour Standards, six districts were chosen from four provinces of Pakistan. Through focused group discussions and in-depth interviews, data was collected from brick kiln workers, brick owners, labour activists, trade unionists, labour lawyers and officials of the labour departments.*

Key Words: International Labour Organization, Labour Rights, Brick Kin Industry, Labour Laws

JEL Classification:

Introduction

There are three types of labor laws available for labours of brick kiln industry in Pakistan, i.e., International Conventions, Federal Government Laws and Provincial Government Laws. Both federal and provincial labour laws are formed to meet the international commitments done by the state of Pakistan on different international forums. In this context, conventions of International Labour Organization (ILO) bind the law to the ILO member countries that ratified the convention, and the proposal serves as a non-binding guide (Helfer, L., 2019). In various situations, the convention lays down basic principles to be applied and the relevant recommendations supplement these principles through detailed information on applications. However, the recommendations can be autonomous.

* Assistant Professor, Department of Political Science, University of Sindh, Jamshoro, Sindh, Pakistan. Email: bisharat.lanjwani@usindh.edu.pk

† Assistant Professor, Department of Political Science, University of Sindh, Jamshoro, Sindh, Pakistan.

‡ Assistant Professor, Department of Political Science, University of Sindh, Jamshoro, Sindh, Pakistan.

The ILO has passed eight core conventions which are referred to as the principles and cover four basic labour rights of the workers at workplace. These are, *first*, “Freedom of Association and Protection of the Right to Organize (Conventions No. 87& 98), *second*, “Abolition of Forced Labour (Conventions No. 29&105), *third*, “Prohibition of child labour and protection of children from worst Forms of Child Labour (Conventions No. 138 & 182) and *fourth*, “Promoting equality at workplace (Conventions No. 100&111).

Like all other sectors of economy, brick kiln industry in Pakistan is also supposed to be managed according to above labour principles of ILO. In this regard brick kilns in six districts of Pakistan from four provinces (Lahore and Rahimyar Khan from Punjab, Sanghar and Hyderabad from Sindh, Jaffarabad from Balochistan and Dera Ismail Khan from Khyber Pakhtoonkhwa) were visited to collect primary data from brick kiln workers, Brick kiln owners, labour activists and labour lawyers regarding the status of implementation of these four basic labour rights of brick kiln workers.

Following is the result shown in responses of different categories of respondents

Right to Association and Collective Bargaining

International Labour Organization (ILO) Core Conventions (No. 87 and No. 98) provide right to unionization and collective bargaining. This implies to all working areas (factories and work fields) to provide suitable conditions to the workers to form their unions and exercise the right to association and collective bargaining to secure the just wages and all monetary benefits they are entitled to.

The Constitution of Islamic Republic of Pakistan in Article 17 provides the right to association as a fundamental freedom for all citizens ([Daudpota, F., 2020](#)). “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”. This constitutional provision describes this right in detail.

During the research, status of implementation of this Labour Standard/fundamental right was asked from all the categories of respondents (as discussed in chapter third). Following are some of the sets of responses of different categories.

“We are obliged to follow the law of land, so we have provided all facilities to the brick kiln workers to form and register their unions”, said District Labour Officer during an interview in Sanghar (Sindh province).

However, in continuation, the District Labour Officer in Dera Ismail Khan pointed out a different point of view that the workers are not interested in registering the unions. According to him:

“Lot of brick kilns workers are not interested in forming their unions because they see this as wastage of time”, said district Labour Officer Dera Ismail Khan.

In same way District Labour Officer in Rahimyar Khan endorsed that their office is always supportive for the brick kiln workers.

He said:

“We are supporting the brick kiln workers to register their unions”, said district Labour Officer Rahimyar Khan.

It is observed that the brick kiln owners normally don't disagree with the laws which

protect the rights of brick kiln workers. Regarding forming the association and collective bargaining they looked supportive.

Following is the response from one of the brick kiln owner;

“We have no objection if any of the worker go and register union”, said Basit Khan, a brick kiln owner in Jaffarabad district in his interview.

However, regarding union formation, in group discussion with brick kiln workers, response was contradictory to what the district Labour Officers, and brick kiln owners stand for.

The words of some of the workers are quoted here:

“We the workers don’t even know that any union of brick kiln workers has ever registered in our district”, said Eden Noonari during group discussion with brick kiln workers in Sanghar district.

One of the workers identified a very important point regarding issues involved at the local level, he said:

“Whenever we visit the Labour Officer, we are asked about our employment identity which we cannot prove because brick kiln owner do not provide us any employment letter /card”, said Nazeer Khaskheli, a brick kiln worker from district Sanghar during group discussion.

Some workers described very important issue and described a very significant point of view;

“We the workers don’t even know that any union of brick kiln workers has been registered in our district. We have approached the labour department but their response always been pro-employer. They asked for the data of brick kiln workers which we provided many times but we still have not received the registration certificate of our union”. Mr. Eidan Noonari.

Many studies revealed that there are so many issues in the process of formation of union. Views of labours activists are not different regarding this this issue,

“There are issues in the laws which explain the process of registration of workers unions so lot of workers can’t get the union registered with the labour department”, said Dr. HyderMalookani, a labour activist associated with Green Rural Development Organization.

However, seasoned labour activists and people with lot of experience of working for the rights of workers give another view point which says that there is no problem with the laws but the issue is of implementation.

“There is no issue with the laws which deal the registration of workers union but the issue is the implementation of laws in far flung areas where these brick kilns are situated”, said Karamat Ali, seasoned labour activist and Director of Pakistan Institute of Labour Education and Research (PILER)

The city centers where there is active media and workers are more sensitized regarding their rights.

“There are the same law which is followed in city centers like Karachi and lot of unions of workers get registered but because workers in big cities are more sensitized to their rights and government officials also are more inclined to focus on big cities where media and other organizations strive and follow up the cases of registration of unions”, said Karamat Ali, seasoned labour activist and Director of Pakistan Institute of Labour Education and Research (PILER)

The above views of all stake holders describe that there is no major issue with the labour laws regulating the brick kiln workers right. However, the district administration dealing the registration of brick kiln workers’ unions looked very shy in describing the issues regarding the ‘process’ involved in registration. The brick kiln workers normally don’t get active response from the district labour officer. The brick kiln owners normally don’t engage in discussions on laws because they look the issue of workers against their monetary benefits. However, the government of provinces and Pakistan should revisit the ‘implementation mechanism’ to implement the laws in letter and spirit.

The Right to Equality at Work

ILO Convention 100 describes the right of Equal Remuneration while ILO Convention 111 describes the right against Discrimination (Employment and Occupation) on the basis gender or religion. The constitution of Pakistan safeguards the right to equal pay for equal work ([Weiss, A. M., 2003](#)). In addition, the 1960, 1961 and 1969 ordinances clearly state there will not be any difference in the pay given to men and women. Article 25 ensures equality before the law and equal protection of the law and states that there shall be no discrimination on the basis of sex alone (Constitution of Pakistan 1973)

According to a study, male workers earned 300 rupees per day while female workers earned 170 rupees per day ([Lanjwani, B. A., & Gaho, G. M. \(2012\)](#)) Study further identified that women earn only 32.82 per cent in skilled while men earn around 67.18 percent. Meanwhile women devote more hours per day than men. Brick kiln owners do not follow the government rules in paying the wages to the workers. During current study all the targeted categories of the respondents were asked about the status of implementation of above right of equality at work and equal remuneration. The stake holders described different views varying on different points. Following are some responses from the respondents;

“We pay the workers according to the notification of provincial government’s notification on wages” said Abdul Rehman Khan of Jaafarabad district Balochistan.

According to the analysis of Pakistan’s Labour Force Surveys for 2015-2016 and 2017-2018, the present gender pay gap of 26percent throughout Pakistan’s workforce without taking into account differences in workers’ characteristics. Pakistan consistently is performing poor in global gender report.

Given the above constitutional rights on equality, following were the responses of workers during group discussions;

“We are paid on piece-rate basis while working at the brick kilns and we do not know the minimum wage of workers”, Abdul Sattar of Rahimyar Khan said.

In continuation of above claim almost all workers described a common difficulty when demanding the fair wage from the employer;

“Many workers are working against advance/debt or peshgi so we don’t dare to ask the employer or brick kiln owner for minimum wage because while taking advance we are committed to follow the ‘unwritten rule’ of brick kiln owner”, said NanooMasih.

According to a survey report ([Pattan, 2016](#)), despite legislation on labour rights and orders from various courts in the country, around 96 pc of kiln owners do not pay men and women workers the same wages for similar work. This was also confirmed many men and women workers in the focused group discussions.

“Mainly male workers (husbands, fathers or brothers) talk to the brick kiln owners and as family women we do not deal with the wages and in many cases we do not exactly know our wages so our male members collect wages from brick kiln owners” said Hujat Bano.

Brick kiln owners have contradictory opinion from the workers and they claim that the workers (male or female) are paid on ‘piece-rate’ basis so there is no discrimination on the basis of gender or religion. One of the brick kiln owner’s opinion is given in the following;

“In fact, we hire the whole family for this job, and only one person of a family can be registered to acquire weekly wage, whatever the labor that family does,” said Shoaib Niazi, president of the Brick Kiln Owners Association.

Labour researchers and women rights’ activist support the above fact and describe the issues of women workers from gender perspective. One of the women workers’ right activist stated the situation as following;

“Most people in the rural areas, which provide most work force for brick kilns in all over Pakistan, are deeply entrenched in patriarchal set of mind and they do not consider it important that their women deal directly with the brick kiln owners/their managerial staff because that may lose their grip on money earned by the female family members”, said Zeenat Hisam, a columnist and veteran researcher on women workers issues.

The brick kiln owners all over Pakistan, more or less, describe the same point of view regarding distribution of wages to the workers. They argue that they don’t discriminate on the basis of gender or status of the workers. One of the description is given bellow;

“It has been seen that because we hire whole family for work and register a one member for pay collection and worker families normally register/submit a male member for collecting the pay from employer and it has been observed that families also don't want their women to get themselves registered,” said Abdul Samad Shiekh, a brick kiln owner of Hyderabad.

The labour activist describes that there is issue in implementation of laws regarding opportunity and equal remuneration. Following is one of the opinion.

“There are structural barriers in ending the discrimination in pay on the basis of gender and it starts right from the family social structure and values and culminates at the end where state do not fulfill its constitutional responsibilities and international commitments where it has promised to provide equal opportunities and right to equal remuneration regardless of gender and class”, said Syeda Ghulam Fatima of Bonded Labour Liberation Front, Lahore.

The above discussion prove that brick kiln owners normally go scot free because they don't do any written commitment with the brick kiln workers regarding wages. They claim that they are following the government wage notifications. The brick kiln owners oppose the idea of any type of discrimination in providing work opportunities or remuneration on the basis of gender or religion. However, the workers say they don't get remuneration on the basis of government wage notifications. The labour activists normally talk about the patriarchal structure of the society where workers (male) don't share the wages with the female co-workers.

The Abolition of Child Labour

International Labour Organization Convention No. 138 on Minimum Age and Convention No.182 on the Worst Forms of Child Labour binds the ratifying states to make it sure that children up to the age of sixteen would not be engaged in kind of work that deprives them of education and healthy growth. Under the international commitments the state of Pakistan shall take actions which shall discourage the parents, institutions, production units and organizations to employ children up to sixteen years ([UNICEF, 2017](#))

Employment under sixteen years is also prohibited in the constitution of Pakistan. The constitution of Islamic Republic of Pakistan explicitly bars the children from working in conditions that restricts their education opportunities ([Grünenfelder, J., 2010](#)). The article 11 of the Constitution of Islamic Republic of Pakistan guarantees that “no child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment”. In 2010, Article 25-A of the Pakistani Constitution was created that guarantees that it would be the responsibility of the state of Pakistan to create favorable conditions for providing free and compulsory education to all those children, regardless of gender of the child, reaching the age of five up to the sixteen years. Besides, it is left to the state to devise a framework and manner as may be determined by law.

After the 18th Amendment in the constitution of Pakistan the provincial governments have also passed laws which make the respective provincial governments responsible for making it sure that no child, girl or boy, is out of school and engaged in kind of labour hazardous for health and growth of children (UNDP, 2012).

“We continuously are alerting the brick kiln owners and also parents working at brick kilns not to engage the children up to the age of sixteen years in labour”, said District Labour Officer Dera Ismail Khan.

“We have fined many brick kiln owners for allowing the children to work in hazardous conditions”, said District Labour Officer Lahore.

However, labour activist in Punjab contradicts the above claim and their opinion describes very alarming situation of child labour.

“Labor Department Punjab’s shared data reveals that there are total of 6,090 brick kilns units in the province where some 23,642 children below the ages of 14 work, though this data itself is questionable, but if we make this as reference then such condition speaks volumes of the inability of the provincial government in implementing the laws prohibiting the child labour”, said Mahar Safdar, a labour activist associated with Bonded Labour Liberation Front Lahore.

Some labour activists are the view that those who are responsible for implementing the laws regarding abolition of child labour are on fault because their children do not face such issues. Following is one of such opinion;

“Basically, problem lies in the fact that those who are constitutionally responsible for enforcing the laws regarding compulsory education, belong to the class whose children mainly do not go in government schools, their children study in private schools and they take it very non serious when implementing the laws”, said Dr. HyderMalookani.

Labour activist in all four provinces support the above idea and are very critical of the actions of bureaucracy responsible to inforce the laws at district level.

“It is the time governments in all four provinces should work to realize the education as future investment rather than an expenditure and federal government should take lead in this regard. Administration of the public sector schooling system should be improved so as to bring more poor children into schools. Besides, a strong monitoring system should be developed so as to minimize the dropout ratio at primary schools’ level”, said Paryal Mari, a lawyer and veteran labour activist.

One point is there is no issue with the laws but lake of political will by the government machinery to implement the law. Following is the such point of view;

“In many cases there is nothing wrong with the laws passed by the central and provincial governments to discourage the child labour but the issue is those laws are universally ignored. This has resulted in the scenario where some 11 million children up to the age of sixteen years are working and are deprived of their basic right of education”, said Syed Zulfiqar Shah working with Pakistan Institute of Labour Education and Research (PILER), Karachi.

Above opinions were also seconded by the labourers and brick kiln workers in almost all four provinces during focused group discussions and individual interviews.

“We work at brick kilns as whole family and we cannot afford sending our children in schools as we do not have our permanent homes, we keep changing our work places from one brick kiln to other. Sometimes, we are compelled to change our work place from one district to the other so it is difficult for us to send our children to nearby schools”, said Abdul Raheem of Dera Ismail Khan.

There is issue of lack of confidence on the part of workers because lot of workers are hopeless regarding the future of their children. The workers are not sure whether the education could help them. During focused group discussions such opinions came in abundance. Following is one of them;

“This is our third generation which is working on brick kilns are we not hopeful sure about if we send our children in schools, they will get government jobs. Though we dream it that our children also get education in schools and colleges but we are poor and we find it fit in given conditions that our children work with us on brick kilns and support the family”, said Tajdar from district Jaffarabad, Balochistan.

Analysis of above opinions tell that there is no major issue with the laws regarding eradication of child labour. The issue lies with the lack of government efforts to implement the laws regarding eradication of child labour. Government administrative efforts are not fruitful in this regard. The brick kiln owners say they don't force anyone

to include the children in work but they are brick kiln workers themselves who engage their children in brick kiln work voluntarily.

The workers themselves describe that they are not optimistic of future of their children so they think it better to engage their children in work at early age.

Abolition of Bonded (Forced Labour)

The Constitution of Islamic Republic of Pakistan also prohibits all forms of slavery in the country. Article 3 of the Constitution of Islamic Republic of Pakistan ensures that all forms of mistreatment or exploitation are disallowed in the country. Hence, it is the fundamental right of the citizens of Pakistan to be free to move anywhere without restrictions under the peaceful conditions without endangering the citizens or national interests.

In this regard Pakistan passed an act of the parliament (Bonded Labour System Abolition Act 1992) to eradicate the menace of modern-day slavery from the country (Mehwish M, 2015). In 2001 a National Policy and Plan of Action to eradicate Bonded Labour was formulated in 2001. Besides, a framework was also given under which District Vigilance Committees (DVCs) were planned with the aim to implement the Policy and Plan of Action at district level. District Vigilance Committees' members included persons from district judiciary, worker/labourers' representative, civil society organization, employers and others. These DVCs would be headed by respective district's Deputy Commissioner.

During research opinions from different stakeholders were sought regarding eradication of bonded labour.

“As bonded labour or modern-day slavery is prohibited in the constitution of Pakistan so we are obliged to not allow anyone to engage in any kind of activity that resembles slavery”, said district Labour Officer Hyderabad.

“There are no evident cases of bonded labour in our district, but we are vigilant and warn time and again to brick kiln owners to not slave anyone on their brick kilns”, said district Labour Officer Rahimyar Khan.

“We don't force anyone for compulsory work to any of our worker. They come to us for work on their own choice and we pay them justly”, said Alam Khan, a brick kiln owner in Hyderabad district.

Almost all the government officials and brick kiln owners in the selected six districts denied any kind of slavery or bonded labour in their jurisdictions. However, the labourers/brick kiln workers, labour activists and lawyers dealing the cases of brick kiln workers had contradictory opinions.

6“Brick kiln owners don't pay us just wages because 90% of us take advances before starting work at brick kilns so we are on the mercy of brick kiln owner to pay us in whatever way he wants and we practically are not allowed to leave the workplace without his permission”, said Shamshad, a brick kiln worker at outskirts of Lahore.

Labour activists describe their field experiences and according to their observation and analysis, the issue of bonded labour is still existing in brick kiln industry because lot of brick kiln owners belong to the elite class and they have direct relations with people sitting in the provincial or national parliament. Resultantly, they normally get no

punishment if found guilty of bonding the labour. One of the labour activists described it as following:

“Most of the brick kiln owners are very powerful and some have blood relations and linkages with provincial and federal assembly members so the district administration or police don’t dare to practically monitor them”, said Syed Ghulam Fatima of Bonded Labour Liberation Front Lahore.

Senior lawyers dealing the cases of bonded labourers describe that there is no issue within the law but the poor mechanism of implementation. One of such opinion is as following;

“The law, Bonded Labour System Abolition Act 1992 is a very powerful legislation for eradication of bonded labour but unfortunately poor brick kiln workers don’t dare to engage in litigation because lot of them cannot afford the expenses required to hire lawyers”, said Faisal Siddiqui a Karachi based lawyer.

Some labour activists engaged in freeing the bonded labour describe another perspective of the matter.

“When we approach honorable courts for freeing the bonded labourers, in many cases, brick kiln owners are already alerted through their links in police department and resultantly brick kiln owners forcibly disappear the workers and torture them”, said Dr. HyderMalookani of Green Rural Development Organization.

Some of the workers described very alarming stories regarding debt bondage and told how they are being deprived of their basic human right of free movement.

“Because we live at the work place in huts provided by the brick kiln owner along our whole families so we become very vulnerable to be exploited in many ways. Though we are slaved or chained but due to our family and without any social support, we rely solely on the help of brick kiln owners so we become deaf and dumb against economic or social exploitation by the brick kiln owner”, said Mohammad Iqbal, a brick kiln worker in Rahimyar Khan.

Some workers blame themselves and see it their fate that they are in bondage. One of the workers described it as following.

“The vicious cycle of debt does not end because we have not saved money so in case when anyone of our family member gets ill or in any emergency, we look to the brick kiln owner so the debt keeps piling up”, said Wahid Bux, a brick kiln worker of district Sanghar.

Brick kiln workers blame that there is vicious nexus of brick kiln owners and officers of the labour department so the labour officers don’t care the workers. These officers normally support the brick kiln owners in any case of complain or labour violation. One of the workers described it as following;

“Government officials always support brick kiln owners as during their visits they only meet brick kiln owners or some loyal staff members of owner”, said Dildar a brick kiln worker of Lahore.

Labour in bondage in brick kiln industry in Pakistan is almost all over spreading in different forms but the government commitments are lacking the spirit of implementation of laws regarding eradication of bonded labour. The brick kiln owners

have strong union which protect their financial interests by using the direct and indirect linkages with political parties and administration from district to ministry level. Besides the workers, due to their poverty entrenched in generations, make them almost hopeless and lot of workers assume bondage as their fate.

The trade union leaders and labour activists blame the government machinery and administration is not serious in implementing the laws regarding eradication of bonded labour.

Conclusion

The data was interpreted and analyzed separately for each of the basic labour rights mentioned above and in the “discussion” section, results for each of the basic labour rights and other related variables was discussed in the light of reviewed literature and researcher’s personal observation during field visits. The results achieved from the data analysis show that during last 30 years, the government of Pakistan have done very progressive legislation regarding rights of brick kiln workers and have tried to implement also. However, the implementation mechanism regarding laws protecting the rights of brick kiln workers needs improvement. There are structural issues in labour rights implementation mechanism because the government has taken sole responsibility of labour laws implementation and labour inspection on itself while brick kiln workers have been not included at all. Besides, while forming labour inspection mechanism, women workers and workers from minority religions have been neglected.

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