

THE WEST PAKISTAN INDUSTRIAL AND COMMERCIAL
EMPLOYMENT (STANDING ORDERS)
ORDINANCE, 1968

(W. P. Ordinance VI of 1968)

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'THE WEST PAKISTAN INDUSTRIAL AND COMMERCIAL
EMPLOYMENT (STANDING ORDERS)

Preamble.

Short title, extent
and
commencemen
t.

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ORDINANCE, 1968

(W. P. Ordinance VI of 1968)

[8 March, 1968]

An Ordinance to amend and consolidate the law relating
to industrial employment in the Province of West Pakistan.

WHEREAS it is expedient to amend and consolidate the
law relating to industrial employment in the Province of West
Pakistan;

AND WHEREAS the Provincial Assembly of West
Pakistan is not in session and the Governor of West Pakistan is
satisfied that circumstances exist which render immediate
legislation necessary;

NOW, THEREFORE, in exercise of the powers
conferred on him by clause (1) of Article 79 of the
Constitution', the Governor of West Pakistan is pleased to make
and promulgate the following Ordinance:—

1. () This Ordinance may be called the West Pakistan
Industrial and Commercial Employment (Standing Orders)
Ordinance, 1968.

(2) It extends to the whole of [Pakistan] ~~{ * * * }~~.

(3) It shall come into force at once.

(4) It applies to—

'((a) every industrial establishment — or
commercial establishment — wherein
twenty or more workmen are employed,
directly or through any other person
whether on behalf of himself or any other

This Ordinance was promulgated by the Governor of West Pakistan on 8" March, 1968; approved by the Provincial Assembly

Pakistan, with amendments, on 8" May, 1968, under clause (3) of Article 79 of the Constitution of the Islamic Republic of Pakis
(1962); assented to by the Governor of West Pakistan on 18" May, 1968; and, published in the West Pakistan Gazette (Extract)

dated 22" May, 1968, pages 1922-A to 1922-L.

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Substituted by Act XXIII of 1973.

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That is the Constitution of Islamic Republic of Pakistan, 1962.

Substituted by President Order 4 of 1975, for the words "the Province of West Pakistan".
The words "except the Tribal Areas", deleted by Ordinance IX of 1972.

Extended to Tribal Areas of Balochistan by Balochistan Regulation III of 1974.

Definitions.

Deleted by Act XXIII of 1973.

person, or were so employed on any day
during the preceding twelve months;]

(c) such classes of the industrial and
commercial establishments as
Government may, from time to time, by
notification in the official Gazette,
specify in this behalf:

Provided that nothing in this Ordinance shall
apply to industrial and commercial establishments carried on by
or under the authority of the ?[Federal] or any Provincial
Government, where statutory rules of service, conduct or
discipline are applicable to the workmen employed therein *[:]

[Provided further that the provisions of
Standing Orders 10-B and 11, clauses (6) and (8) of Standing
Order 12 and Standing Order 15 shall not apply, in the first
instance, to any industrial establishment wherein not more than
forty-nine persons were employed on any day during the
preceding twelve months but Government may, by notification
in the official Gazette, extend all or any of the said provisions
to any such industrial establishment or any class of such
establishments.

2. In this Ordinance, unless there is anything repugnant in
the subject or context—

(a) "collective agreement" means an agreement in
writing intended to specify the conditions of
employment, and entered into between one or
more employers on the one hand, and one or
more trade unions or, where there is no trade

Substituted by Act XLVIII of 1974, for "Central".

Substituted by Act XXIII of 1973, for the full-stop.

Added ibid.

1 Inserted by Act XXIII of 1973.

(b)

[(bb)

union, the duly authorised representatives of workmen, on the other;

"commercial establishment" means an establishment in which the business of advertising, commission or forwarding is conducted, or which is a commercial agency, and includes a clerical department of a factory or of any industrial or commercial undertaking, the office establishment of a person who for the purpose of fulfilling a contract with the owner of any commercial establishment or industrial establishment, employs workmen, a unit of a joint stock company, an insurance company, a banking company or a bank, a broker's office or stock-exchange, a club, a hotel, a restaurant or an eating house, a cinema or theatre, and such other establishment or class thereof, as Government may, by notification in the official Gazette, declare to be a commercial establishment for the purpose of this Ordinance;

"construction industry" means an industry engaged in the construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, dam, viaduct, sewer, drain, water work, well, telegraphic or telephonic installation, electrical undertaking, gas work, or other work of construction as well as the preparation for, or

laying the foundations of, any such work or structure; |

(c) "employer" means the owner of an industrial or commercial establishment to which this Ordinance for the time being applies, and includes—

(i) in a factory, any person named under clause (e) of sub-section (1) of section 9 of the Factories Act, 1934 (XXV of 1934), as manager of the factory;

(ii) in any industrial establishment under the control of any department of the [Federal] or any Provincial Government, the authority appointed by such Government in this behalf, or where no such authority is so appointed, the head of the department;

(iii) in any other industrial or commercial establishment, any person responsible to the owner for the supervision and control of such establishment;

(d) "go-slow" means an organised, deliberate and purposeful slowing down of normal output of work by a body of workers in a concerted manner and which is not due to any mechanical defect, break-down of machinery, failure or defect in power supply, or in the supply of normal materials and spare parts of machinery;

(e) "Government" means *[the Provincial

1 Substituted by Act XLVIII of 1974, for the word "Central",

2 Substituted by President Order 4 of 1975, for the words "Government of West Pakistan".

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(g)

"[(h)

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Substituted by Act V of 1972.

Added by Act XXIII of 1973.

Added ibid.

Government;]

"industrial establishment" means—

@)

(i)

(iii)

'Ldv)

Lv)

an industrial establishment as defined in clause (ii) of section 2 of the Payment of Wages Act, 1936 (IV of 1936); or

a factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934); or

a railway as defined in clause (4) of section 3 of the Railways Act, 1890 (Ix of 1890); or

the establishment of a contractor who, directly or indirectly, employs workmen in connection with the execution of a contract to which he is a party, and includes the premises in which, or the site at which, any process connected with such execution is carried on;

Explanation— "Contractor" includes a sub-contractor, headman or agent; ?[or]

the establishment of a person who, directly or indirectly, employs workmen

in connection with any construction industry;]

"Standing Orders" means the Orders contained in

the Schedule, read with such modifications, if any, as may be made in pursuance of the provisions of section 4;

"trade union" means a trade union for the time being registered under the Industrial Relations Ordinance, 1969 (XXIII of 1969);]

Now repealed; and replaced by the Balochistan Industrial Relation Act, 2010 (Act XIII 2010): published in the Balochistan Gaz

(Extraordinary) No. 147, dated 22" February, 2011.

Enforcement of
Standing
Orders.

Modification of
Standing
Orders.

Posting of Standing
Orders.

Inspectors.

1
2

(i) "workman" means any person employed in any industrial or commercial establishment to do any skilled or unskilled, manual or electrical '[work) for hire or reward.

3. In every industrial or commercial establishment, conditions of the employment of workmen and other incidental matters shall, subject to the other provisions of this Ordinance, be regulated in accordance with the Standing Orders.

4. The Standing Orders may be modified by means of a collective agreement and not otherwise:

Provided that no such agreement shall have the effect of taking away or diminishing any right or benefit available to the workmen under the provisions of the Schedule.

5. The text of the Standing Orders shall be prominently posted and kept in a legible condition by the employer in English and Urdu, and in the language understood by the majority of his workmen on special boards to be maintained for the purpose at or near the entrance through which the majority of the workmen enter the industrial or commercial establishment and in all departments thereof where the workmen are employed.

6. (1) The Inspectors of Mines appointed under section 4 of the Mines Act, 1923 (IV of 1923), the Inspectors appointed under section 10 of the Factories Act, 1934 (XXV of 1934), and such other persons, not being ?[conciliators appointed under the Industrial Relations Ordinance, 1969? (XXVIII of 1969)], as Government may, by notification in the official Gazette, appoint, shall be the Inspector for the purposes of this Ordinance within the local limits assigned to each.

(2) An Inspector may at all reasonable hours enter on any premises and make such examination of any register or

document relating to the maintenance or enforcement of the

Substituted by Act XXIII of 1973, for the word "labour".

Substituted by Act XXIII of 1973, for "Conciliation Officers appointed under the West Pakistan Industrial Disputes Ordinance, 1

3 Now repealed and replaced by the Balochistan Industrial Relation Act, 2010 (Act XIII 2010), published in the Balochistan Gazette (Extraordinary) No. 147, dated 22nd February, 2011.

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Penalties and
procedure.

Standing Orders and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for carrying out the purposes of this Ordinance.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code (XLV of 1860).

7. () An employer who modifies the Standing Orders as applicable to his industrial or commercial establishment, otherwise than in accordance with section 4, shall be punishable with fine which may extend to five thousand rupees and in the case of a continuing offence, with a further fine which may extend to two hundred rupees for every day after the first day during which the offence continues.

(2) An employer who does any act in contravention of the Standing Orders as applicable to his industrial or commercial establishment shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing offence, with a further fine which may extend to twenty-five rupees for every day after the first day during which the offence continues.

(3) Whoever contravenes any of the provisions of this Ordinance, shall, if no other penalty is elsewhere provided by or under this Ordinance for such contravention, be punishable with fine which may extend to one hundred rupees.

(4) Whoever having been convicted of any offence punishable under sub-sections (1), (2) or (3), again commits such offence shall, on conviction, be liable to double the punishment prescribed for such offence under the aforesaid sub-sections.

(5) No prosecution for an offence punishable under this Ordinance shall be instituted except by, or with the previous permission in writing of the Inspector.

'1(6) No Court other than a Labour Court established under the Industrial Relations Ordinance, 1969 (XXIII of 1969),

+ Substituted by Labour Laws (Amendment) Act, 1976 (Act XI of 1976); and published in the Gazette of Pakistan, Extraordina

>[Deleted]

Power to exempt.

Protection to
existing
conditions of
employment.

Repeal.

shall try any offence under this Ordinance.]

[7-A. Offences Cognizable— Deleted]

8. Government may subject to such conditions as it thinks fit to impose by notification in the official Gazette, exempt any industrial or commercial establishment or class of such establishments from all or any of the provisions of this Ordinance.

9. Nothing in this Ordinance shall affect law, custom, usage, award or agreement in force immediately before the promulgation of this Ordinance in so far as such law, custom, usage, award or agreement ensures conditions of employment more favourable to workmen than those provided in the Standing Orders.

10. The Industrial and Commercial Employment (Standing Orders) Ordinance, 1960? (III of 1960), in its application to the Province of West Pakistan, is hereby repealed.

(See Schedule on next page)

1 Section 7-A inserted by Ordinance IX of 1972; and omitted by Act XXIII of 1973; published in the Gazette of Pakistan, Part I,

2

February, 1973.

This Ordinance was made by the President of Pakistan on 7" October, 1958 to repeal and, with certain amendments, re-enact Industrial Employment (Standing Order) Act, 1946; and published in the Gazette of Pakistan, Extraordinary, dated 3" February

Now repealed under section 10.

Classification of 1. (a)
workmen.

(b)

(c)

(d)

(e)

1 Added by Act XXIII of 1973.

SCHEDULE
STANDING ORDERS

[SECTION 2(g)]

Workmen shall be classified as—

(1) permanent,

(2) probationers,

(3) badiis,

(4) temporary,

(5) apprentices.

A "permanent workman" is a workman who has been engaged on work of permanent nature likely to last more than nine months and has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial or commercial establishment, including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal lock-out or strike) or involuntary establishment [and includes a badlis who has been-employed for a continuous period of three months or for one hundred and eighty-three days during any period of twelve months.]

closure of the

consecutive

A "probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three

months service therein. If a permanent employee is employed as a probationer in a higher post he may, at any time during the probationary period of three months, be reverted to his old permanent post.

A "badli" is a workman who is appointed in the post of a permanent workman or probationer, who is temporarily absent.

A "temporary workman" is a workman who has been engaged for work which is of an essentially

temporary nature likely to be finished within a period not exceeding nine months.

'(f) An "apprentice" is a person who is an apprentice within the meaning of the Apprenticeship Ordinance, 1962 (LVI of 1962).]

Tickets. 2. () Every workman employed in an _ industrial establishment shall be given a permanent ticket unless he is a

+ Substituted by Act XXIII of 1973.

probationer, a badli, a temporary workman or an apprentice.

(2) Every permanent workman shall be provided with a departmental ticket, showing his number, and shall on being required to do so, show it to any person authorised by the employer to inspect it.

(3) Every badli shall be provided with a badli card, on which shall be entered the days on which he has worked in the establishment, and which shall be surrendered if he obtains

permanent employment.

(4) Every temporary workman shall be provided with a temporary ticket which he shall surrender on his discharge.

(5) Every apprentice shall be provided with an apprentice card, which shall be surrendered if he obtains permanent employment.

Terms and '[2-A. Every workman at the time of his appointment, transfer conditions of or promotion shall be provided with an order in writing,

+ Added ibid.

service to be
given in
writing.

Publication of
working time.

showing the terms and conditions of his service.]

3. The periods and hours of work for all classes of workmen in each shift shall be exhibited in Urdu and in the principal language of workmen employed in the industrial or commercial establishment on notice boards maintained at or near the main entrance of the establishment and at the time-keeper's office, if any.

Publication of
holidays and
pay days.

Publication of wage
rates.

Shift working.

4. Notices specifying (a) the days observed by the
Industrial or commercial establishment as holidays and (b) pay
days shall be posted on the said notice boards.

5. Notices specifying the rates of wages payable to
all classes of workmen and for all classes of work shall be
displayed on the said notice boards.

6. More than one shift may be worked in a department or
any section of a department of the industrial or commercial

establishment at the discretion of the employer.

If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. No shift working shall be discontinued without one month's notice being given prior to such discontinuance, provided that no such notice shall be necessary, if, as a result of the discontinuance of the shift, no permanent employee will be discharged. If as a result of discontinuance of shift working, any permanent workmen are to be discharged they shall be discharged having regard to the

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length of their service in the establishment, those with the shortest term of service being discharged first. If shift working is restarted, a week's notice thereof shall be given by posting notice at the main entrance of the establishment and the time-keeper's office, if any, and the workmen, discharged as a result of the discontinuance of the shift, shall, if they present themselves at the time of the restarting of the shift, have preference in being re-employed, having regard to the length of their previous service under the establishment, those with the

Attendance and late

coming.

Leave.

1

Substituted by Act XXIII of 1973.

longest term of service being re-employed first.

7. All workmen shall be at work at the establishment at the time fixed and notified under Standing Order 3. Workmen attending late shall be liable to the deduction provided for in the Payment of Wages Act, 1936 (IV of 1936).

8. [1] Holidays and leave with pay shall be allowed as hereinafter specified: —

(a) annual holidays, festival holidays, casual

1 Deleted by Act XXIII of 1973.

2

Deleted ibid.

leave and sick leave as provided for in
Chapter IV-A of the Factories Act, 1934
(XXV of 1934); and

(b) other holidays in accordance with the
law, contract, custom and usage. |

(2) A workman who desires to obtain leave of
absence shall apply to the employee, who shall issue orders on
the application within a week of its submission or two days
prior to the commencement of the leave applied for, whichever
is earlier provided that if the leave applied for is to commence
on the date of the application or within three days thereof the
order shall be given on the same day. If the leave asked for is
granted, a leave pass shall be issued to the workman. If the
leave is refused or postponed, the fact of such postponement or
refusal and the reasons therefor shall be recorded in writing in a
register to be maintained for the purpose, and if the workman so
desires, a copy of the entry in the register shall be supplied to
him. If the workman after proceeding on leave desires an
extension thereof he shall apply to the employer who shall send
a written reply either granting or refusing extension of leave to
the workman if his address is available, and if such reply is
likely to reach him before the expiry of the leave originally
granted to him.

[Deleted]

Payment of wages.

[Group incentive

1

Deleted ibid.

2 Inserted by Ordinance IX of 1972.

[9. Casual Leave— Deleted]

10. () Any wages due to the workman but not paid on the usual pay day on account of their being unclaimed, shall be paid by the employer on an unclaimed wages pay day in each week, which shall be notified on the notice boards as aforesaid.

(2) All workmen shall be paid wages on a working day before the expiry of the 7" or 10" day after the last day of the wage period, in respect of which the wages are payable if the total number of workmen employed in the establishment is 1,000 or less or exceeds 1,000 respectively.

10-A. (1) In every industrial establishment which is a

scheme.

factory and in which fifty or more workmen are employed there shall be introduced from such date as may be specified by the Provincial Government, by notification in the official Gazette, a group incentive scheme to provide incentive for greater production to groups of workmen employed in the factory. The scheme shall provide the manner in which the performance of different groups of workmen, whether in the same section, shop, department or shift or in different sections, shops, departments or shifts, shall be evaluated.

(2) The incentive shall be in the form of additional wages or additional leave with wages or in both such forms to the members of the group of workmen whose production exceeds that of the other groups or the average of all the groups. The incentive shall be according to such scales as may be prescribed and shall be related to the event of the excess production achieved by the group with the best performance.]

'(Compulsory
Group
Insurance.

Rone

Inserted by Ordinance IX of 1972.

Inserted by Act XI of 1976.

10-B. (1) The employer shall have all the permanent workmen employed by him insured against 7[natural death and disability and] death and injury arising out of contingencies not covered by the Workmen's Compensation Act, 1923 (VIII of 1923), or the +[Provincial Employees Social Security Ordinance, 1965] (W. P. Ordinance No. X of 1965).

(2) The employer shall in all cases be responsible for the payment of the amount of premia and for all administrative arrangements whether carried out by himself or through an insurance company.

(3) The amount for which each workman shall be insured shall not be less than the amount of compensation, specified in Schedule IV to the Workmen's Compensation Act, 1923 (VIII of 1923).]

4((4) Where the employer fails to have a permanent workman employed by him insured in the manner laid down in

Substituted by President Order No. 4 of 1975, for the words "West Pakistan Social Security Ordinance, 1965".

Inserted by Act XLVIII of 1974.

'TPayment of bonus.

1 Inserted by Ord. IX of 1972.

2 Inserted by Act XXIII of 1973.

clauses (1), (2) and (3) and such workman suffers death or injury arising out of contingencies mentioned in clause (1), the employer shall pay, in the case of death, to the heirs of such workman, or in the case of injury, to the workman, such sum of money as would have been payable by the insurance company had such workman been insured.

(5) All claims of a workman or his heirs for recovery of money under clause (4) shall be settled in the same manner as is provided for the determination and recovery of compensation under the Workmen's Compensation Act, 1923 (VIII of 1923).]

10-C. (1) Every employer making profit in any year shall pay 7[for that year within three months of the closing of] that year to the workmen who have been in his employment in that year for a continuous period of not less than ninety days a bonus in addition to the wages payable to such workman.

(2) The amount of the bonus payable shall—

(a) if the amount of the profit is not less than the aggregate of one month's wages of

Ins. by Act XXIII of 1973.

the workmen employed, be not less than the amount of such aggregate, subject to the maximum of thirty present of such profit;

'Illustration 1— If the profit is Rs. 1,20,000.00 and the aggregate of one month's wages of the workmen is Rs. 30,000.00, the amount of bonus, payable shall be not less than the aggregate of one month's wages, that is to say, Rs. 30,000.00.

Illustration 2— If the profit is Rs. 30,000.00 and the aggregate of one month's wages of the workmen is also Rs. 30,000.00, the amount of bonus payable shall be not less than thirty per cent of the profit, that is to say, Rs. 9,000.00.]

(b) if the amount of the profit is less than the aggregate referred to in paragraph (a), be not less than fifteen percent of such profit.

(3) The bonus payable to a workman entitled thereto under clause (1) shall bear to his monthly wages the same proportion as the total bonus payable by the employer bears to the aggregate of the wages referred to in paragraph (a) of clause (2) and shall be paid either in cash or in N.LT. Units of equivalent value at the option of such workman.

(4) Nothing in this section shall be deemed to affect the right of any workman to receive any bonus other than that payable under clause (1) to which he may be entitled in accordance with the terms of his employment or any usage or any settlement or an award of a Labour Court established under the Industrial Relations Ordinance, 1969¹ (XXIII of 1969).

Explanation—For the purpose of this section—

(a) "N.LT. Units" mean the Units referred to

1 Now repealed and replaced by the Balochistan Industrial Relation Act, 2010 (Act XIII 2010): published in the Balochistan Gazette (Extraordinary) No. 147, dated 22nd February, 2011.

Stoppage of work.

1

in the National Investment (Unit) Trust

Ordinance, 1965 (VII of 1965);

(b) "Profit" means the "net profits" as defined in section 87-C of the Companies Act, 1913¹ (VII of 1913); and

(c) "Wages" does not, for the purpose of calculating the bonus payable to a person under clause (1), include the bonus referred to in clause (vi) of section 2 of the Payment of Wages Act, 1936 (IV of 1936).]

11. qd) The employer may, at any time, in the event of fire, catastrophe, break-down of machinery or stoppage of power supply, epidemics, civil commotion or other cause beyond his control, stop any section or sections of the establishment, wholly or partially, for any period or periods without notice.

(2) In the event of such stoppage during working hours, the workmen affected shall be notified by notices put up on the notice board in the departments concerned or in the office of the employer, as soon as practicable, when work will be resumed and whether they are to remain or leave their place of work. The workmen shall not ordinarily be, required to remain for more than two hours after the commencement of the stoppage. If the period of detention does not exceed one hour, the workmen so detained shall not be paid for the period of detention. If the period of detention exceeds one hour, the workmen so detained shall be entitled to receive wages for the whole of the time during which they are detained as a result of the stoppage. In the case of piece-rate workers, the average daily earning for the previous month shall be taken to be the daily wage. Wherever practicable reasonable notice shall be given of resumption of normal work.

[(3) In cases where workmen are laid-off on account

Now repealed and replaced by the Companies Ordinance, 1984 (Ord. XLVII of 1984), published in the Gazette of Pakistan (Extraordinary), part I, dated 8th October, 1984, which repealed the earlier Act VII of 1913, S. 508, 7th Schedule.

2 Substituted by Act XXIII of 1973.

[Closure of
establishment.

1 Inserted by Act XIII of 1973.

2 Inserted by Act XI of 1976.

of failure of plant, a temporary curtailment of production or any stoppage or work for reasons mentioned in clause (1), they shall be paid by the employer all amount equal to one-half of their daily wages during the first fourteen days of lay-off as compensation. When, however, the workmen have to be laid-off for an indefinite period beyond the above mentioned fourteen days, their services may be terminated after giving them due notice or pay in lieu thereof.]

(4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment close down, either wholly or partially, such section or department and any other section or department affected by, such closing down. The fact of such closure shall be notified by notices put up on the notice board in the section or department concerned and in the time-keeper's office, if any, as soon as practicable. The workmen concerned shall also be notified by a general notice, prior to resumption of work, as to when work will be resumed.

11-A. Notwithstanding anything contained in Standing Order 11, no employer shall ?[terminate the employment of more than fifty per cent of the workmen or] close down the whole of the establishment without prior permission of the Labour Court in

Termination of
employment.

this behalf, except in the event of fire, catastrophe, stoppage of power supply, epidemics or civil commotion.

Explanation—'Close down' in this Standing Order includes lay-off of workmen beyond fourteen days where such lay-off results in closure of an establishment but does not include lock-out declared, commenced or continued in accordance with the provisions of the Industrial Relations Ordinance, 1969! (XXIII of 1969).]

7712. (1) For terminating employment of a permanent workman, for any reason other than misconduct, one month's notice shall be given either by the employer or the workman. One month's wages calculated on the basic of average earned by the workman during the last three months shall be paid in lieu of notice.

(2) No temporary workman, whether monthly-rated, weekly-rated, daily-rated or piece-rated, and no probationer or badli, shall be entitled to any notice if his services are terminated by the employer, nor shall any such workman be required to give any notice or pay any wages in lieu thereof to the employer if he leaves employment of his own accord.

(3) The services of a workman shall not be terminated, nor shall a workman be removed, retrenched, discharged or dismissed from service, except by an order in writing which, shall explicitly state the reason for the action

1 Now repealed and replaced by the Balochistan Industrial Relation Act, 2010 (Act XIII 2010): published in the Balochistan Gazette (Extraordinary) No. 147, dated 22nd February, 2011.

taken. In case a workman is aggrieved by the termination of his services or removal, retrenchment, discharge or dismissal, he may [take action in accordance with the provisions of] Section 25-A of the Industrial Relations Ordinance, 1969? (XXIII of 1969) and thereupon the provisions of the said section shall apply as they apply to the redress of an individual grievance.

(4) Where the services of any workman are terminated, the wages earned by him and other dues, including payment for unavailed leave as defined in Clause (1) of Standing Order 8 shall be paid before the expiry of the second working day from the day on which his services are terminated.

(5) The services of a permanent or temporary workman shall not be terminated on the ground of misconduct otherwise than in the manner prescribed in Standing Order 15.

(6) Where a workman resigns from service or his services are terminated by the employer, for any reason other than misconduct, he shall, in addition to any other benefit to which he may be entitled under this Ordinance or in accordance with the terms of his employment or any custom, usage or any settlement or an award of a Labour Court under the Industrial Relations Ordinance, 1969? (XXIII of 1969), be paid gratuity equivalent to *[thirty days], wages, calculated on the basis of the [wages admissible to him in the last month of service if he is a fixed-rated workman or the highest pay drawn by him during the last twelve months if he is a piece-rated workman], for every completed year of service or any part thereof in

Subs. by Act XXIII of 1973, for "bring his grievance to the notice of his employer in the manner laid down".

Now repealed and replaced by the Balochistan Industrial Relation Act, 2010 (Act XIII 2010): published in the Balochistan Gazette

(Extraordinary) No. 147, dated 22" February, 2011.

Word twenty was substituted by Act XXIII of 1973, for the word "fifteen"; and then, the words "thirty days" was substituted by the

Federal Act XI of 1994, for the words "twenty days".

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excess of six months:

Provided that where the employer has established a provident fund to which the workman is a contributor the contribution of the employer to which is not less than the contribution made by the workman, no such gratuity shall be payable for the period during which such provident fund has been in existence ![* * * *].

(7) A workman shall be entitled to receive the amount standing to his credit in the Provident fund, including the contributions of the employer to such fund, even if he resigns or is dismissed from service.

71(8) Where a workman dies while in service of the employer, his dependant shall be paid gratuity in accordance with the provisions of clause (6):

Provided that no payment of gratuity in such case shall be made otherwise than by a deposit with the Commissioner, who shall proceed with the allocation of the deposit to the dependant of the deceased in accordance with the provisions of section 8 of the Workmen's Compensation Act, 1923 (VII of 1923).

(9) If the employer fails to deposit the amount of the gratuity under clause (8) the dependant of the deceased may make an application to the Commissioner for the recovery of the amount thereof.

Explanation — "Commissioner" and "dependant" in this Standing Order shall have the same meanings as are respectively assigned to them in the Workmen's Compensation Act, 1923 (VII of 1923).]

The words "and this clause shall have effect as if reference therein to "the last three months" were a reference to the three months immediately preceding the establishment of the Provident Fund" deleted by Act XXIII of 1973.

Added ibid.

Procedure for 13. Where any workman is to be retrenched and he belongs retrenchment. to a particular category of workmen, the employer shall retrench the workman who is the last person employed in that

category.

Re-employment of 14. Where any number of workmen is retrenched and the retrenched employer proposes to take into his employ any person within a

workmen. period of one year from the date of such retrenchment, he shall

give an opportunity to the retrenched workmen belonging to the category concerned, by sending a notice by registered post to their last known addresses to offer themselves for re-employment, and they shall have preference over other persons each having priority according to the length of his service under the employer '[:]

?[Provided that in the case of a seasonal factory within the meaning of section 4 of the Factories Act, 1934 (XXV of 1934), a workman who was retrenched in one season and reports for duty within ten days of the resumption of work in the factory in the immediately following season [shall be given preference for employment] by the employer “[:]”]

5[Provided further that in the case of such a seasonal factory, the employer may by sending notice by registered post to the last known address of a workman who was retrenched in one season require him to report on a day specified in the notice, not being earlier than ten days before resumption of work in such factory, and if such workman so reports he shall be given preference for employment and paid full wages from the day he reports.]

[Special provisions 14-A. Where any workman is retrenched or discharged by a contractor or any employer engaged in the construction industry construction

Substituted, for the full-stop, by Ordinance IX of 1972.

Added ibid.

Substituted, for the words "shall be re-employed," by Act V of 1972

Substituted, for the full-stop, by Act XLVIII of 1974.

Added ibid.

Added by Act XXIII of 1973.

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workers.

Punishments.

due to completion, cessation or discontinuance of work, he shall be given preference for employment in any other similar work undertaken by the contractor or employer within a period of one year from the date of such retrenchment or discharge:

Provided that where a workman is re-employed within one month of his retrenchment or discharge, he shall be deemed to have been in continuous service of the contractor or employer notwithstanding the interruption caused by his retrenchment or discharge but no wages shall be paid to him for the period of interruption.]

15. qd) A workman may be reprimanded or fined in the manner prescribed under the Payment of Wages Act, 1936 (IV of 1936) upto three paisa in the rupee of the wages payable to him in a month, for any of the following acts or omissions, namely:—

(i) in case where the Payment of Wages Act, 1936 (IV of 1936), is applicable, the list of acts and omissions for which fine may be levied shall be same as approved by the Chief Inspector of Factories or any other officer concerned;

(ii) in other cases, the following shall be the list of acts and omissions:—

(a) disregard or disobedience of rules or orders;

(b) improper behaviour, such as drunkenness;

(c) making false or misleading statements;

(d) inefficient, dilatory, careless or wasteful working;

(e) malingering.

(2) A workman found guilty of misconduct shall be liable to any of the following punishments:—

(i) fine in the manner prescribed under the Payment of Wages Act, 1936 (IV of 1936), upto three paisa in the rupee of the wages payable to him in a months;

(ii) withholding of increment or promotion for a specified period not exceeding one year;

(iii) reduction to a lower post; or

(iv) dismissal without payment of any compensation in lieu of notice.

(3) The following acts and omissions shall be treated as misconduct:—

(a) wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;

(b) theft, fraud, or dishonestly in connection with the employer's business or property;

(c) wilful damage to or loss of employer's goods or property;

(d) taking or giving bribes or any illegal gratification;

(e) habitual absence without leave or absence

without leave for more than ten days;

(f) habitual late attendance;

(g) habitual breach of any law applicable to the establishment;

(h) riotous or disorderly behaviour during working hours at the establishment or any

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Inserted by Act XI of 1976.

act subversive of discipline;

(i) habitual negligence or neglect of work;

G) frequent repetition of any act or omission referred to in clause (1);

(k) striking work or inciting others to strike in contravention of the provisions of any law, or rule having the force of law;

(1) go-slow.

(4) No order of dismissal shall be made unless the workman concerned is informed in writing of the alleged misconduct [within one month of the date of such misconduct or of the date on which the alleged misconduct comes to the notice of the employer] and is given an opportunity to explain the circumstances alleged against him. The approval of the employer shall be required in every case of dismissal and, [the employer shall] institute independent inquiries before dealing with charges against a workman °[:]

4[Provided that the workman proceeded against may, if he so desires for his assistance in the enquiry, nominate any workman employed in that establishment and the employer shall allow the workman so nominated to be present in the enquiry to assist the workman proceeded against and shall not deduct his wages if the enquiry is held during his duty hours.]

(5) Where, for the purposes of conducting an inquiry into the alleged misconduct of a workman, the employer considers it necessary, he may suspend the workman concerned for a period not exceeding four days at a time *[so however, that the total period of such suspension shall not exceed four weeks except where the matter is pending before an arbitrator, a Labour Court, Tribunal or conciliator for the grant of permission under section 47 of the Industrial Relations Ordinance, 1969° (XXIII of 1969)]. The order of suspension shall be in writing and may take effect immediately on delivery

Substituted by Act XXIII of 1972, for the words "when the circumstances appear to warrant it, the employer may".

Substituted, ibid. for the full-stop.

Added ibid.

Inserted by Act XI of 1976.

Now repealed and replaced by the Balochistan Industrial Relation Act, 2010 (Act XIII 2010): published in the Balochistan Gazette (Extraordinary) No. 147, dated 22nd February, 2011.

Eviction from
residential
accommodation.

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to the workman. During the period of suspension, the workman concerned shall be paid by the employer subsistence allowance of not less than fifty per centum of the wages. If the workman is found not guilty, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been suspended.

16. qd) Notwithstanding the provisions of any law for the time being in force, including those of the West Pakistan Urban Rent Restriction Ordinance, 1959 (W. P. Ordinance No. VI of 1959), a workman occupying residential accommodation provided by his employer, who has resigned or retired, or has been retrenched, discharged or dismissed, or whose services have been terminated, shall vacate such accommodation within a period of two months from the date of his retrenchment, discharge, dismissal or termination of services, as the case may be; provided that in case of reinstatement of the workman, the employer shall be bound to provide him with similar residential accommodation from the date of such reinstatement or pay him per mensem an allowance in lieu thereof at the rate of three times the wages of the last full working day.

(2) If a workman, who has been retrenched, discharged or dismissed, or whose services have been terminated, fails to vacate any residential premises provided by the employer, within the period specified in clause (1), the employer may lodge a complaint with a magistrate of the first class having jurisdiction in the area where such residential accommodation is located.

(3) The magistrate on hearing the parties, may, notwithstanding anything contained in any other law for the time being in force, summarily decide the case and may pass an order of eviction, giving the workman a reasonable time to vacate the premises.

(4) Where a magistrate passes an order for the eviction of a workman, he may also pass an order directing a police officer to evict such workman and any other person occupying through such workman the residential accommodation in respect of which the order of eviction is made, if the workman or such other person fails to vacate the accommodation within the time allowed under clause (3).

Now "Balochistan", see Balochistan Laws Adaptation Order of 1975.

[Deleted]

[Deleted]

Certificate of

termination of
service.

Liability of
employer.

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Section 17 deleted by Act V of 1972.

(5) A police officer acting under an order of the magistrate under clause (4), shall notify the occupants of the premises in question the contents of the magistrate's order and his intention to enter on such premises, and shall allow at least two hours, time to the occupants to vacate the premises and shall give all reasonable facilities to the children and female occupants, if any, to withdraw therefrom before applying any force for taking over the possession of such premises.

(6) Where a workman occupying residential accommodation prevailed to him by the employer dies, the procedure prescribed in this Standing Order shall mutatis mutandis and so far as applicable apply, for evicting any person, who was occupying the premises through such workman, and after his death continues to remain in occupation thereof.

'117. Provident Fund— __ Deleted.]

2[18. Grievance Procedure— Deleted.]

19. Every permanent workman shall be entitled to a service certificate at the time of his dismissal, discharge, retrenchment or retirement from service.

20. The employer of the industrial and commercial establishment shall personally be held responsible for the proper and faithful observance of the Standing Orders, whether or not the workmen of such establishment are employed through contractors.

Section 18 deleted by Ordinance IX of 1972