

THE PAKISTAN MINIMUM WAGES
FOR UNSKILLED WORKERS
ORDINANCE, 1969

(W. P. Ordinance XX of 1969)

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1[SCHEDULE

'THE [*]? PAKISTAN MINIMUM WAGES FOR UNSKILLED WORKERS
ORDINANCE, 1969

(West Pakistan Ordinance XX of 1969)

[P" July, 1969]

An Ordinance to fix the minimum rates of wages for unskilled workers employed in certain commercial and industrial establishments in West Pakistan.

Preamble. WHEREAS it is expedient to fix the minimum rates of wages for unskilled workers employed in certain commercial and industrial establishments in West Pakistan;

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25 March, 1969; read with the Provisional Constitution Order, the Administrator of Martial Law, Zone 'A', in exercise of the powers of the Governor of West Pakistan conferred on him by the President and Chief Martial Law Administrator, is pleased to make and promulgate the following

Ordinance:—

Short title, extent, 1. () This Ordinance may be called the West Pakistan commencement Minimum Wages for Unskilled Workers Ordinance, 1969. t and application. (2) It extends to the whole of >[Pakistan]*.

(3) It shall be deemed to have come into force on and from the first day of July, 1969.

(4) It shall apply to every commercial and industrial establishment °[*****] but shall not apply to—

(a) persons in the service of Pakistan, as defined in 'Article 260 of the Constitution'] ;

(b) any establishment, undertaking or

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This Ordinance was promulgated by the Administrator Martial Law, Zone 'A' on 25" August, 1969 with powers of Governor; published in the W. P. Gazette (Extraordinary), dated 1' September, 1969, pages 1399-1403; saved by Article 281 of the Interim Constitution of Pakistan (1972); and validated by Act LXIII of 1975. See the Gazette of Pakistan (Extraordinary) Part-I, dated 29" July, 1975.

Word "West" omitted by Federal Ordinance LVII of 2001, effective from 1" August, 2001; published in the Gazette of Pakistan (Extraordinary), Part-I, dated 22"! October, 2001.

Substituted by P. O. 4 of 1975, for "the Province of West Pakistan, except the Tribal Areas".

Extended to the Provincially Administrative Tribal Areas of Balochistan, by Balochistan Regulation III of 1974.

Words "wherein fifty or more persons are employed or were employed on any day during the preceding twelve months," omitted by Federal Ordinance LVII of 2001, effective from 1* August, 2001.

Substituted by P. O. 4 of 1975, for the words "Article 242 of the Constitution of 1962".

i.e. the Constitution of Islamic Republic of Pakistan, 1973.

Definitions. 2. In

requires—

(a)

(b)

(c)

(d)

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installation relating to the defence services, civil armed forces, postal, telegraph and telephone services, ports, railways, fire-fighting services, electricity, gas, water-supply, public conservancy and hospitals; and

(c) any establishment or undertaking, which Government, by notification in the official Gazette, declares to be engaged in a public utility service for the purpose of this Ordinance.

this Ordinance, unless the context otherwise

"apprentice" means a learner who is paid an allowance during the period of training;

"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 purposes of this Ordinance;

"employer" means a person owning or having charge of the business of a commercial or industrial establishment and includes an agent or manager or any other person acting on behalf of such person in the general management or control of such establishment;

"Government" means the 'TProvincial

Substituted by P. O. 4 of 1975, for the words "Government of West Pakistan".

Minimum wages in

commercial
and industrial
establishments.

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Government);

"industrial area" means the districts of Hyderabad, Lyallpur, Lahore, Multan and Sheikhupura and Kotri Taluka in Dadu District, and any other area which Government may, by notification in the official Gazette, declare to be an industrial area for the purposes of this Ordinance;

"industrial establishment" means—

(i) a mine or quarry;

(ii) a workshop or other establishment in which the work of making, altering, repairing, ornamenting, finishing or packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal is carried on, or where any such service is rendered to a customer; and

(ili) = any other establishment = which Government may, by notification in the official Gazette declare to be an industrial establishment;

"wages" means all cash remuneration payable to a workman, and includes dearness allowance '[, cost of living allowance, special allowance], house-rent, conveyance allowance and any other fixed allowance, but does not include travelling allowance, gratuity or bonus;

"unskilled worker" means a worker employed to do unskilled labor; and

"worker" means any person employed in a commercial or industrial establishment.

3. Every unskilled worker, other than an apprentice,

employed in a commercial or industrial establishment situated in an area specified in column 1 of the Schedule, shall be paid

wages at a rate not lower than the minimum wages per month

specified against such area in column 2 of the Schedule:

Provided that where an employer provides housing

accommodation to a worker, he may deduct from the wages of

Inserted by Federal Act IX of 1993, effective from 1st July, 1992, published in the Gazette of Pakistan, Extraordinary, Part-I, da

April, 1993.

Responsibility for payment or minimum wages.

Agreements under duress to be void.

such a worker, an amount not exceeding that specified in column 3 of the Schedule and where the employer provides a worker with transport to and from the place of work, he may deduct from the wages of such a worker an amount not exceeding that specified in column 4 of the Schedule.

[Explanation— In this section,—

(i) month means a normal working period of twenty-six days calculated at the rate of forty-eight hours of work per week; and

Tai) "wages include cost of living allowance as admissible under the Employees Cost of Living (Relief) Act (Act I of 1974), and special allowance announced by the Government from the time to time, before the commencement of the West Pakistan Minimum Wages for Unskilled Workers (Amendment) Ordinance, 2001.]]

4. qd) Every employer shall be responsible for the payment of minimum wages required to be paid under this Ordinance to all unskilled workers employed, either directly or through a contractor, in his commercial or industrial establishment.

(2) Where an unskilled worker employed in a commercial or industrial establishment to which this Ordinance applies has been paid wages for the month of July, 1969 at a rate less than the minimum rate of wages to which he is entitled under this Ordinance, the employer shall, within thirty days of the promulgation of this Ordinance, pay such worker the difference between the amount actually paid to him and the amount to which he is entitled under this Ordinance.

5. All agreements arrived at between the employers and the workers under duress at any time during the period from the 1st day of March, 1969 to the 25th day of March, 1969, shall, with effect from the date of coming into force of this Ordinance, be void.

Explanation.— In this section the words "under

"duress" include circumstances in which due to fear either party
is in a state of mental incompetence to resist pressure

+ Inserted by Federal Ordinance LVII of 2001; published in the Gazette of Pakistan, Extraordinary, Part-I, dated 22TM October,
protected under Article 270-AA of the Constitution of Islamic Republic of Pakistan, 1973.

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improperly brought to bear due to violence or threat of violence.

Effect of laws, 6. The provisions of this Ordinance shall have, effect orders, notwithstanding anything inconsistent therewith contained in agreements, any other law or in any order or notification made or issued etc., . under any such law or in any award, agreement or contract of inconsistent .

with this Service:

Ordinance. Provided that where under any such law, order, notification, award, agreement or contract of service, other than an agreement declared to be void under section 5, an unskilled worker is entitled to wages which are higher than the minimum wages required to be paid under this Ordinance, he shall continue to be paid such higher wages.

Penalty. 7. Any employer who contravenes any provisions of this Ordinance shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

Cognizance of 8. No Court shall take cognizance of any offence under offences. this Ordinance save on a complaint made by an aggrieved worker or by an officer of a registered trade union of which such worker is a member, or any person authorized in this behalf by Government.

(See Schedule on next page)

[SCHEDULE

(See section 3)

Area Rate of minimum | Deductions for | Deductions for
wages per month providing housing | providing
accommodation transport

(1) (2) (3) (4)

Karachi District | Rs. 2[2500]/- p.m. Rs. 25/- p.m. Rs. 10/- p.m.

Industrial Areas Rs. 7[2500]/- p.m. Rs. 20/- p.m. Rs. 5/- p.m.

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Other Areas Rs. *[2500]/- p.m. Rs. 13/- p.m. Rs. 2/- p.m.

+ Substituted for the figures "1500", by Federal Act IX of 1993, effective from 1* July, 1992; published in the Gazette of Pakista

Extraordinary, Part-I, dated 10" April, 1993.

2 Substituted by Federal Ordinance LVII of 2001, effective from 1* August, 2001; published in the Gazette of Pakistan, Extraor
Part-I, dated 22TM October, 2001; Protected under Article 270-AA of the Constitution of Islamic Republic of Pakistan, 1973.