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SCHEDULE

'THE ?* *MINIMUM WAGES FOR UNSKILLED WORKERS ORDINANCE, 1969
(W.P. Ord. XX of 1969)
[/st July, 1969]

An Ordinance to fix the minimum rates of wages for unskilled workers employed in certain commercial and industrial establishment in 2* Pakistan.

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

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the provisional Constitution Order, the Administrator of Martial Law, Zone 'A', conferred on him by the President and Chief Martial Law Administrator, is pleased to make and promulgate the following Ordinance:—

1. Short title, extent, commencement and application.—(1)This Ordinance may be called the

2« * Minimum Wages for Unskilled Workers Ordinance, 1969.

(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 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 purposes of this Ordinance.

2. Definitions. In this Ordinance, unless the context otherwise requires—

(a) “apprentice” means a learner who is paid an allowance during the period of training;

'This Ord., was promulgated by the Administrator Martial law, Zone 'A' on 25th August 1969 ; published in (Extraordinary), dated 1st Sep., 1969, pages 1399-1403 ; saved by Article 281, of the Interim Constitution validated by Act LXIII of 1975.

2Omitted, by Ord. LVII of 2001, ss 2 and 3 (w.e.f 1-8-2001)

3Subs., for “the Province of West Pakistan, except the Tribal Areas”, by P. O. 4 of 1975.

4Subs., ibid., for Article 242 of the constitution of 1962.

(b)

(©)

(d)

(f)

(g)

(h)

(i)

“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 [Provincial Government] ;

“industrial area” means the districts of Hyderabad, Lyallpur, Lahore, Multan and Sheikhpura 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

(iii) — 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, house-rent, conveyance allowance 7[,cost of living allowance, special allowances] and any other fixed allowance, but does not include travelling allowance, gratuity or bonus;

“unskilled worker” means a worker employed to do unskilled labour ; and

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

'Subs., for “Government of West Pakistan”, by P. O. 4 of 1975.

*Ins by Act IX of 1993, s 2 (w.e.f. 1-7-1992)

3. Minimum wages in commercial and industrial establishments. 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 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.

'TExplanation.—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

-(ii) "wages" include cost of living allowance as admissible under the Employees Cost of Living (Relief) Act, 1973 (1 of 1974), and special allowance announced by the Government, from time to time, before the commencement of the West Pakistan Minimum Wages for Unskilled Workers (Amendment) Ordinance, 2001.]]

4. Responsibility for payment of minimum wages.—(1) 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. Agreements under duress to be void. All agreements arrived at between the employers and the workers under duress at any time during the period from the 1st March, 1969 to the 25th 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 improperly brought to bear due to violence or threat of violence.

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

'Subs. by Act IX of 1993, s. 3 (w.e.f. 1-7-1992).

? Subs., by Ord., LVII of 2001 s. 4 (w.e.f. 1-8-2001).

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

7. Penalty. 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.

8. Cognizance of offences. No Court shall take cognizance of any offence under 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 authorised in this behalf by Government.

'ISCHEDULE

(See section 3)

Area Rate of minimum wages per month Deduction for Deduction for
providing providing

housing transport

accommodation

a) @) @) (4)

Karachi Districts 2 Rs. 25/- p.m. Rs. 10/- p.m.

[8000 pm (w.e.f- 1st July, 2012 till 30th June, 2013)

Industrial area | 10000 pm (w.e.f. 1st July, 2013 till 30th June, 2014) | pg a/. p.m. Rs. 5/- p.m.

Other areas | 12000 pm (w.e.f., 1st July, 2014 till 30th June, 2015) | Rs. 13/- p.m. Rs. 2/- p.m.]

13000 pm (w.e.f. 1st July, 2015)]

'Subs. By Act IX of 1993, s. 4 (w.e.f. 1-7-1992).

*Subs. By Act VII of 2016, s. 2.