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PART I

Act, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 29th June, 1994

The following Acts of Majlis-e-Shoora (Parliament) received the assent of the President on the 19th June, 1994, and are hereby published for general information:—

ACT NO. XI OF 1994

An Act further to amend certain laws relating to workmen's compensation, payment of wages, old-age pension, social security, workers' children education, gratuity and workers' share in companies profits.

AND WHEREAS it is expedient further to amend certain laws relating to workmen's compensation, payment of wages, old-age pension, social security, workers' children education, gratuity and workers' share in companies profits for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Labour Laws (Amendment) Act, 1994.

(2) It extends to the whole of Pakistan.

(3) It shall come into force with immediate effect.

2. **Amendment of certain laws.**—The laws specified in the schedule are hereby amended to the extent and in the manner specified in the fourth column thereof.

3. **Repeal.**—The Labour Laws (Amendment) Ordinance, 1993 (Ordinance No. VII of 1994), is hereby repealed.

"SCHEDULE

(See section 2)

S. No.	Number and year of the enactment	Short title	Amendments
1.	Act No. VIII of 1923.	The Workmen's Compensation Act, 1923.	<p>(1) In Section 2, in sub-section (1), in clause (n), in sub-clause (ii), for the words "one thousand five hundred" the words "three thousand" shall be substituted.</p> <p>(2) In Section 4, in sub-section (1),—</p> <p>(a) paragraph A the following shall be substituted, namely:—</p> <p>"A. Where death results from the injury to a</p>

S. No.	Number and year of the enactment	Short title	Amendments
			workman in receipt of monthly wages falling within limits shown in the first column of Schedule IV--the amount shown against such limits in the second column thereof;";
			(b) for paragraph B the following shall be substituted, namely:—
			"B Where permanent total disablement results from injury to a workman in receipt of monthly wages falling within the limits shown in the first column of Schedule IV--the amount shown against such limits in the third column thereof;";
			(c) in paragraph D,--
			(i) in clause (i), for the words "an adult" the words "a workman" shall be substituted; and
			(ii) clause (ii) shall be omitted.
			(3) For Schedule IV the following shall be substituted, namely:—

"SCHEDULE IV

(Sec section 4)

Compensation payable in certain cases.

Monthly wages of the workman injured.	Amount of Compensation for		Half monthly payment as compensation for temporary disablement	
	Death	Permanent total disablement		
1	2	3	4	
More than Rs. 0	But not more than Rs. 3,000	Rs. 1,00,000	Rs. 1,00,000	1/2 of the monthly wages during the period of disablement or a period of one year, reckoned from the date of injury, whichever is less and thereafter only in case of chronic lung diseases 1/3 of the monthly wages during the period of disablement or for a period of 5 years, reckoned from the date of injury, whichever is less."

S. No.	Number and year of the enactment	Short title	Amendments
2.	Act No. IV of 1936.	The Payment of Wages Act, 1936.	In section 1, in sub-section (6), for the words "one thousand five hundred" the words "three thousand" shall be substituted.
3.	Ordinance No. XXXII of 1958.	The West Pakistan Maternity Benefit Ordinance, 1958.	<p>(1) In the long title, for the word "factories" the word "establishments" shall be substituted.</p> <p>(2) In the preamble, for the word "factories" the word "establishments" shall be substituted.</p> <p>(3) In section 2, in sub-section (1).—</p> <p>(a) for clause (d) the following shall be substituted, namely:—</p> <p>"(d) "Establishment" means an organisation, whether industrial, commercial, or otherwise;" and</p> <p>(b) In clause (g), for the words "a factory" the words "an establishment" shall be substituted.</p>

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			(4) In section 3, for the word "factory" the word "establishment" shall be substituted.
			(5) In section (4),— (a) for sub-section (1) the following shall be substituted, namely:— “(1) Subject to the provisions of this Ordinance, every woman employed in an establishment shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of her wages last paid during the period of six weeks immediately preceding and including the days on which she delivers the child and for each day of six weeks succeeding that day: Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the establishment of the employer from whom she claims maternity benefit for a period of not less than four months immediately preceding the day on which she delivers the child.”; and (b) sub-section (2) shall be omitted.
			(6) In section 8, for the word "factory" the word "establishment" shall be substituted.
			(7) In section 13, in sub-section (2), in clause (b), for the word "factories" the word "establishments" shall be substituted.
			(8) In section 14, for the word "factory" the word "establishment" shall be substituted.

34

S. No.	Number and year of the enactment	Short title	Amendments
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4. W.P. Ordinance No. X of 1965. The Provincial Employees Social Security Ordinance, 1965.

(1) In section 2,—

- (a) In sub-section (6),—
 - (i) after the word "husband", the words and comma ", dependent parents" shall be inserted;
 - (ii) for the word "sixteen" the word "twenty-one" shall be substituted; and
 - (iii) for the semicolon at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that such age limit shall not apply to unmarried dependent daughters;" and

(b) in sub-section (8), in clause (1),—

- (i) for the words "one thousand five hundred" the words "three thousand" shall be substituted; and
- (ii) for the semi-colon at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that an employee shall not cease to be an employee for the reason that his monthly wages exceed three thousand rupees;"

(2) In section 20,—

- (a) in sub-section (1), for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that no contribution shall be payable on so

(1) In sub-section (6),—
 (i) after the word "husband", the words and comma ", dependent parents" shall be inserted;
 (ii) for the word "sixteen" the word "twenty-one" shall be substituted; and
 (iii) for the semicolon at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—
 "Provided that such age limit shall not apply to unmarried dependent daughters;" and
 (b) in sub-section (8), in clause (1),—
 (i) for the words "one thousand five hundred" the words "three thousand" shall be substituted; and
 (ii) for the semi-colon at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—
 "Provided that an employee shall not cease to be an employee for the reason that his monthly wages exceed three thousand rupees;"
 (2) In section 20,—
 (a) in sub-section (1), for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—
 "Provided that no contribution shall be payable on so

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			<p>much of an employee's wages as is in excess of one hundred and twenty rupees per day or three thousand rupees per month."; and</p> <p>(b) Sub-section (4) shall be omitted.</p>
			<p>(3) In section 35, in sub-section (2), for clause (a) the following shall be substituted, namely:—</p> <p>"(a) three hundred and sixty-five days, in case he has been suffering from Tuberculosis or Cancer which render an employee incapable to earn his livelihood."</p>
			<p>(4) The existing section 37 shall be renumbered as sub-section (1) of that section,—</p> <p>(a) in sub-section (1), renumbered as aforesaid, for the words "five hundred" the words "one thousand and five hundred" shall be substituted; and</p> <p>(b) after sub-section (1), amended as aforesaid, the following new sub-section shall be added, namely:—</p> <p>"(2) Where husband of a secured women dies, she shall, subject to regulations, be entitled to receive <i>iddat</i> benefit equal to the daily rate of her wages during the period of her <i>iddat</i>:</p> <p>Provided that a secured woman being a seasonal employee shall be entitled to receive <i>iddat</i> benefit in the same manner and to the same extent notwithstanding termination of seasonal employment during the period of <i>iddat</i>:</p> <p>Provided further that no employer shall refuse leave for the period of <i>iddat</i></p>

S. No.	Number and year of the enactment	Short title	Amendments
			and such leave shall not be accounted towards leave provided under any other law for the time being in force."
			(5) After section 38, the following new section shall be inserted, namely:—
			"38A. <i>Medical care of dependents, etc.</i> —Where a secured person dies other than due to any employment injury, his dependents shall, subject to regulations, be entitled to medical care for one year from the date of death of the secured person:
			Provided that the deceased secured person had been in continuous employment of an establishment for not less than twelve months immediately preceding his death:
			Provided further that where the deceased secured person was a seasonal employee, his dependents shall be entitled to medical care for six months from the date of death of such secured person:
			Provided also that the deceased had been in employment of an establishment for not less than six months during two continuous seasons immediately preceding his death."
			(6) In section 39, the words "other than the first three days" shall be omitted.
			(7) In section 42, in sub-section (3), in clause (c).—
			(a) for the word "sixteen" the word "twenty-one" shall be substituted; and
			(b) for the semi-colon at the end a colon shall be substituted and thereafter the following

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			proviso shall be added, namely:— “Provided that such age limit shall not apply to dependent unmarried daughters;”
(8)			In section 43, for the word “fifty” the words “one thousand and five hundred” shall be substituted.
(9)			after section 54, the following new section shall be inserted, namely:— “54A. <i>Extent of benefits, etc.</i> — Notwithstanding anything contained in this Chapter, so much of wages of a secured person’s as are in excess of one hundred and twenty rupees per day or three thousand rupees per month shall not be accounted for the purpose of determining the rate of benefits provided under sections 35, 36, 37, 39, 40, 41, 42 and 43.”
(10)			In section 70, for sub-section (2) the following shall be substituted, namely:— “(2) For the purposes of sub-section (1), the total wages paid by the employers shall mean the total wages which have accrued to all his employees not taking into account so much of an employee’s wages as are in excess of one hundred and twenty rupees per day or three thousand rupees per month.”
(11)			In section 71,— (a) in sub-section (1), for the words, brackets and figures “sub-section (4) of section 20” the words, brackets, letter and figures “clause (f) of sub-section (8) of section 2” shall be substituted; and (b) in sub-section (2), for the words, brackets and figures “sub-section (4) of section 20” the words, brackets, letter and figures “clause (f) of sub-section (8) of section 2” shall be substituted.

S. No.	Number and year of the enactment	Short title	Amendments
5.	The West Pakistan Ordinance No. VI of 1968.	The West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968.	(1) In the Schedule, in Standing Order 12, in clause (6), for the words "twenty days" the words "thirty days" shall be substituted.
6.	Act No. XII of 1968.	The Companies Profits (Workers' Participation) Act, 1968.	<p>(1) In section 2, in clause (f), for the words "one thousand and five hundred" the words "three thousand" shall be substituted.</p> <p>(2) In the Schedule, in paragraph 4,</p> <p>(a) in clause (a), under the heading "categories",</p> <p>(i) in serial number 1, for the figure "800" the figure "1,800" shall be substituted.</p> <p>(ii) in serial number 2, for the figures "800" and "1,100" the figures "1,800" and "2,200" shall respectively be substituted; and</p> <p>(iii) in serial number 3, for the figures "1,100" and "1,500" the figures "2,200" and "3,000" shall respectively be substituted; and</p> <p>(b) in clause (d), for the words "one thousand and five hundred" the words "three thousand" shall be substituted.</p>
7.	Ordinance No. XI of 1972.	The Workers' Children (Education) Ordinance, 1972.	<p>(1) In section 2,—</p> <p>(a) in clause (c),—</p> <p>(i) for the words "one thousand five hundred" the words "three thousand" shall be substituted; and</p> <p>(ii) for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—</p> <p>Provided that a worker shall not cease to be a worker for the reason that his monthly wages exceed three thousand rupees or the number of persons employed in the establishment, at any time, is reduced to less than ten.</p>

38

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			<ul style="list-style-type: none"> (2) In section 4, for the words "Matric and thereafter in a Poly-technic or vocational training institute to one child" the words "any level of education to two children" shall be substituted. (3) After section 5, the following new section shall be inserted, namely:— "5A. <i>Collection and administration of cess.</i>—The collection of cess referred to in section 3 and its administration may be entrusted to the Social Security Institution or to such other agency as the Provincial Government may nominate."
8.	Act No. XIV of 1976.	<u>The Employees' Old-Age Benefits Act, 1976.</u>	<ul style="list-style-type: none"> (1) In section 2, in clause (bb).— (a) the first proviso shall be omitted; and (b) in the second proviso, the word "further" shall be omitted. (2) In section 9, in sub-section (1), in the first proviso, for the words "one thousand five hundred" the words "three thousand" shall be substituted. (3) In section 9A, in the first proviso, for the words "one thousand five hundred" the words "three thousand" shall be substituted. (4) In section 22A, for the words "than five" the words "than two" shall be substituted. (5) In section 22B,— (a) in sub-section (1), the words "sixty per cent of" shall be omitted; (b) after sub-section (1), amended as aforesaid, the following new sub-section shall be inserted, namely:— "(1A) In the case of the death of an insured person, while not in insurable employment but after he had completed five years' insurable employment, the surviving spouse, if any, shall be entitled to a life pension equal to the minimum pension." (c) In sub-section (2).— (i) after the words "old-age pension", the

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			words "or invalidity pension" shall be inserted; and
			(ii) for the words "of sixty per cent of" the words "equal to" shall be substituted.
			(d) for sub-section (3) the following shall be substituted, namely:—
			"(3) In the case of death of the surviving spouse in receipt of survivor's pension, the minor children of the deceased insured person, if any, shall be entitled to the survivors' pension, in the following equal shares, namely:
			(i) in case of a male child, until he attains eighteen years of age, and
			(ii) in case of a female child, until she attains eighteen years of age or until marriage, whichever is earlier.
			(3A) In the case of cessation of survivor's pension of any of the children of the deceased insured person on his attaining the age of eighteen years or marriage in case of female, or death, as the case may be the share of survivor's pension received by such child shall be distributed equally among the rest of the minor children of the deceased insured person.
			(3B) In the case of death of the surviving spouse in receipt of a survivor's pension within five years after the death of the insured person and not survived by any minor child of the deceased insured person, the survivor's pension shall be paid to the surviving parents of the deceased insured person, if any, for a period of five years from the death of the said spouse."

S. No.	Number and year of the enactment	Short title	Amendments
			<p>(c) for sub-section (4) the following shall be substituted, namely :—</p> <p>“(4) In the case of death of an insured person who is not survived by a spouse, the survivors’ pension shall be paid to the minor children of the deceased insured person referred to in sub-section (3) and sub-section (3A), and in the case of the insured person not surviving by any minor child, the survivor’s pension shall be paid to the surviving parents of the deceased insured person, if any, for a period of five years from the death of the insured person.”</p>

AKHTAR SHARIF:
Acting Secretary General.