

Labour & Human Resource Department, Punjab

# Socio-economic Rights of Women Working in Agriculture in Punjab



## Key Messages

- There is a dire need to collect sex and gender disaggregated data to address the gender disparity faced by agrarian women workers in Punjab
- Declaration of “agriculture as an Industry”. There is dire need of the time that the agriculture sector should be declared and notified as an industry in accordance with section 5 of the factories Act 1934.
- Government should provide ways and means to effectively safeguard women’s rights through introducing new legislative framework with special focus on rural areas and addressing social and economic issues pertaining to women in context of SDGs, GSP+ and Constitution of Republic of Pakistan
- Minimum Wages (for Unskilled Workers) Ordinance, 1969 should be extended to the agriculture sector through a notification by Government.
- Occupation Safety Health (OSH) law is needed, which would ensure health and safety at workplace of the women working in agriculture sector.
- Social protection of women working in agriculture must be ensured through Punjab Social Protection Mechanism.

## Introduction of the project

INSPIRED+ Pakistan, is an EU funded project that supports local actors in nine different countries (Armenia, Bolivia, Cape Verde, Georgia, Kyrgyzstan, Mongolia, Pakistan, Paraguay, and the Philippines). It helps in identifying, analyzing and monitoring those domestic policies that hinder the full implementation of the UN and ILO conventions relevant to the GSP+. It is implemented by the European Partnership for Democracy (EPD), World Leadership Alliance - Club de Madrid (WLA-CdM), and the Netherlands Institute for Multiparty Democracy (NIMD).

In Pakistan, INSPIRED+ supports a multi-stakeholder dialogue for the promotion and protection of labour and socio-economic rights of women working in the agriculture sector in Punjab. This is one specific policy issue (relevant to the 15 UN and ILO core conventions under GSP+). The project is implemented by following the INSPIRED + model which derives from the Integrated Support Programme for Inclusive Reform and Democratic Dialogue the array of instruments aimed at promoting good governance.

## Purpose of Study

The Participatory Policy Assessment aims to identify gaps in the provision of socio-economic rights to women in the agriculture sector in Punjab under the existing labour laws, and policy framework in the context of GSP+ and SDGs.

It also aims to provide policy recommendations and a road map for lawmakers, policymakers as well as civil society organizations and other stakeholders for the promotion and protection of agrarian women's labour rights.

## Key Findings

**Unavailability of gender disaggregated data;** The Labour Department has not sex and gender disaggregated data of women working in agriculture sector in Punjab.

**Absence of gender specific targets and indicators;** There is also a sheer lacking of gender and sex disaggregated database systems that would have provided a solid basis for evidence based policy making so that the socio-economic rights of agrarian women could be protected through labour laws.

**The Industrial and Commercial Employments (Standing Orders) Ordinance, 1968;** this law is applicable only to the workmen engaged in industrial and commercial establishments and agriculture sector is not declared as commercial establishment.

**The Factories Act, 1934 Shops and Establishments Ordinance, 1969;** these laws cover industrial and commercial establishments and shops and do not include agriculture sector as an establishment thus the workers engaged therein are excluded from the scope of these laws. The working conditions of workers and women working in agriculture sector are not therefore regulated by any law in Punjab.

**Discrimination in wages & employment;** there is no law or provision in the existing labour laws of the province to deal with discrimination in employment and wages on the basis of sex/gender.

**The Punjab Restriction on Employment of Children Act; 2016,** the law includes agriculture establishment {section 2(f)} in the definition of "establishment", however, no enforcement mechanism so far has been devised to conduct inspection in agriculture sector to stop child labour.

**The Bonded Labour System (Abolition) Act, 1992;** the law implicitly includes agriculture sector, however, the issues of women working in agriculture are not being discussed or addressed through District Vigilance Committees (DVCs). They are neither represented in these committees.

**The Punjab Industrial Relations Act, 2010;** The law does not exclude agriculture sector, however, with regards to right of freedom of association and collective bargaining no union particularly relating to women working in agriculture sector has so far been registered in the province.

**In context of "Right of Fair Wages"** The Payment of Wages Act 1936 and The Minimum Wages Ordinance 1969; these laws are not applied to the workers in the agriculture sector.

**Social Protection;** The Punjab Employees' Social Security Ordinance, 1965 & Employees Old-Age Benefits Act, 1976, social protection laws are not applicable to the workers engaged in agriculture sector.

**The Workmen Compensation;** Act 1923, the law by dint of its scope and application does not exclude workers engaged in agriculture sector. However, the "Schedule II" appended to the law does not include women workers engaged in agriculture to entitle them for compensation in case of any disability or death. No effort so far has been made to enforce it for the benefit of the women working in agriculture sector.

**Women in decision making positions;** the provision of women workers' representation is available in "The Punjab Fair Representatio Act 2014" but implementation is weak.

**Women's political participation,** no women peasant/worker seats are reserved in The Punjab Local Act 2013.

According to participatory policy assessment report about 75% of women involves in family based farming. Women spend around 12 to 15 hours daily on agricultural activities, however they do not receive payment for their work on time.

Women are highly underpaid. Eight seven percent (87%) of women received the wages in kind instead of cash. Most of the agrarian women workers are exploited in terms of less or delay payments of work. On the other hand, men usually received wages in cash.

Lack of adequate infrastructure to measure the contributions of unpaid care work especially for rural agricultural women. Eighty five percent (85%) of the agrarian women workers believe that they put equal effort as their male counterparts but do not receive wages equal to them. The perception survey tools validated that a number of factors influence wages that include gender bias, confined perception

## EMPLOYMENT AND WAGES

### FACTS AND FIGURES

#### CHOICE

81 % of women in agriculture opted for agriculture as an occupation out of compulsion



13%

87%

#### MODE OF PAYMENT

87 % of farm workers received the wages in cash while 13 % in kind

#### EQUAL WAGES

85 % of the women interviewed believe that they put equal effort as their male counterparts but do not receive wages equal to them



#### FINANCIAL AUTONOMY

About 59 % of respondents have no financial autonomy to spend their incomes according to their own will

#### FAMILY BUSINESS

Agriculture appears to be an inter-generational occupation for a majority of the respondents with 75 % passed the job to their in-laws and children.



about women's work, control and access of men on modern technology related to agriculture, etc.

Child labour and bonded labour is high because of small land holdings, where women and children have to do intensive labour to make the both ends meet.

Ninety nine (99%) women have no written land lease agreements, while only one percent have formal written agreements. Landlords are reluctant to write agreements with women tenants because of patriarchal and gender biased behaviour, and also to avoid heavy taxation and legal bindings.

To resolve agrarian labour disputes, there are inadequacies in the legal and judicial system as well, including court congestion and the inefficient delivery of legal services

Social protection schemes like PESSI and EOBI do not cover the agriculture sector and agrarian women are deprived of such social protection facilities

About 90% of agrarian women workers were not aware about unions or workers' rights organisations. In Punjab, there was no agrarian workers' union. Lack of unions' means that workers cannot legally elect a collective bargaining agent. While under all four versions of provincial Industrial Relations Act; a law for settlement of industrial disputes and registration of trade unions, the provisions in place for the protection of workers right to associate fell well short of international standards.

Under cover of implementation of Action Plan 2015, freedom of association, expression and formation of unions is restricted.

## WORKING CONDITIONS

### FACTS AND FIGURES

#### JOB SECURITY

A majority of labourer women are employed on a seasonal and casual basis and do not get paid holidays, sickness, maternity leave or medical relief.



#### HEALTH HAZARDS

57% of the workers counted a number of dangers/health hazards at work and of those injured, 62% treated themselves through traditional/indigenous methods

57%

62%

#### MOBILITY

Most women travel to their workplace by bike, mostly with their male counterpart and sometimes alone. 40% of participants reported being sexually harassed on the way



STALKING  
OGGLING  
TAKING PHOTOS  
SEXUAL COMMENT  
WHISTLING  
BLOCKING WAY  
KIDNAPPING

#### HARASSMENT

A sizeable number of participants reported different forms of harassment at their workplace. Only a small proportion of participants were aware of the police helpline or rescue service helpline

*"In case of violence or harassment, I will prefer to remain quiet because police and Kacheri culture is not supportive to women"*

*Female Agricultural Worker in Pakistan*

## Recommendations

- Collect Sex and Gender Disaggregated Data; there is a dire need to collect sex and gender disaggregated data to address the gender disparity faced by agrarian women in Punjab, and so that there may be improvement in the policy framework and its implementation.
- Freedom of Association and Collective Bargaining; Effective enforcement mechanism is needed for the implementation of The Punjab Industrial Relations Act, 2010 for the formation and registration of trade unions in agriculture sector in Punjab.
- Forced Labour/ Bonded Labour; The Bonded Labour System (Abolition) Act, 1992 excludes the agriculture sector. The law must be amended. The vigilance committees should be constituted under the law at the district level to address the issues of women and their families of the agriculture sector in case they are involved in forced or bonded labour.
- Child Labour; any form of female child labour in agriculture sector should be addressed through the Punjab Restriction on Employment of Children Act, 2016. The issue of enforcement as the existing inspection machinery should cover the agriculture sector.
- Payment of Wages; The applicability of Minimum Wages (for Unskilled Workers) Ordinance, 1969 should be extended to the agriculture sector through a notification by the Government. However, the cost of living of the workers engaged in agriculture sector should also be taken into account before issuing such notification.
- Working Conditions and Working hours; currently, there is no law in place to regulate the working conditions of the agriculture workers. There is need to either amend the existing laws or to introduce new laws for regulating working hours and working conditions of the workers engaged in the agriculture sector.
- Discrimination in Wages and Employment; the existing laws in the province do not cover discrimination in employment and wages. The Government of the Punjab should consider introduction of amendments in the existing laws to address this aspect in the light of ILO Conventions 100 & 111. The benefits of new provisions should also be transferred / extended to women working in agriculture sector.
- Health and Safety; There is no Occupation Safety Health (OSH) law in Punjab. Therefore, OSH law is needed, which would ensure health and safety at workplace of the women working in agriculture sector.
- Compensation; Strong enforcement is needed because “The Workmen Compensation Act” is non-beneficial for women working in agriculture sector
- Dispute Resolution; the alternate dispute resolution mechanism existing “The Punjab Local Government Act” should be strengthened for the dispute resolution of the agriculture sector workers.
- Social Protection; Social protection of women working in agriculture activities can be ensured through their registration with Punjab Social Protection Authority and gradually they should be covered under the PESSI and EOBI. Social Safety nets and cash transfer programs, such as EOBI, PESSI, BISP, Khidmat Card, PPAF, Zakat, Bait ul Maal, WWF etc. should particularly include underprivileged agrarian women in their domain for reducing poverty and improving health and education outcomes.
- The cash transfer programs and other social safety nets should encompass the poorest of poor farm workers and tenants’

farmers and provide financial assistance for schooling of their children along with stipend.

Most of the agriculture women have a minimal subsistence level and in case of sickness, a major chunk of their income is used in lieu of medicine/treatment. Government should ensure health insurance (e.g. SEHAT CARD) for agricultural women.

Maternity Benefits; Maternity benefits should also be extended to the landless workers in agriculture through amendments in the existing legislation. Women working in agriculture are vulnerable on account of

supplementary assistance. They should be provided payment towards hospitalization fees, and reassigning pregnant women to work that is not physically taxing.

Awareness and Sensitization Campaign; Labour, Agriculture and Women Development Department should launch awareness and sensitization campaign on role of unions, associations and cooperatives to form unions, associations and cooperatives for enabling them to struggle for achieving better employment, wages, job security, and allied benefits. Women's rights organisations, labour education organisations, trade unions can also be effective in raising awareness.



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