

A

Bill

to prohibit the employment of children and to regulate employment of adolescents in certain occupations and work.

WHEREAS it is expedient to prohibit the employment of children and to regulate employment of adolescents in certain occupations and work and to provide for matters connected therewith.

It is hereby enacted as follows:-

**PART I
PRELIMINARY**

1. **Short title and commencement.**- (1) This Act may be called the ICT Prohibition of Employment of Children Act, 2017.

(2) It extends to the whole of Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definition.**- In this Act, unless there is anything repugnant in the subject or context –

- (i) "adolescent" means a person who has completed his fourteenth but has not completed eighteenth year of his/her age;
- (ii) "child" means a person who has not completed his/her fourteenth year of age;
- (iii) "day" means a period of twenty-four hours beginning at midnight;
- (iv) "establishment" means any industrial, commercial or agricultural establishment, household affairs and running of the same, mine, business, trade, undertaking, manufacture, and workplace where any economic activity is being carried on; and includes charitable and welfare organizations, whether run for profit or otherwise; and any other establishment, class of establishments or workplace notified by the government in official gazette from time to time;
- (v) "factory" means a factory as defined under the Factories Act, 1934 but does not include a mine, subject to the operation of the Mines Act, 1923 (No. IV of 1923);
- (vi) "family" in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother or sister of such individual;
- (vii) "Government" means the Federal Government;
- (viii) "hazardous work" means the work which, by its nature or the circumstances in which it is carried out, is likely to harm or jeopardize the health, safety or morals of children and adolescents and includes occupations and processes mentioned in the Schedule;
- (ix) "Inspector" means an official duly appointed and notified, as an inspector for the purpose of this Act by the Government;

- (x) "light work" means work which is not likely to harm the health or impede the physical or mental development of a child engaged in the work and includes activities mentioned in the Schedule;
- (xi) "mine" means any establishment defined as such in the Mines Act, 1923 (No. IV of 1923);
- (xii) "occupier " in relation to an establishment, means the person who employs workers either directly or indirectly and includes;
 - (a) in case of an individual, an heir, successor, administrator or assign; and
 - (b) a person who has the ultimate control over the affairs of the establishment (by whatever name he/she is called);
- (xiii) "port authority" means any authority administering a port;
- (xiv) "prescribed" means prescribed by rules made under this Act;
- (xv) "Schedule" means Schedule attached to this Act;
- (xvi) "week" means a period of seven days beginning at midnight on Thursday night or such other night as may be approved in writing for a particular area by the Government;
- (xvii) "workshop" means any premises (including the precincts thereof) wherein any industrial process is carried on, but does not include a factory;

PART II

PROHIBITION OF EMPLOYMENT OF CHILDREN AND PROHIBITION OF EMPLOYMENT OF ADOLESCENT IN HAZARDOUS WORK

3. **Prohibition of employment.**- (1) No child shall be employed or permitted to work in any establishment.

Provided that a child (not below the age of 14 years) may be engaged in the light work as prescribed by Government alongside his parents, for a maximum of two hours per day mainly for the purpose of acquiring skills in a private undertaking, or in any school established, assisted or recognized by Government for such purpose.

(2) No adolescent shall be employed or permitted to work in any hazardous work included in the Schedule.

4. **Amendment of Schedule.**- Government, may by notification in the official Gazette, amend the Schedule from time to time and thereupon the Schedule shall be deemed to have been amended accordingly three months after the date of the notification.

5. **ICT Coordination Committee on Child Labour.**- (1) Government shall, by notification in the official Gazette, constitute a Committee to be called the ICT Coordination Committee on Child Labour, to advise Government for appropriate legislative, administrative and other measures for eradication of child labour as per international instruments/conventions and to set the minimum age, for the purpose of employment in the Islamabad Capital Territory.

(2) The Committee shall consist of a Chairperson and not less than seven other members representing government, employers, workers and civil society.

PART III
REGULATION OF CONDITIONS OF
WORK OF ADOLESCENT

6. **Application.**- The provisions of this Part shall apply to an establishment or a class of establishments in which none of the occupations or processes referred to in sub-section (2) of section 3 is carried on.

7. **Hours and period of work.**- (1) No adolescent shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishments.

(2) The period of work on each day shall be so fixed that no period shall exceed three hours and that no adolescent shall work for more than three hours before he has an interval of at least one hour for rest.

(3) The period of work of an adolescent shall be so arranged that inclusive of the interval for rest, under sub-section (2), it shall not exceed seven hours, including the time spent in waiting for work on any day.

(4) No adolescent shall be permitted or required to work between 7.00 p.m. to 8.00 a.m.

(5) No adolescent shall be required or permitted to work over-time.

(6) No adolescent shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.

8. **Weekly holidays.**- Every adolescent employed in an establishment shall be allowed in each week a holiday of one whole day, which day shall be specified by the occupier in a notice permanently displayed in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.

9. **Notice of Inspector.**- (1) Every occupier in relation to an establishment in which an adolescent was employed or permitted to work immediately before the date of commencement of this Act in relation to such establishment shall, within a period of thirty days from such commencement, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars, namely:-

- (a) the name, location and address of the establishment;
- (b) the name of the person in actual management of the establishment;
- (c) the address to which communications relating to the establishment should be sent;
and
- (d) the nature of the occupation or process carried on in the establishment.

(2) Every occupier, in relation to an establishment, which employs, or permits to work, any adolescent after the date of commencement of this Act in relation to such establishment, shall, within a period of thirty days from the date of such employment send to the Inspector within whose local limits the establishment is situated, a written notice containing the particulars mentioned in sub-section (1).

(3) Nothing in sections 7, 8 and 9 shall apply to any establishment wherein any process is carried on by the occupier with the aid of his family, or to any school established, assisted or recognized by Government for learning skills.

10. **Disputes as to age.**- If any question arises between an Inspector and an occupier as to the age of any child or adolescent who is employed or is permitted to work by him in an

establishment, the question shall, in the absence of a certificate as to the age of such child or adolescent granted by the prescribed medical authority, be referred by the Inspector for decision to the prescribed medical authority.

11. **Maintenance of register.**- There shall be maintained by every occupier in respect of adolescents employed or permitted to work in any establishment, a register to be available for inspection by an Inspector at all times during working hours showing:

- (a) the name and date of birth of every adolescent so employed or permitted to work;
- (b) hours and periods of work of any such adolescent and the intervals of rest to which he is entitled;
- (c) the nature of work of any such adolescent; and
- (d) such other particulars as may be prescribed.

12. **Display of notice containing abstract of Section 3, 14 and 15.**- Every occupier shall cause to be displayed in a conspicuous and accessible place a notice in Urdu and English languages containing an abstract of sections 3, 14 and 15.

PART IV MISCELLANEOUS

13. **Application of certain Laws.**- (1) Provisions of the Payment of Wages Act 1936, Minimum Wages (Amendment) Act 2016, the West Pakistan Employees' Social Security Ordinance 1961, the Workers Compensation Act 1923, the Employees' Old-Age Benefits Act 1976, and the Terms of Employment (Standing Orders) Act 1968, shall be applicable to the adolescent workers to the extent as prescribed.

(2) Government may, by notification in the official Gazette, extend provisions of any other law, for the time being in force, to the adolescent workers under this Part.

14. **Penalties.**-(1) Whoever employs any child in contravention of the provisions of sub-section (1) of section 3 shall be punishable with imprisonment for a term which may extend to six months or with a fine which may extend to fifty thousand rupees or with both:

Provided that if the child is employed in any hazardous work the fine may extend to one hundred thousand rupees but not less than ten thousand rupees and imprisonment which may extend to three years:

Provided further that if the child or the adolescent is employed in -

- (a) any form of slavery or practice similar to slavery, such as the sale and trafficking of children or adolescents, debt bondage and serfdom and forced or compulsory labour, including but not limited to forced or compulsory recruitment of children or adolescents for use in armed conflicts;
- (b) the use, procuring or offering of a child or adolescent for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child or adolescent for illicit activities, in particular for the production and trafficking of drugs;

the fine may extend to one million rupees but not less than two hundred thousand rupees and the imprisonment may extend to ten years but not less than five years.