

[ *As* INTRODUCED IN THE NATIONAL ASSEMBLY ]

A

BILL

*to provide for the regulation of Employment of Domestic Workers in Islamabad Capital Territory (ICT).*

**Whereas** it is necessary to protect the rights of the domestic workers, to regulate their terms of employment, working conditions of service, to provide them social protection, welfare and for matters ancillary thereto:

It is hereby enacted as follows:-

**1. The short title, extent and commencement.**— (1) This Act may be called the Islamabad Capital Territory Domestic Workers Act, 2019.

- (2) It extends to the Islamabad Capital Territory.
- (3) It shall come into force at once.

**2. Definitions.**— In this Act, unless there is anything repugnant in the subject or context:

- (a) "Act" means the Islamabad Capital Territory Domestic Workers Act 2019;
- (b) "Appellate Authority" means an authority appointed under this Act;
- (c) "Beneficiary" means a domestic worker or heirs of a deceased domestic worker eligible to receive benefits under the Domestic Workers Welfare Fund;
- (d) "Board" means the Minimum Wages Board established under Section 3 of the Minimum Wages Ordinance, 1961 (Minimum Wages for Unskilled Workers (Amendment) Act 2016 or other relevant law adopted by Federal Government for ICT);
- (e) "Committee" means the Dispute Resolution Committee constituted under this Act;
- (f) "dispute" means any dispute or conflict between employers and employees, or between employers and domestic workers or between domestic workers which is connected with the employment or non-employment or the terms of employment or the conditions of work of domestic workers;
- (g) "domestic work" means any work which takes place within or for the households and includes childcare, old age care, sick care or natal/post-natal care and matter ancillary thereto;
- (h) "Domestic worker" is a person who provides services of a domestic nature in a household;
- (i) "Employing" means,
  - (i) in relation to a person or group of persons registered under this Act and employing domestic worker(s), such person or group of persons generally or collectively responsible for employment of domestic workers;
  - (ii) in relation to an establishment or agency, the owner(s) of the establishment or agency or a person(s) registered under this Act and having the ultimate control over the affairs of the establishment or agency as well as any other person to whom affairs of such establishment or agency are entrusted whether such person(s) is called an agent, a manager, an occupier or by any other name;
- (j) "Family" in relation to a domestic worker means the spouse, children below the age of 18 years and includes disabled children above the age of 18 years with disability of fifty percent or more;
- (k) "Fund" means Domestic Workers Welfare Fund constituted under section 22;

- (l) "Government" means Federal Government;
- (m) "Governing Body" has the same meaning as in section 5 of the Employees Social Security Ordinance, 1965 or elaborated otherwise separately by the Government of Pakistan for Islamabad Capital Territory through a notification;
- (n) "Household" means individuals who comprise a family unit and who live together under the same roof;
- (o) "Inspector" means an official appointed under this Act;
- (p) "Labour Court" means the Labour Court established by the Federal Government for Islamabad Capital Territory;
- (q) "Prescribed" means prescribed by rules; and
- (r) "Wages" means all remuneration capable of being expressed in terms of money, which would, if the terms and conditions of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include:
  - (a) any contribution paid by the employer in respect of such person under any scheme of social insurance or to a pension fund or provident fund;
  - (b) gift or anything given in kind.

**3. Prohibition on employment.**— No child under the age of 15 years shall be allowed to work in household in any capacity.

**4. Rights and Entitlements of domestic workers.**— Domestic workers shall have the following Rights and Entitlements: -

- (a) A domestic worker shall not be employed under the bonded labour system or forced or partly forced labor system;
- (b) No domestic worker shall be discriminated in recruitment, continuance of employment, deciding wages, benefits and other rights on the grounds of religion, race, caste, creed, sex, ethnic background, and place of birth/residence/domicile, migration or any other reason;
- (c) The domestic worker shall be addressed as "domestic worker", not "servant";
- (d) No extra work may be assigned to the domestic worker without his free will and extra remuneration;
- (e) The employer shall provide dignified working conditions and occupational safety and health measures to the domestic worker; and
- (f) The benefits for domestic worker shall include sickness benefits and medical care during sickness and injury.

**5. Employment on work.**— (1) Every employment or appointment of a domestic worker shall be subject to issuance of letter of appointment in the prescribed Form showing the terms and conditions of his/her employment including nature of work and amount of wages.

(2) The employer shall send a copy of the letter of employment issued under subsection (1) to the Inspector concerned or relevant official having jurisdiction in the area. The employer may keep a copy of identification documents of domestic worker during the course of employment.

(3) An employer shall, within sixty days of the commencement of this Act, arrange for the issuance of letter of employment under sub-section (1) to each of the domestic workers employed on work in relation to a household.

(4) No domestic worker shall be required to perform any work other than what is specifically mentioned in the letter of employment.