DECENT WORK IN PAKISTANI MEDIA
AN ASSESSMENT OF LABOUR LAWS & THE IMPACTS FOR MEDIA WORKERS

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CHAPTER 1: A STRATEGY FOR A MORE REPRESENTATIVE & BENEFICIAL LEGAL FRAMEWORK FOR THE MEDIA IN PAKISTAN

EXECUTIVE SUMMARY

Pakistan’s constitutional and legal framework provides a number of constitutional and legal protections and guarantees to media workers. The Constitution of Pakistan, 1973 outlines the policy framework for provision of fair and enabling environment for workers and guarantees fundamental rights of labourers.

Existing legal framework guarantees workers’ rights in Pakistan provides a wide range of laws covering subjects and matters including abolition of bonded labour; employment of children; trade unions and worker representation; wages and compensations; working conditions and workers’ welfare; old age benefits; and employment rights of disable persons. Special laws are also made for working conditions of media workers and newspaper employees. Currently, Pakistan’s government is planning to repeal the Newspaper Employees (Conditions of Service) Act, 1950 and merge all existing media regulatory laws into a proposed “Pakistan Media Development Authority (PMDA).”

Nevertheless, there is a need to determine the shortcomings, and deficiencies in the existing legal framework governing rights of workers, particularly media workers, in the aftermath of 18th amendment. This assessment of Pakistan’s existing and applicable labour, industrial and worker laws was conducted to understand the status, facts, qualities, shortcomings, and deficiencies in the legal framework relating to labour rights – in the wake of ongoing crisis of non-payment of wages, mass job losses and job security issues in media industry of the country.

The assessment consisted of two stages: (i) desk study of Pakistan’s labour laws, impacting media workers, in the light of best examples and international standards including relevant ILO Conventions and review of performance of the Wage Boards and Implementation Tribunal for Newspaper Employees (ITNE) and (ii) Key informant interviews of journalists’ / workers’ union leaders, media owners (industry experts), labour law experts, Wage Board and ITNE officials and local and international media development experts.

This assessment report provides an overview of constitutional and legal framework relating to the labour, especially affecting media workers. This covers appraisal of the relevant constitutional provisions in the light of international standards relating to media workers. This includes study of: Article 17(1) relating to abolition of slavery and forced labour; Article 19 relating to freedom of speech; Article 37(e) relating to promotion of social justice; and Article 38(a) relating to social and economic well-being.

Study of legal framework encompasses overview of labour laws falling in following four categories of themes:

1. Protective laws such as factories acts, merchandise ship remedies and wages laws relating to dock labourers, road transport, etc.
2. Laws relating to wage determination in terms of minimum, living and fair wage and regulation of working hours.
3. Labour welfare, social security, social insurance and old age benefits laws
4. Laws relating to labour relations.

The report deliberates upon applicability of general labour laws on media workers in the light of decision of higher judiciary and describes the extent of rights and privileges provided in the NECOSA for newspaper employees. The Wage Board and Implementation Tribunal for Newspaper Employees (ITNE) are key instruments in realization and protection of workers’ rights in newspaper industry. The report thoroughly discusses performance of these institutions including formation of Wage Boards over the years and implementation of the Awards given by them. Legal and administrative challenges in the implementation of these awards are also touched upon. Furthermore, this part assesses the performance of the ITNE in terms of filing, adoption, issuance and enforcement thereof. The data shows that the ITNE could dispose of mere 10% of the cases filed – before or after 2010 – until May 2021. To qualify findings of the desk review, stakeholders’ feedback was collected through key informant interviews on a variety issues including state of implementation of the legal framework; suggestions to improve protection mechanism for rights of media workers; strategies / ideas to face challenges – mainly due to technological and state-led proposed structural changes in the laws – for media workers in future. Key research findings (Chapter 2) and recommendations (Chapter 8) are also part of the report.

CHAPTER 2: KEY FINDINGS

1. NON-INCLUSIVE LEGAL FRAMEWORK FOR WOMEN & MARGINALIZED SEGMENTS

- The language of most of the laws including the Industrial Relations laws and the NECOSA is non-inclusive for women workers and employers. For example, these laws use ‘workman’ for both male and female workers.

- Existing laws in Pakistan do not provide any reference to the representation of ‘women workers’ in collective bargaining.

- While representation of women in the executive of a trade union where women are also employed, there is nothing mentioning of women employers / workers in these laws.

- Formation of National Industrial Relation Commission (NIRC) and Wage Boards do not have any reference to the representation of ‘women employers or workers’.

- Women face a significant role in the labour force in the media industry but face significant disadvantages and discrimination in relation to their male colleagues. Further work could be undertaken to assess any differentiated effects on women workers of recent changes in employment relationships in the media industry.

- Article 17(1) relates to the protection of women face as their male counterparts, the women grapple with additional work-related hazards such as sexual discrimination and harassment and wage disparities that must be addressed in all campaigns and initiatives.

- The laws are silent on the inclusion and representation of other marginalized groups such as minorities, persons with disabilities, lower castes that must be addressed in all campaigns and initiatives.

- There needs to be a strong gender affirmative element to all efforts related to enforcement of labour rights for media workers.

2. NON-RECognition OF ELECTRONIC & ONLINE / DIGITAL MEDIA PLATFORMS

- There is no registration required for online / digital news media platforms in the country. Therefore, status of employees working with the digital online media platforms is in question.

- There is no adequate mechanism for the protection of employment in case of electronic and social/digital media employees as we have seen in case of newspaper employees. It has been seen that the journalists who speaks against the government or some other powerful institutions have lost their jobs.

- There is a need to reform the existing labour laws dealing with print and electronic media to align them to international best practices. Furthermore, there is a need to introduce positive regulations relating to the business of social/digital media platform so that rights of employees associated with that platform may be safeguarded.

- There is a dire need to organize, facilitate and provide technical resources to workers of digital media who are growing in number but who don’t have adequate public and industry recognition of their status.

3. 3. NON-RECOgnITION OF INFORMAL WORKPLACES & FREELANCERS

- These laws mainly deal with the formal workplaces and are technologically relevant to those online / digital workers who operate from their homes.

- Since most of these laws are related to formal work places and establishments, therefore, they don’t recognize freelancers and independent contributors as ‘worker’. This is particularly relevant to the media workers such as online content creators and reporters work independently and contribute to the news through their write ups.

- Freelancers are a fundamental part of the labour market in the media sector, and their interests and rights as workers – including as regards freedom of association and collective representation – need greater consideration. Ways to extend coverage in collective agreements to freelance workers and to permit freelancers and other atypical workers to seek collective representation could be examined.

4. FRAIL COLLECTIVE BARGAINING & MEDIA WORKERS’ RIGHT

- Collective bargaining is long-established in the employment sector. When working effectively it brings benefits both to employers and to workers. It remains at the heart of a well-functioning labour market in the media industry.

- Unfortunately, in Pakistan, collective agreements appear to be becoming more difficult to achieve, and that some employers are choosing to withdraw from collective bargaining.

- Collective agreements should be extended to cover media workers’ working in new media platforms, including online content creators.

5. LACK OF AWARENESS ABOUT LAWS AMONG MEDIA WORKERS

- There is a lack of understanding and awareness among majority of workers of print, electronic and digital media, as well as their rights and privileges under the existing legal framework.
6. JOURNALISTS / WORKERS SAFETY

- In recent time, it has been seen that journalists have been attacked. Even some of them have lost their lives on duty. However, neither any effective investigation was conducted nor the prosecution service was up to the mark. Adequate measures should be adopted to ensure safety of media workers and journalists.

7. FORMATION & PERFORMANCE OF ITNE & THE WAGE BOARD

- There are serious challenges and issues pertaining to the formation and performance of, both, the Wage Boards and ITNE. As a result of these challenges, the forums are becoming ineffective and redundant. These issues include:
  - Administrative control of the government over the Board and ITNE,
  - Media owners’ manipulations of the system and process;
  - Delays in implementation of the Awards;
  - Weaker implementation and enforceability mechanisms; and
  - Delay in formation of Board and appointment of the Chairman of ITNE.

8. IMPLEMENTATION CRISIS OF GENERAL LABOUR LAWS

- Most of the forums in general labour laws are also either becoming redundant or have already become ineffective due to absence of: required financial support; presiding officers; or human and technical resource.

9. PROPOSED PMDA AND MEDIA WORKERS

- In May 2021, government planned to repeal several media-related laws – including the NECOSA, 1973 – under the proposed PMDA Ordinance. If this proposed Ordinance becomes the law, it will entail a deeper look at how to ensure labour rights as enshrined in the NECOSA, 1973.

CHAPTER 3: BACKGROUND OF LABOUR LAWS AFFECTING MEDIA WORKERS IN PAKISTAN

The Constitution of Pakistan, 1973 outlines the policy framework for provision of fair and enabling environment for workers and guarantees fundamental rights of workers. In accordance with the principles of policy, in Article 37(e), the Constitution obligates upon the States to make provisions for securing just and human conditions of work. As a part of the fundamental right through Article 37, the Constitution prohibits slavery and all forms of forced labour in the country. Furthermore, under Article 171, it gives right to every citizen to form associations or unions subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality. For media workers / journalists, in Article 19, the Constitution guarantees their right to freedom of speech and expression, subject to any reasonable restriction imposed by law in certain cases.

Existing legal framework governing workers’ rights in Pakistan is quite extensive. The legal framework provides a wide range of laws covering subjects and matters including: abolition of bonded labour; employment of children; trade unions and worker-employer relations; social security wages and compensations; working conditions and workers’ welfare; old age benefits; and employment rights of disable persons. Moreover, special laws are made for working conditions of the journalists.

The efforts for specialized legislation for media workers in Pakistan can be traced back to 1950s. The first-ever attempt for such dedicated legislation for employees of the newspapers was made in 1955 when the Central Legislative Assembly passed a resolution to meet the demands from a general body of press to improve their working/service conditions. In pursuance of this resolution, a Press Commission was set up on September 28, 1954 and was replaced by another Commission on September 5, 1958. The commission was mandated “to examine and make recommendations on the rates of pay and working conditions of the journalists.”

In response to the recommendations of the Commission, the government promulgated the Working Journalists (Conditions of Service) Ordinance, 1960. The Ordinance first time defined the working conditions of journalists. According to the Ordinance, Wage Board was mandated to fix the rates of wages only for working journalists not for all the employees of the newspaper organizations. It also stated that all the working journalists would be given wages according to the Wage Board decision complying with the provisions of Section 8 of the Ordinance, the government constituted country’s first Wage Board on May 30, 1960.

In 1962, government promulgated the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance. The Ordinance was applicable to all such Industrial/Commercial Establishment, including newspapers, wherein twenty or more workers were employed. However, the enactment of the Newspaper Employees (Conditions of Service) Act (NECOSA), 1973 was a landmark development for employees of the newspaper in the country. The Act provided a broad definition of employee, covering almost all employees of a newspaper including editors working in the newspapers. This law also contained provisions relating to termination from employment, provident fund, hours of work, leaves, and medical care and includes appointment of Wage Boards to fix employees’ wages. The Act provided for the constitution of a Wage Board and an implementation tribunal as well.

Before 2010, the Federal Government had a substantive role in legislation on labour related subjects. Apart from a few recently enacted laws in industrial relations by the provinces, most of the existing legal framework governing labour market in the country were enacted/promulgated by the federal government. The 18th Amendment changed the legislative scheme towards abolishing the entire Concurrent Legislative List and devolving a large number of legislative subjects, including labour related issues, to the provinces. In May 2021, government revealed its plan to merge all existing media regulatory laws and proposed a new “Pakistan Media Development Authority.”

8. IMPLEMENTATION CRISIS OF GENERAL LABOUR LAWS

Before 2010, the Federal Government Had a Substantive Role in Legislation on Labour Related Subjects.

This legal review was conducted through following methodology:

Desk Research:

- Review and comparison of Pakistan’s labour laws, impacting media workers, with best examples and international standards including relevant ILO Conventions.
- Review of implementation of Wage Awards and role of Implementation Tribunal for Newspaper Employees (ITNE). Under this part, an assessment of implementation of Wage Board Awards – since enactment of the Newspaper Employees (Conditions of Services) Act, 1973 – was conducted. This also included an evaluation of enforcement of the ITNE through appraisal of ‘case disposal rate’ by the tribunal during past ten years (2010-2020).

Key Informant Interviews:

In order to encapsulate overall picture of labour and industrial landscape in Pakistan and discover impediments to labour rights strengthening and collective bargaining for media workers, Key Informant Interviews (KIs), using a semi-structured questionnaire (structured and open-ended questions for quantitative and qualitative analysis), of the followings were conducted:

- leaders of journalists’ labor unions/associations – five interviews;
- media owners (industry expert) – five interviews;
- legal (labour law) practitioners – five interviews;
- former and existing officials of ITNE and Wage Board – five interviews;
- representatives of local and international media development and civil society groups – five interviews.

These interviews were conducted in the month of June 2021.
5.1 Freedom of Association

Article 17(1) of the Constitution of Pakistan provides that every citizen shall have the right to form associations or unions subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality. Pakistan has affirmed its commitment to international community to ensure without restrictions the right of every citizen of the country to form and join trade unions or associations, for the protection of his or her economic and social interests by ratifying ILO Conventions 87 (Freedom of Association) and 98 (Collective Bargaining). These two are of the eight core conventions related to labour standards. Pakistan has also ratified ILO Convention 11 to ensure security of agricultural workers the same right of association as given to industrial workers.5

Industrial relations laws of the country are the most important legitimate legal instruments to translate the rights of unionisation and collective bargaining into practice. The 18th Constitutional Amendment in 2010, devolved the matters of industrial relations and trade unions to the provinces. Consequently, all the four provinces enacted Industrial Relations Acts (IRAs). Provincial laws so made were followed by the enactment of Federal IRA 2012 to regulate industrial relations, registration of trade unions and their federations in the Federal Capital Territory and in the establishments which cover more than one province.

5.1.2 Slavery, Forced, Bonded & Child Labour

Article 11 of the Constitution of Islamic Republic of Pakistan 1973 states that: -

1. Slavery is non-existent and prohibited and no law shall have its introduction into Pakistan in any form.
2. All forms of forced labour and traffic in human beings are prohibited.
3. No child below the age of fourteen shall be engaged in any factory or mine or any other hazardous employment.
4. Nothing in this Article shall be deemed to affect compulsory service or public employment.

5.1.3 Freedom of Speech

Article 19 of the Constitution of Islamic Republic of Pakistan 1973 states: -

“Every citizen shall have the right to freedom of speech and expression and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to the contempt of court, commission of or incitement to an offence.”

In so far as the domain of labour is concerned, the Declaration of Philadelphia 1948, which is appended to the ILO Constitution 1919, is a mentionable instrument. The declaration, which has a binding effect, has laid down thematic convictions in the following terms:

a. freedom of association and of assembly are essential to sustained progress;

b. freedom of expression and of association are essential to sustained progress;

c. poverty anywhere constitutes a danger to prosperity everywhere;

d. The war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

Industrial Labour Laws enacted at the level of the federation and the provinces are also a response to these commitments. Moreover, other media related laws including media registration law and media regulations – the Press Council of Pakistan Ordinance, 2002 and the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 – are also relevant here.
5.2 Legal Framework Relating to Print Media

Pakistan’s legal framework relating to print media covers a variety of thematic areas. These subjects / themes include labour relations, employment conditions, productivity, occupational safety and health, ergonomic sciences, environmental pollution, scientific management, human resource management (HRM) parameters, personal, property or sick leave, human rights movements, gender issues, labour administration, wage determination, socio-economic ideologies and legal precepts and principles, business and corporate culture, etc.

For the purpose of simplicity and ease, this framework can be divided into following categories:

1. Protective laws such as mines acts, factories acts, merchant and shipping laws, dock workers Act, dock labourers, road transport, railways, airways, environmental laws etc.
2. Laws relating to wage determination in terms of minimum, living and fair wage and regulation of their timely payment.
3. Labour welfare, social security, insurance, old age benefits laws
4. Laws relating to labour relations

Each of the above areas individually and collectively aims to incorporate the evolution of life and work of labourers with positive dividends to employer, entrepreneur, industry and economy. Important to mention that most of the law, except Mines Acts, Merchant and Shipping Acts, Laws relating to dock labourers, road transport, airways, railways, relating to labour, etc., are applicable to the media – print and electronic – workers in the country. A few of the labour enactments that are prominent and relevant to the media workers are briefly described below:

[FEDERAL] INDUSTRIAL RELATIONS ACT 2012

This Act is concerned with the formation of trade unions and improvement of relations between employers and employees of persons employed in the Islamabad Capital Territory and trans-provincial establishments and industry. The Act provides for establishment of the National Industrial Relation Commission (NIRC). The Act is applicable to all persons of the establishments and industry except the followings:

(a) in the Police or any service or installations exclusively connected with the Armed Forces of Pakistan including an Ordnance Factory maintained by the Federal Government;
(b) in the administration of state other than those employed by a local Government;
(c) as a member of the Security Staff of the Pakistan Airlines Corporation or drawing wages in pay group not lower than Group V in the establishment of that Corporation.

The Act applies to industrial establishments employing 20 or more workers as the law uses ‘workman’ for both male and female workers. Other than representation of women in the executive of a trade union where women are also employed, there is no mentioning of women employers or workers. Apart from system of collective bargaining and social dialogue, this Act has also explains how workers can exercise the right to seek remedy for redress of industrial grievance and challenge these laws and employment career, etc. The main emphasis of the Act is the protection of right to trade unionism. However, the language of the law is non-inclusive for women workers. The Act is therefore similar to the [federal] Industrial Relations Act of 1949 (Collective Bargaining). With the legal sanctions and procedures, it enforces right to collective trade union as Collective Bargaining Agent (CBA) with authority to bargain with the employer.

Given that the labour issues were devolved through the 18th amendment, all four provinces also enacted their own industrial relation laws. These laws are almost similar to the [federal] Industrial Relations Act of 2012 except that the Acts have no provision for industrial relation commissions. The power for adjudication of the issues and redress of individual grievance, in these laws, rests with the provincial labour courts. Moreover, the decisions / determination of the labour courts lies with the provincial labour appellate tribunal.

INDUSTRIAL & COMMERCIAL EMPLOYMENT (S.D.) ORDNANCE 1968

This Act is applicable to the payment of wages to persons employed in any factory, industrial establishment or commercial establishment. It prescribes specific rules relating to the terms and conditions of service of persons employed in industrial and commercial establishments employing 20 or more workers. It provides for compulsory group insurance, wages, termination notice and closing hours. The West Pakistan Shops and Establishments Ordinance 1969 is applicable to Balochistan and Federal Capital Territory. Khyber Pakhtunkhwa and Sindh have enacted their own laws. After 2010, Punjab has also adopted the old law after some amendments. The Khyber Pakhtunkhwa Shop and Establishment Act, 2013 (section 36) provides for protection against discrimination and Special Provisions with regard to women workers. The Punjab Shops and Establishments Ordinance, 1969 (section 10A) provides for daycare facility in the establishment where twenty or more than twenty women are employed.

PAYMENT OF WAGES ACT 1936

This Act is applicable to the payment of wages to persons employed in any factory, industrial establishment or commercial establishment. It prescribes specific rules relating to the terms and conditions of service of persons employed in industrial and commercial establishments employing 20 or more workers. It provides for compulsory group insurance, wages, termination notice and closing hours. The payment of wages at the time of termination of employment have also been prescribed. Authority under this law is applicable to persons who receive a payment of wages or unauthorized deductions from wages.
**MINIMUM WAGES ORDINANCE 1961**

This law deals with the determination of minimum wages. According to this Ordinance, minimum wages are to be fixed industry-wise fixed periodically. The law requires the provincial government to review the minimum wages on the recommendation of the Provincial Minimum Wages Boards. The Ordinance also prescribes procedure for the determination of minimum wages and recommendations therefor to the Wage Boards.

**MINIMUM WAGES FOR UNSKILLED WORKERS**

ORDINANCE 1969

This special law deals with the minimum wages of unskilled workers employed in industrial and commercial establishments. Prior to the 18th Constitutional Amendment, Federal Government had the prerogative to determine minimum wages. However, the subject now has been devolved to the provincial governments. Therefore, now provincial governments determine the scale of minimum wages.

**ROAD TRANSPORT WORKERS ORDINANCE 1961**

This law applies to all persons engaged on mobile duty. This includes drivers, cleaners, conductors and checkers employed by a road transport service. The Ordinance prescribes age limits for employees, hours of work, rest intervals, and leave benefits. Drivers must be at least 21 years of age. It also provides for group insurance in certain cases, rules relating to termination of employment and requires terms and conditions of employment to be laid down in writing.

**WORKMEN COMPENSATION ACT 1923**

This law falls in the company of social insurance and provides for payment of compensation for certain classes of injury or arising out of and during the course of employment. Under the law, Commissioner Workmen Compensation is appointed to hear and decide claims of compensation.

**PROVINCIAL SOCIAL SECURITY SECURITY 1965**

This Ordinance introduces a scheme of social security for providing benefits to certain employees and/or their dependents in the event of sickness, maternity, employment, injury or death and for connected matters. The Provincial Employees Social Security Institutions (PESISI) is established in the province by the Provincial Governments to run this scheme. Apart from running the Scheme for other beneficiaries, the PESISI have set up hospitals and dispensaries in the provinces for treatment of employees.

**WOMEN’S WELFARE ORDINANCE 1971**

This Ordinance has been enacted to provide for the establishment of a Workers Welfare Fund. The purpose of this fund is to provide residential accommodation and remuneration to workers for connected matters. Apart from providing for industrial housing, the WWF has tailored the needs of workers for marriage grants of their children, death grants and technical and post matriculation education of workers’ children.

**EMPLOYEES OLD AGE BENEFITS ACT 1976**

The law introduces employees' old age benefits schemes and provides for the establishment of the Employees Old Age Benefits Institution (EOBI) to administer the benefits. EOBI manages benefits schemes for the persons employed in industrial, commercial and other organizations. Presently, it provides following benefits to persons registered with EOBI or their survivors:

- Old Age Pension on attaining superannuation.
- Invalidity Pension on sustaining invalidity affecting insured person’s earning more than one third of normal.
- Survivors’ Pension to the following in case of death of insured person/pensioner:
  - Survivor’s spouse till life;
  - Surviving Children till 18 years of age;
  - Surviving un-married female child till marriage;
  - Surviving disabled child till life;
- Surviving parents for 5 years, if an insured persons / pensioner not survived by spouse or children; and
- Old Age Grant not meeting the benchmark for old age pension

The functions of the broad of the EOBI include:

- Registration of Employers and Employees
- Collection of Contribution
- Disbursement of Pension / Grant
- Investment and Fund Management

Age for entitlement of old age pension / grant, for other than those employed in the mines, is 60 years. In case of women and insured persons employed in mines, the retirement age has been reduced by five years. According to the law, amount of minimum pension is fixed at Rs. 3,600/- per month. Old Age grant is paid in lump sum amount equal to one month's average monthly covered wages of the insured persons for every completed year of insured employment if he / she do not meet the benchmark for pension.

**FACTORIES ACT 1934**

This Act applies to premises where any manufacturing process is carried out in which ten or more workers are employed. The Act prescribes the measures to be taken in respect of workers’ safety and protection against facilities, ventilation, lighting, dust and fume control, fire precautions, cleanliness and maintenance. There are other general provisions in the law relating to:

- medical examination in certain cases;
- annual inspection of factories where 500 or more workers are employed; and
- the establishment of a canteen where 250 or more workers are employed and rest sheds in the case of 150 or more workers are employed.

The Act also covers hours of work, rest intervals and weekly and annual holidays. Section 21(b) of the Act provides for the payment of gratuities to insured persons for injury arising out of employment and/or their dependents in the event of sickness, accident and/or death. The Act ensures payment of compensation for death of an insured person or his or her dependents in the event of sickness, accident and/or death. Sections 21(c) to 21(k) of the Act provide for payment of compensation for death of a worker's child.

**5.2.1 General Labour Laws and Media Workers**

All these general labour laws are applicable to all workplaces, which fall in the definition of "industrial and commercial establishments" under the Industrial and Commercial Employment (S.O.) Ordinance 1968. This definition includes "newspaper establishments" as the Labour Appellate Tribunal of Sindh province – in Messrs Daily Mashriq versus Nafees Ahmed Bazmi (1992 PLC 314) – has determined so.

In this case, the respondent, Daily Mashriq terminated service of Mr. Bazmi, who was working as calligrapher in the newspaper and attained status of permanent employee, without any notice. Mr. Bazmi approached the Labour Court for the reinstatement. Messrs Daily Mashriq filed an appeal at the Labour Appellate Tribunal, Sindh. The Tribunal dismissed the appeal and held that:

"Employees, who were employees of Newspaper industry, were to be governed by provisions of Standing Orders Ordinance, VI of 1968 and according to S. 7 of Act LVIII of 1973."

Similarly, in another case, an employee of Daily Post filed an application with the Authority under the Payment of Wages Act, 1936. The Applicant claimed an amount of Rs. 3,475/- on account of arrears of pay from 5-6-2005 to 30-11-2007, three months’ notice pay and five months’ pay as gratuity. The claimant asserted that he was an employee of the said newspaper from June, 2005 till 25-5-2009 when his services were terminated with immediate effect.

In this case, the Authority refused to entertain the appeal as it was not within its domain to entertain the appeal before Lahore High Court. The Court – in Zia Shahid and Others versus Authority under Payment of Wages Act etc., (2001 PLC 306) – acknowledged the jurisdiction of the Authority under the Payment of Wages Act, 1936."

Though the appeal was allowed, the Court directed the Authority to take decision afresh in this case. The Court further held that:

"Newspaper establishment falls within the definition of a factory given in S.2(1a) of Payment of Wages Act, 1936, by reference to S.2(0) of Factories Act, 1936 -- Printing of newspaper involves manufacturing process whereby newsprint is converted into newspaper—Even if it is assumed that newspaper establishment is not a factory, even then we cannot be in a commercial establishment to which provisions of Payment of Wages Act, 1936, are equally applicable in view of S.1(4) of Payment of Wages Act, 1936, after its amendment in year, 2001—Newspaper establishment is subject to provisions of Payment of Wages Act, 1936."

In another case – Messrs Emmay Zed Publication (Pvt.) LTD. versus Abdul Rahman Baloch - 2005 PLC 344 – service of Mr. Abdul Rahman Baloch, who was working as sub-editor with the Daily Business Recorder, was terminated on May 23, 1996. As per the facts of the case, Mr. Baloch challenged the termination order before Labour Court through Grievance Application but the same was dismissed. His appeal against that dismissal was, however, accepted by the learned Sindh Labour Appellate Tribunal.

The newspaper challenged the said order before High Court of Sindh through Writ petition which was dismissed on January 5, 1998. The matter was further agitated before the Hon’ble Supreme Court through civil appeal which dismissed it by order on December 5, 2000. The matter was referred to the Labour Court again as result of dismissal of the appeal filed by the newspaper.

However, just two days thereafter, he received another termination letter. This way the respondent was pushed into second round of the litigation. He once again approached the Labour Court which declared termination order illegal and malicious. The Labour Court also directed the reinstatement of the respondent with full pay & seniority.

The newspaper challenged this order in the High Court of Sindh. In this case, the High Court of Sindh and the Supreme Court acknowledged the jurisdiction of Labour Court and Labour Appellate Tribunal for the cases [of termination] newspapers employees including journalists. The Court, while recognizing application of general labour laws on newspaper employees, held that:

"[The] termination of the respondent was malicious and outrageous. The order passed by the learned Labour Court against the respondent is not only illegal as malicious does not call for interference and the appeal is liable to be dismissed."

**5.2.2 The Newspapers Employees (Conditions of Service) Act (NECOSA), 1973**

This Act came into force with the assent of the President of Pakistan on August 11, 1973. It repealed and re-enacted the Working Journalists (Conditions of
constitute a Wage Board for fixing wage rates for the journalists as well as non-journalist newspaper employees; provide for mechanism for implementation of the decision of the Wage Board; provide for the application of the Industrial Relations Ordinance 1945; provide for the application of the Industrial and Commercial Employment (Standing Orders) Ordinance 1968 to newspaper employees and newspaper establishments; and, provide for security of service, hours of work and medical care.

The NECOSA provides a broad definition of employee, covering almost all employees including editors working in the newspapers. This law also contained provisions relating to appointment and termination of employment, social security, provident fund, working hours, leaves, and medical care. As mentioned above, NECOSA provides for the constitution of a Wage Board and an implementation tribunal.

Wage Board:

Section 9 of the Act provides for the constitution of the Wage Board. According to the law, federal government has the authority to constitute the Wage Board consisting of a Chairman, who shall be a person who has been or is qualified to be a Judge of a High Court, and as many members to advise the Chairman as may be appointed by the Federal Government. However, one half of the members of the Board are required to be the persons representing the newspaper employees and the other half representing the employers in relation to newspaper establishments.

Fixing the Wages:

The Board is required to give its decision within a period of one hundred and eighty days from the day of its constitution. In fixing rates of wages in respect of newspaper employees, the Board may take into consideration the cost of living, the prevalent rates of wages of comparable employments, the circumstances relating to the newspaper industry in different regions of the country, and any other circumstances, which to the Board may seem relevant. The Board may fix rates of wages for timework and for piecework. The decision of the Board fixing rates of wages shall be communicated to the parties concerned as practicable to the Federal Government.

The law requires publication of the decision of the Board within a period of one month from the date of its constitution. In fixing rates of wages in respect of newspaper employees, the Board may take into consideration the cost of living, the prevalent rates of wages of comparable employments, the circumstances relating to the newspaper industry in different regions of the country, and any other circumstances, which to the Board may seem relevant. The Board may fix rates of wages for timework and for piecework. The decision of the Board fixing rates of wages shall be communicated to the parties concerned as practicable to the Federal Government.

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workers reached to 250,000. This massive human resource growth was mainly due to expansion in the electronic media – television, radio and cable. The Pakistan Electronic Media Regulatory Authority (PEMRA) to operate themselves as electronic media platforms. Resultantly, all registered and licenced electronic media platforms become subject to the labour laws – other than NECOSA – of the country as well. The NECOSA of 1953, an act of Parliament, is applicable to the newspapers’ employees only. Besides, PEMRA also requires all its licensees to “arrange for regular training of its employees that may be helpful in performing their duties better.” However, mainly due to lack of understanding and awareness as well as ineffectiveness of most of the legal forums, the majority of media workers have not explored remedies available in the general labour laws.

In recent years, as result of convergence of communication technologies, media industry in the country has started to shift—from non-digital / offline media platforms to digital / online media platforms. New technologies have already had a major effect, both, on the composition of the sector as well as on the employment relationships within it. Back in 2006, the International Federation of Journalists wrote that "the nature of work in the media is changing. Employment in media had become more precarious, less secure and more intense." Changing media environment, due to technological advancements, is also transforming dynamics of human resource in the industry. Digital / online media platforms are fast becoming the dominant electronic and print media. Like All Pakistan Newspapers Society (APNS) and Pakistan Broadcasters Association (PBA), representatives of emerging digital / online news media platforms have established their association, namely: Digital Media Alliance of Pakistan (DigiMAP).
IN FIXING RATES OF WAGES IN RESPECT OF NEWSPAPER EMPLOYEES, THE WAGE BOARD MAY TAKE INTO CONSIDERATION THE COST OF LIVING, THE PREVAILING RATES OF WAGES OF COMPARABLE EMPLOYMENTS, THE CIRCUMSTANCES RELATING TO THE NEWSPAPER INDUSTRY IN DIFFERENT REGIONS OF THE COUNTRY.

of them were representing the employers (owners) and four representing the employees. The board announced its final decision May 25, 1985. The decision allowed the scheme of categorization of establishment and gradation of employees.

Fourth Wage Board

On October 4, 1984, the Federal Government constituted fourth Wage Board. Mr Justice (Retd.) Mian Fazle Mahmood of Lahore High Court was appointed its chairman. The Board consisting of 12 members - six representing employers six representing employees – gave its decision on September 28, 1985 and was made operative from April 15, 1985.

Fifth Wage Board

Fifth Wage Board was constituted on December 20, 1989. Mr Justice (Retd.) Agha Ali Hyder headed the board. Consisting of 14 members – seven from employers and seven from employees – the board granted interim relief vide its order dated February 8, 1990. The final decision was given on December 18, 1990. The decision was notified on 13th of January 1991. The Wage Board was comprised of 10 members – five each representing the employers and employees of the newspapers. Mr Justice Raja Afrasiab Khan (Retd.) pronounced its award on October 7, 2001.

Sixth Wage Board

Sixth Wage Board came into existence on October 23, 1994. Mr Justice (Retd.) Zia Mehmoon Mirza headed the board as its chairman. In addition, the board consisted of 18 members – nine each from the employers and the employees. However, the Board was reconstituted on February 7, 1996, with the same composition. The board announced its final decision on March 15, 1996.

Seventh Wage Board

On July 8, 2000, the Government constituted 7th Wage Board. The Wage Board was comprised of 10 members – five each representing the employers and employees of the newspapers. Mr Justice Raja Afrasiab Khan (Retd.) pronounced its award on October 7, 2001. APNS challenged the Seventh Wage Award through a Representation to the Government of Pakistan through Secretary, Ministry of Information and Media Development. However, it was not entertained. In 2002, the APNS then approached the Supreme Court of Pakistan under Article 184 (3) of the Constitution of Pakistan challenging constitutionality of the NECOSA. The Supreme Court, however, dismissed the petition as ‘not maintainable’ and asked the petitioners to approach for forum for relief. APNS later filed two separate petitions in the High Court of Sindh. The Divisional Bench of the High Court of Sindh dismissed both the petitions on May 31, 2011. The petitioner filed an appeal in the Supreme Court alleging that Section 9 of the NECOSA (about constitution of Wage Board) was violative of the due process of law and requested the Court to declare the law as void and liable to be struck down for having failed to provide even a single right of appeal. The Supreme Court of Pakistan dismissed the petition vide judgement dated 18th October 2011 (PLD 2012 Supreme Court 1). The Court however held that:

“Newspaper industry is distinct and different from all other industries (electronic media i.e., radio and television) and for such reason alone Newspaper Employees (Conditions of Service) Act, 1973 is not ultra vires to Constitution.”

Nevertheless, the Award remained inoperative during the pendency of the cases. Therefore, newspapers employees could not benefit from this Award as per its spirit.

Eighth Wage Board

On November 7, 2018, the government notified appointment of Justice Hasnat Ahmad Khan as Chairman of the Eighth Wage Board for newspaper employees. Subsequently, the government notified twelve (12) members of the Board on November 28, 2018. The Board was reconstituted on February 8, 2019 and removed names of two members – Mr Shaif-ud-Din Ashraf, who died even before the first meeting of the Board, and Mr Ijaz ul Haq on the protest of employees’ members – from the Board. The 8th Wage Board announced its decision on December 26, 2019. The same was published in the official Gazette on March 12, 2020. The Board made its decision compilative from February 1, 2019. However, representatives of the media workers are still demanding implementation of this award. 18

6.2 The Implementation Tribunal for Newspaper Employees (ITNE)

The ITNE was established through Act No. LXXVIII of 1976 by adding 12A in the NECOSA, 1973. The Tribunal is mandated to implement the Award of the Wage Board constituted under Section 9 of the NECOSA for journalists and non-journalists. The Tribunal is an important institution established in 1975 as an attached department of the Ministry of Information, Broadcasting and National Heritage, Government of Pakistan. The tribunal has made its functional rules in 1977 titled “Tribunal for Newspaper Employees (Procedure and Functions) Rules, 1977”. According to Section 12A of the NECOSA, 1973, it is the responsibility of the Federal Government to constitute the tribunal consisting of one or more members to implement the decision of the Wage Board. The Chairman of the Tribunal is required to be a person who has been, or is, qualified to be, a Judge of a High Court. The tribunal has all the powers of Labour Court while implementing decision of Wage Board including the powers to punish breaches of award. The tribunal is empowered to hold inquiry for the determination of the category of the newspaper employee, for the purpose of implementing the decision of the Wage Board.

Prior to 2012, according to the data received from ITNE, there were 40,474 cases pending before the tribunal. Out of these pending cases, the tribunal has so far decided just 2,645 cases. In the meanwhile, during past ten years, the ITNE has received 1,265 fresh petitions/applications. Out of these fresh applications, the tribunal has decided 138 cases. In total, the ITNE has decided 2783 cases during past ten years.

Here are the details of individuals who served as chairmen of ITNE.

1. Justice Mustaq Hussain Munir (15.05.1975 - 14.07.1978)
11. Raja Amer Khan (07.03.2019)

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DISPOSAL OF CASES BY ITNE: 2012 – 2021

<table>
<thead>
<tr>
<th>Number of cases filed / pending before 2012</th>
<th>Number of cases filed after 2012 until May 2021</th>
<th>Total Number of cases decided after 2012 until May 2021</th>
<th>Number of cases pending so far</th>
</tr>
</thead>
<tbody>
<tr>
<td>40,474</td>
<td>1,265</td>
<td>2,783</td>
<td>38,956</td>
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CHAPTER 7: IMPEDIMENTS TO LABOUR RIGHTS & STRENGTHENING COLLECTIVE BARGAINING FOR MEDIA WORKERS

KEY INFORMANT INTERVIEWS

1. After the 18th constitutional amendment, labour issues are devolved to the provinces. But, the Newspaper Employees (Chapter of Chapter IV) Act, 1973 is still in force. The respondents suggested whether the law should be devolved to the provinces for its effective implementation?

Post-Devolution Implementation of NECOSA, 1973

- Most of the respondents agreed that devolving the NECOSA 1973 to the provinces may prove beneficial for the media industry workers.
- All the provinces should enact their local NECOSA incorporating new and updated provisions to address the issues of modern day needs of the workers.
- At the federal level, its implementation proved a failure/ ineffective since its enactment in 1973.
- Devolution of NECOSA, 1973 may solve the issue of negotiation on labour and administrative resources for implementation of labour rights at the provincial level. Media houses operate nationally, while their staff serves in various provinces.
- This issue likely requires additional consultations with stakeholders to arrive at the right answer that is acceptable to majority of their workers. Any final solution needs to be acceptable to the representative associations and unions of working journalists.
- Trans-provincial cases should be dealt by the federal law while intra-provincial matters should be taken up in the provinces.
- Another respondent stated that the Committee on 18th Constitutional Amendment decided not to devolve NECOSA and if unless there is a comprehensive framework for labour rights at provincial levels. The NECOSA was then shifted to Ministry of Information from Ministry of Labour. At the time of constitution of 8th Wage Board, Law Ministry argued that the subject has been devolved to the provinces.

2. What is your understanding about the role and performance of newspaper employees Wage Board?

MOST OF THE RESPONDENTS AGREED THAT

- The Wage Board is a hard-earned benefit which was won after agreeing on its efficacy in ensuring some degree of minimum wages. This quantification of labour value of media workers – considering the historic risks they have operated under (over 170 killed and more than 2,000 assaulted, injured, kidnapped, arrested and intimidated in the last 20 years) – is invaluable in protecting the justification of the Wage Board.
- Wage Board is definitely a good platform/tool through which newspapers employees can get their rights. It was made with thorough research, understanding and consensus of senior journalists decades ago. It’s the real formula to do regular appraisal of the employees and has remedies for the failure/ineffectiveness of employers/ owners and judiciary as well.
- NECOSA covers permanent employees of newspapers. However, now 80% employees are working under contracts or the third-party contracts. This law should be amended, and all workers should have security of job under it.
- It is inevitable to negotiate a similar framework on minimum wages for the entire media sector including the electronic media and internet media which currently do not fall in the ambit of the NECOSA Act 1973. There should be amendment in NECOSA to extend it to the electronic media as well.
- To make the law, as it currently stands, effective, there need to be an on-going program of literacy on the law for the print media employees and an advocacy program involving All Pakistan Newspaper Society (APNS), Council of Pakistan Newspaper Editors (CPNE), PFUJ, ITNE and the federal and provincial information ministries.
- Newspapers should not be included in the Central Media List without ABC certificate. This work should be undertaken by the government.
- The ITNE should be performed as a part of judicial system and appointment of the chairman should be through judicial commission – similar to the appellate courts in federal and provincial judiciary.
- The Ministry of Law should be relevant ministry, and not the information ministry, for administrative purposes of the ITNE.
- Many respondents said that the Wage Boards in the past have performed good. However, there is a room for the improvement in the process of the constitution, formation and decision-making process of the Wage Boards.

ROLE AND PERFORMANCE OF NEWSPAPER EMPLOYEES WAGE BOARD

- The media industry has consensus that is Wage Board a beneficial tool which was won after agreeing on its efficacy in ensuring some degree of minimum wages. This quantification of labour value of media workers – considering the historic risks they have operated under (over 170 killed and more than 2,000 assaulted, injured, kidnapped, arrested and intimidated in the last 20 years) – is invaluable in protecting the justification of the Wage Board.
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Thankfully no one has challenged the recent Wage Labour code of Pakistan for the entire workforce.

Many respondents ranked ITNE performance low. The Wage Board have proved to be ineffective. Surprisingly, many of the respondents were ITNE binding on media houses. ITNE delivered its performance in its true letter and spirit. The ITNE should be given more authority and should also have the provisions of imposing fines on media houses that are unable to fulfill their obligation under the Wage Board.

A respondent said that there should be some universal structure for the print and electronic media staff. The new proposed authority looks like a solution to many, but it is already being opposed tooth and nail for many owners. In the Wage Board award, salaries are also kept unrealistically low under the influence of the owners thus violating the basic principle of the relevant law that they should be commensurate with the current cost of living.

In India Wage Board was constituted in 2003 for 20 years. Indian law empowered the district labour courts to deal with the issue of salaries and perks. The Indian Wage Board Award was linked with the monthly fluctuation – as per the increase in government employees’ salaries and inflation. The India Model seems to be quite appropriate in this regard.

There is no time limit available in law to form Wage Board Award. This is the reason that the 7th Wage Board award, salaries are also kept unrealistically low under the influence of the owners thus violating the basic principle of the relevant law that they should be commensurate with the current cost of living.

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to the media workers. For them, NECOSA is the only remedy. Therefore, he suggested to make the registration process for media workers union separate from these IRAs and media workers should not be confused with other labor market.

5. Since 2002, the news industry in Pakistan has seen mushroom growth – from 3,000 working journalists in 2002 to 18,000 working journalists in 2018 and from 25,000 news industry workers / employees to 250,000 news industry workers. This massive human resource growth was mainly due to expansion in the electronic media sector – television, radio and cable. However, the Newspaper Employees (Condition of Services) Act, 1973 is applicable only to the newspapers. In this situation, are general labour laws (Industrial relations laws) applied on other industries also applicable to the electronic news industry?

Application of industrial relations laws in the presence of NECOSA

- Most of the respondents confirmed that all labour laws, including the IRA, are applicable to electronic media industry. However, there should be legislation for electronic media employees.
- Though these laws applicable to the entire media – electronic and print, the implementing agencies are not performing as per their mandate.
- However, the awareness and literacy on the relevancy of these laws on the electronic media industry is shockingly low. This is evident from the fact that one respondent stated that there is no law for rights of workers of electronic media in Pakistan. Thus, there is need to have law for workers in electronic media.

5b. How much these general laws protect the rights of worker in electronic News industry?

Protection of Electronic News Industry Workers by General Laws

- Most of the respondents stated that these laws have protections for the rights of workers in electronic media industry. However, they questioned their implementation status.
- Currently, these general laws including IRAs can be used for the rights – including salaries and perks – of electronic media news industry workers.
- However, another group of respondents mentioned that these general labour laws are usually not applicable in case of the electronic media industry.

5c. Do workers engaged with electronic news industry – TV, radio, news websites – have right to collective bargain like the employees of newspapers have?

Collective Bargain of Electronic News Industry Workers

- A mix response was forwarded by the respondents. Majority said that laws give them the right to collective bargaining. Under these laws, electronic media workers may form their unions. However, mainly because of owners’ pressure, they are not permitted to do so.
- Workers in these media need to organize themselves into collective bargaining agencies.
- Interestingly, many respondents were of the view that workers in electronic media do not have the right to collective bargaining like employees of the newspaper have.

5d. Do existing labour laws protect their right of minimum wage, social security, job security, working hours, etc.?

Right of Minimum Wage, Social & Job Security, Working Hours

- Many of the respondents submitted that these labour laws can protect their rights of minimum wages, social security, job security and working hours, etc. However, they believe that there is plenty of room to improve the current labour laws by incorporating newer realities related to a greater involvement of technology in the workspace. There is a need to introduce newer legislation on issues like data protection and privacy as well as workplace hazards.
- Most of the respondents pointed out that lack of adequate enforcement is a principal problem with existing labour laws.
- However, many respondents were unaware of the protections available to media worker in the general labour laws.

6. Should the protections available to newspaper employees under the Newspaper Employees (Condition of Services) Act, 1973 be also available to the workers of electronic / digital news industry?

Protection under NECOSA to Electronic / Digital News Industry

- Print media and electronic media should not be segregated. There are no boundaries. Every TV media has text media, and every newspaper has audio video platform. Wage Board should also be implemented on all types of media.
- Protections available to newspaper employees under the NECOSA, 1973 should also be available to the workers of electronic / digital news industry.

However, there will be a need to bring new laws for workers of electronic / digital news industry. Workers are facing various many vulnerabilities. Therefore, such protections must be extended to them on priority basis.

- Media has become fast with big exposure therefore, NECOSA should be amended to cover issues of entire news media industry including electronic and digital media. Press clubs and other stakeholders should take initiatives.
- There should be Media Employees (conditions and services). TV employees will get benefit from it. Digital media could be difficult at this time, but it would provide benefit to the TV media.
- Electronic media representatives should also be included in the Wage Board; and its decision should be applicable to electronic media employees as well. However, their implementation is serious question.
- A respondent mentioned that labour issues fall under provinces after 18th amendment, but provinces have not worked on it. Though Sindh government has made some legislation, but there is no implementation regarding newspaper employees. Besides, there is no law related to electronic media. Media houses are spread all over the country. There must be a law for the right of workers of electronic media, which should be implemented across the country.

- News media is used for all forms of news media whether it is in text, audio or TV format. There is no media or entertainment media. There should be implementation of laws where general laws are not workable. Revenue based incentives should be implemented and law should be constituted. This act is outdated, non- implementable. There is need to readress this act.
- Another view is that the electronic and digital news media in many jurisdictions are still out of the purview of such laws. Therefore, the media workers should be extended to the protections of the newspapers’ employees only.
- One respondent said that regional media should also be respected and given equal share in opportunities. Language of people varies after each 30 to 40 kilometers and people are comfortable with their native language media. There is no support to the regional media. They are treated as secondary class. All should be treated equally.

Additional Comments:

- There is a dire need to organize, facilitate and provide technical resources to workers of the digital media who are growing in number but who don’t have adequate public and industry recognition of their status. Also, there needs to a strong gender affirmative element to all efforts related to extending the protections of labor rights for media industry.

Apart from the industry-related risks that women face as their male counterparts, the women grapple with additional work-related hazards such as sexual discrimination and harassment and wage disparities that must be addressed in all campaigns and initiatives.

In May 2021, government planned to repeal several media-related laws – including the NECOSA, 1973 – under the proposed “Pakistan Media Development Authority” Ordinance. If this proposed Ordinance becomes the law, it will entail a deeper look at how to ensure labour rights as enshrined in the Newspaper Employees (Condition of Services) Act, 1973.

While reflecting on the proposed Pakistan Media Development Authority (PMDA), another respondent said that the proposed law will repeal the NECOSA and new tribunals will be formed for media workers. However, there is no mentioning of the Wage Boards awards in this proposal. Therefore, this proposed law will end the liberty of media that would increase unemployment.

THERE IS A DIRE NEED TO ORGANIZE, FACILITATE AND PROVIDE TECHNICAL RESOURCES TO WORKERS OF THE DIGITAL MEDIA WHO ARE GROWING IN NUMBER BUT WHO DON’T HAVE ADEQUATE PUBLIC AND INDUSTRY RECOGNITION OF THEIR STATUS.
CHAPTER 8: RECOMMENDATIONS

1. INCLUSION OF GENDER & MARGINALIZED SEGMENTS: All labour laws, general and special — should conform to the international standards of inclusivity to make them give due representation to women and other marginalized group alongside men and other influential groups.

Action: Consultations with relevant stakeholders on reforming the laws to make them more representative including gender affirmative and socially diverse.

2. INCLUSION OF DIGITAL / ONLINE MEDIA INDUSTRY: In keeping with the expanding digitalization of media landscapes, there should be inclusion of freelancers and online / digital workers in the legal framework.

Action: Support advocacy capacities of groups/associations representing digital media and its workers to lobby for their inclusion in journalists’ unions, press clubs and media workers’ associations.

3. IMPROVEMENTS IN IMPLEMENTATION OF EXISTING LAW / MECHANISMS: Implementation and enforcement mechanisms must be technically and financially resourced. Required human resource including heads of the bodies should be appointed immediately.

Action: Hold a series of dialogues with relevant stakeholders including line ministries / departments (including law, finance and information) and representative associations of media workers, managers and owners on reforming mechanisms to identify required resources for effective implementation and appropriate reforms to the mechanisms.

4. RELINQUISHMENT OF GOVERNMENTAL CONTROL OVER IMPLEMENTATION INSTITUTIONS: Government should relinquish or minimize its administrative control over the Wage Board and ITNE.

Action: Hold a series of roundtables with relevant stakeholders, including journalists’ unions, press clubs, media workers’ associations, ITNE, APNS, CPNE and Digimap.

5. MAKING MEDIA OWNERS TO COMPLY WITH THEIR LEGAL DUTIES: Media owners should be made to implement the decisions of the Board and ITNE.

Action: Facilitate a series of dialogues with relevant stakeholders, including ITNE, APNS and CPNE.

6. REFORMATION OF EXISTING LABOUR LAWS: There is a need to reform the existing labour laws dealing with print and electronic media to align them to international best practices. Furthermore, there is also a need to make pragmatic and positive regulations relating to the business of social/digital media platform so that rights of employees associated with that platform may be safeguarded.

Action: Produce draft of model laws listing the required reforms to the relevant laws and hold a national and four provincial seminars on a roadmap for reforms that identifies duty bearing to help materialize the required reforms. The seminars should be attended by all relevant principals including line ministries (law, finance and information), media industry associations (APNS, PBA, Digimap, CPNE, PFUJ, AEMENO, etc.) and media development groups.

7. ADEQUATE MEASURE TO ENSURE JOURNALISTS SAFETY: Adequate measures should be adopted to ensure safety of journalists. In recent years journalists have been killed, attacked, injured, kidnapped, injured and intimidated but neither any effective investigations were conducted, nor the prosecution services were up to the mark.

Action: Support advocacy efforts for federal and provincial legislations on safety of journalists: capacity building for media houses to draft in-house safety policies and protocols; and establish and train cells of lawyers versed in media laws and safety best practices to boost prosecution services.

ANNEXURES

LIST OF KEY INFORMANT INTERVIEWEES

ITNE and Wage Boards Representative
Mr Justice (R) A. Raza Sheikh, Former Chairman ITNE
Mr Abdullah Jan, Member – Seventh Wage Board
Mr Shahzada Zafarqan, Member – Eighth Wage Board
Mr Pervez Shaikh, Member – Eighth Wage Board
Mr Muhammad Masoor Farid, Registrar – ITNE

Legal Experts
Mr Ahkhtar Hussain, Advocate Supreme Court of Pakistan
Mr Syed Iftikhar Mustafa Bakhsh, Labour (NECOSA) Law Expert
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Mr Imad Ashraf, Expert on Unionism
Dr Imran Mumner (Mr), Academician

Media Owners
Dr Jabbar Khattak (Mr), Print Media Owner
Mr Ovais Iqbal Baloch, Electronic Media Owner
Ms. Sultana Siddiqui, Electronic Media Owner
Mr. Xari Jali, Digital Media Owner
Mr Tahir Mehdi, Digital Media Owner

Journalists / Media Workers Representative
Mr Mazhar Abbas, Senior Journalist
Mr Nasir Zaidi, PFUJ
Mr Rana Azem, PFUJ
Ms. Shoaib Bano, PFUJ
Mr Amir Suhail, PFUJ
Mr Fazil Jamili, PFUJ
Syed Karam Mustafa Bukhari, APNEC

RESEARCH INSTRUMENTS (QUESTIONNAIRES)

1. After eighteenth constitutional amendment, labour issues are devolved to the provinces. But, the Newspaper Employees (Condition of Services) Act, 1973 is still a federal legislation. Should this law be devolved to the provinces for its effective implementation?

2. What is your understanding about the role and performance of newspaper employees Wage Board? How can it be made effective in protecting the rights of newspaper employers? Should the mandate of the Wage Board be extended to electronic and digital news media industry?

3. Is Implementation Tribunal for Newspapers Employees (ITNE) – which is the implementation body for Wage Board awards and other issues concerning the rights of the newspaper employers’ – performing its functions as mandated by law? What should be done to make it more effective to protect the rights of newspaper employees?

4. Is the existing legal framework governing labour issues of news media workers (comprising various industrial relations laws), being implemented effectively? What are the implementing agencies for various parts of this framework? And how effectively do they do their work as far as news industry in concerned?

5. Since 2002, the news industry in Pakistan has seen mushroom growth from 3000 working journalists in 2002 to 18000 working journalists in 2018 and from 25,000 news industry workers / employees to 250,000 news industry workers. This massive human resource growth was mainly due to expansion in the electronic media sector – television, radio and cable. However, the Newspaper Employees (Condition of Services) Act, 1973 is applicable only to the newspapers. In this situation, are general labour laws (industrial relations laws) applied on other industries also applicable to the electronic news industry?

i. How much these general laws protect the rights of worker in electronic news industry?

ii. Do workers engaged with electronic news industry – TV, radio, news websites – have right to collective bargain like the employees of newspapers have?

iii. Do existing labor laws protect their right of minimum wage, social security, job security, working hours, etc.?

6. Should the protections available to newspaper employees under the Newspaper Employees (Condition of Services) Act, 1973 be also available to the workers of electronic / digital news industry?

7. Any further suggestion?