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

A report by the Institute for Research, Advocacy and Development (IRADA)
July 2021 // International Federation of Journalists (IFJ)
TABLE OF CONTENTS

Chapter 1: Executive Summary: A strategy for a more representative & beneficial legal framework for the media in Pakistan 4

Chapter 2: Key Findings 5

Chapter 3: Background of Labour Laws Affecting Media Workers in Pakistan 6

Chapter 4: Methodology 7

Chapter 5: Pakistan Labour Laws Impacting Media Workers 8

5.1 Constitutional Framework & International Standards Relating to Media Workers in Pakistan 8

5.2 Legal Framework Relating to Print Media Workers in Pakistan 13

Chapter 6: Performance of Wage Board & Implementation Tribunal for Newspaper Employees (ITNE) 17

6.1 Wage Board 17

6.2 The Implementation Tribunal for Newspaper Employees (ITNE) 19

Chapter 7: Exploring Impediments to Labour Rights & Strengthening Collective Bargaining for Media Workers – Key Informant Interviews 20

Chapter 8: Recommendations 26

Annexures 27

List of key informant interviewees 27

Research Instruments (Questionnaires) 27
There is a dire need to organize, facilitate and reform the existing labour laws in Pakistan. Since most of these laws are related to formal work, they do not cover the informal sector. There is a need to reform the existing labour laws and establish a new legal framework that is inclusive for women workers and employers. Collective agreements should be extended to cover all workers, including freelancers. Freelancers are a fundamental part of the labour market, and their rights need to be protected.

Women occupy a significant role in the labour market, especially in the media sector. The assessment of Pakistan's existing and applicable labour, industrial, and worker laws was conducted to appraise of the relevant constitutional provisions in the light of decision of the NECOSA for newspaper employees. The formation of Wage Boards over the years and their timely payment brings benefits both to employers and to workers. Collective bargaining is an effective tool for protecting workers' rights in the workplace.

## 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. "The constitutional framework governing workers’ rights in Pakistan provides a wide range of laws that are related to formal work. However, the laws for the informal sector are very limited. Women workers are particularly marginalized in this sector."

This assessment consisted of two stages: (i) desk study of Pakistan’s labour laws, impacting media workers; and (ii) key informant interviews on a variety of issues including state of implementation of the legal framework; suggestions to improve protection mechanism for rights of media workers; strategies / ideas to face challenges – in the wake of ongoing crisis of non-payment of wages, mass job losses and job security issues in media industry of the country.

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

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

1. **Protection laws such as factories acts, merchandise shipping laws, 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 wages.**
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 implementation of the Awards given by them, Legal and administrative challenges in the implementation of these awards are also touched upon. Furthermore, this report assesses the performance of the ITNE in terms of filling, industrial disputes 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 report assesses the performance of the ITNE in terms of filling, industrial disputes and protection of workers’ rights in newspaper industry.

## 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.
- Article 19, relating to abolition of slavery and forced labour, addresses the rights of workers; and Article 25, relating to freedom of association and collective representation – need to be addressed in all campaigns and initiatives.
- The laws are silent on the inclusion and representation of other marginalized groups such as transgender and those with disabilities.
- 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 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.

### 3. NON-RECOGNITION OF INFORMAL WORKPLACES & FREELANCERS

- These laws mainly deal with the formal workplaces and don’t have adequate public and industry recognition 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 industry where many writers, freelancers 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. FLAILED 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 about the application of labour laws as well as their rights and privileges under the existing legal framework.

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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 role of Wage Boards is 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 labourers. In pursuance of policy, in Article 37(6), 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 11, the Constitution prohibits slavery and all forms of forced labour in the country. Furthermore, under Article 17(1), 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; wages and conditions of work; working conditions and workers’ welfare; old age benefits; and employment rights of disabled persons. Moreover, special laws are made for working conditions of newspaper employees.

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 waged 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 1973, the 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 newspapers 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 through 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.”

This proposal also included repeal of the Newspaper Employees (Conditions of Service) Act, 1973 and constitute new media tribunals without any reference to the formation of Wage Boards in future and protection of benefits under the NECOSA. The stakeholders including journalists, media workers, media houses and civil society and human rights groups strongly rejected the proposal. On June 2, 2021, the government formed a committee consisting of the Minister of State for Information and Broadcast and three federal government officials to liaise and discuss the issues raised by relevant stakeholders. However, until June 30, 2021, no further development was reported in this respect.

CHAPTER 4: METHODOLOGY

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 performance 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.


2 The Gazette of Pakistan, extraordinary, October 25, 2001

3 https://www.geo.tv/latest/332761-is-the-governments-proposed-media-ordinance-really-media-martial-law


5 https://www.dawn.com/news/1627120
CHAPTER 5: PAKISTAN LABOUR LAWS IMPACTING MEDIA WORKERS

Labour Rights are central part of human rights. Pakistan has ratified several labourers’ related International Declarations, Conventions and Conventions to show its commitment towards the labour rights. In addition to the to the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), Pakistan has ratified all key conventions of the International Labour Organization (ILO).  

Pakistan’s constitutional and legal framework on labour issues is quite detailed. This framework seems to correspond to almost all ILO conventions, which has so far ratified. Important to mention here that all of the constitutional provisions relating to labour issues are applicable to the workers in media industry. Similarly, beside the Newspaper Employees (Conditions of Service) Act (NECOSA), 1973, most of the general labour laws are also applicable to the workers in media (print, electronic and digital) industry.

5.1 Constitutional Framework & International Standards Relating to Media Workers in Pakistan

The constitutional framework of Pakistan provides several provisions recognizing fundamental right of citizens to freely form association and unions and workers right to collective bargaining for the protection and promotion of their interests. These provisions constitute the foundation of labour rights that go by institutional mechanism as a vehicle to enforce these rights.

The Constitution of Pakistan, in Article 19(1), recognizes 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. Similarly, Article 11 of the Constitution of Islamic Republic of Pakistan 1973 provides that: -

5.1.1 Freedom of Association

The following core ILO conventions, ratified by Pakistan, address these subjects in so far as the labour field is concerned:
- ILO Conventions 87 (Freedom of Association) and 98 (Collective Bargaining). These are two of the eight core conventions related to labour standards. Pakistan has also ratified ILO Convention 11 to ensure security of agriculture workers the same right of association as given to industrial workers.

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: -

In so far as the domain of labour is concerned, the Declaration of Philadelphia 1944, which is appended to the ILO Convention 1919, is a mentionable instrument. The declaration, which has a binding effect, has laid down thematic convictions in the following terms: -

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

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

c. to show its commitment towards the labour rights.

d. the war against want requires to be carried on

5.1.3 Freedom of Speech

Following core ILO conventions, ratified by Pakistan, the following conventions are relevant to this issue:
- C016 - Medical Examination of Young Persons
- C106 - Weekly Rest (Commerce and Offices)
- C045 - Underground Work (Women)
- C089 - Night Work (Women) Convention (Revised), 1934

Industrial relations laws enacted at the level of the federation and the provinces are relevant to this issue: -

5.1.4 Promotion of Social Justice

In so far as the domain of labour is concerned, the Declaration of Philadelphia 1944, which is appended to the ILO Convention 1919, is a mentionable instrument. The declaration, which has a binding effect, has laid down thematic convictions in the following terms: -

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In so far as the domain of labour is concerned, the Declaration of Philadelphia 1944, which is appended to the ILO Convention 1919, is a mentionable instrument. The declaration, which has a binding effect, has laid down thematic convictions in the following terms: -
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.

**Provincial Industrial Relation Laws**

This Act is concerned with the formation of trade unions and improvement of relations between employers and employees. The law was based on the genesis of ILO Convention 87 (Freedom of Association) and Convention 98 (Collective Bargaining). With the legal sanctions of enforceability, it gives right to both workers and employers to form or affiliate with federations of different unions, affiliation with international Federations and Confederations. It also gives right of registration of trade unions and federations incorporated in Pakistan. Under the law, registered trade unions have the right to choose representative trade union as Collective Bargaining Agent (CBA) with authority to bargain with the employer.

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 individual grievances and challenge these laws in 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 and the Act does not use 'woman worker' 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 / workers in the law. Moreover, constitution of NIRC does not have any reference to the representation of ‘women employers or workers’ in the Commission.

These laws cover the industrial establishments situated within corporations, municipal or town companies, and other bodies employing less than ten persons.

These laws prescribe rules and restrictive conditions in respect of engagements of children and young persons, hours of work, leave benefits, regulation of payment of 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 over July 2010. Azad Kashmir and Gilgit Baltistan have 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 minimum wage rates and regulates 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 law orders during lay-off, termination gratuity and dismissal and disciplinary procedures. Certain provisions apply to industrial establishments which employ 50 or more workers whereas all provisions apply to commercial establishments employing 20 or more workers.

Several other labour laws such as the Employees Old Age Benefits Act, Social Security Ordinance, Workmen Compensation Act, Cost of Living Act, etc. have borrowed the definitions from this Ordinance. Therefore, benefits of these law will be available to both workers and employers falling under the definitions of Industrial and Commercial Employment (Standing Orders) Ordinance, 1968.

**Shops & Establishments Laws**

These laws also apply to the media – print and electronic – workers in the country. An importance of the Act is the protection of right to trade unionism. However, the language of the law is non-inclusive for women workers and the Act does not use ‘woman worker’ 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 / workers in the law. Moreover, constitution of NIRC does not have any reference to the representation of ‘women employers or workers’ in the Commission.

These Acts have no provision for industrial relation commissions.
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 governments to review the minimum wages on the recommendation of the Provincial Minimum Wages Boards. The Ordinance also prescribes procedure for the determination minimum wages and recommendations to the Wage Boards.

MINIMUM WAGES FOR UNSKILLED WORKERS

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 government; therefore, now provincial governments determine the scale of minimum wages.

ROAD TRANSPORT WORKERS ORDINANCE 1961

This law applies to all persons engaged on mobile and commercial establishments, which fall in the definition of 'industrial and commercial establishments' under the Industrial and Commercial Employment (S.O.) Ordinance 1968. This definition includes 'newspapers establishments' as the Labour Appellate Tribunal of Sindh province – in Messrs Daily Mashriq versus Nafees Ahmed Bazmi (1992 PLC 314) – has determined so.

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 ‘newspapers establishments’ as the Labour Appellate Tribunal of Sindh province – in Messrs Daily Mashriq versus Nafees Ahmed Bazmi (1992 PLC 314) – has determined so.

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. Mr Baloch filed first appeal, which was the 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 wages from the date of termination.

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:

‘[T]he termination of the respondent was malicious and outrageous. The order passed by the learned Labour Court directing the reinstatement 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
The Act provides for the compensation of a person who has been, or is, qualified to be a Judge of a High Court or a Judge of a Supreme Court or a High Court. The Act further provides for the application of the Industrial Relations Act. The Act also provides for the implementation of the National Industrial Relations Commission (NIRC).

The Act requires that no newspaper employee shall be required to work in any newspaper establishment for more than forty-two hours in a week, exclusive of the time for meals. Working hours of the employees are subject to a minimum period of ten days in a calendar year.

Lease entitlement:

- Act provides following lease entitlements for the employees
- Sick / medical leave: Newspaper employee is entitled for leave on submission of medical certificate on one-half of the wages, for not less than one—eighteenth of the period of service subject to a minimum period of ten days in a calendar year.
- Casual leave: Fifteen days per year
- Annual / earned leave: Newspaper employee is entitled for earned leave on full wages, for not less than one—eleventh of the period spent on duty.

Medical Care:

A newspaper employee shall be entitled, together with his dependants, to medical care at the cost of the newspaper establishment in, or in relation to, which he is employed. As per the law, medical care includes:

1. treatment by a medical practitioner registered under the Medical Council Ordinance 1962/XXXII of 1962, both at the clinic of such practitioner and at the residence of the newspaper employee;
2. treatment by specialists in hospitals and by such specialists as may be available outside hospitals;
3. essential pharmaceutical supplies as prescribed by a medical practitioner under clause (a) by a specialist under clause (b); and
4. hospitalization, where necessary.

While on papers, all these laws look quite promising. The text in most of statute books also seem to comply with the requirements of international conventions and standards. However, there are a few shortcomings in these laws which need to be addressed.

5.2.4 Electronic and Digital Media Workers’ Rights in Pakistan

During past 20 years, media market in Pakistan has seen exponential changes. At the beginning of the new millennium, there was only the newspaper (print media) industry alongside the state-run television and radio (electronic media) in the country. Since 2002, there has been a massive growth in the sector due to the expansion of electronic media licencing for the commercial sector. This resulted in massive increase in human resource in the media landscape of the country as well. Back in 2002, there were merely 3,000 working journalists and approximately 25,000 media workers in Pakistan. By 2018, the number of working journalists rose to 18,000 and number of media workers reached to 250,000.
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), Press Council of Pakistan and other government departments for registration of newspapers. The plan proposed a dedicated digital media platform for registration of newspapers. In pursuance of this resolution, a Press Commission was set up on September 28, 1954. This was later replaced by the Pakistan Electronic Media Regulatory Authority (PEMRA). In March 1959, this Commission submitted its detailed report / recommendations to the government. The Commission recommended that a law be made to regulate the condition of service of working journalists. This law would be called the ‘Working Journalists Act’. PEMRA’s Electronic Media (Programmes and Advertisements) Code of Conduct, 2015, Clause 20(2): https://pemra.gov.pk/uploads/legal/Code_of_Conduct.pdf

### chapter 6: performance of the wage board & implementation tribunal for newspaper employees (ITE)

The enactment of the NECOSA was a landmark development for the employees of the newspaper industry in Pakistan. The Act provided a broad definition of employee, covering almost all employees including editors working in the newspapers. Besides, the NECOSA had also suggested constituting a Wage Board, which would fix the rates of wages of the working journalists. In response to the recommendations of the Commission, the government promulgated the Working Journalists (Condition of Service) Ordinance, 1960. The Ordinance defined the ‘working conditions of journalists’. Complying with the provisions of Section 8 of the Ordinance, the government constituted country’s first Wage Board, headed by Mr Justice Sajjad Ahmad Jan – a learned judge of the High Court of West Pakistan – on May 30, 1960 and it awarded its first award on the December 31, 1960.

**Second Wage Board**

The Second Wage Board was constituted on April 25, 1969, again, headed by Mr Sajjad Ahmed Shah. However, he expressed his unwillingness or continue with the assignment. He was succeeded by Mr Justice A. S. Faruqui, a learned judge of the West Pakistan High Court on October 17, 1969 but he resigned from the chairmanship of the Board on February 1, 1970. He was succeeded by Mr Justice Sajjad Ahmad Jan who was the chairman of the Wage Board. The Board fixed new pay scale for the employees. The Board was to revise wages of newspaper employees, the Wage Board may take into consideration the cost of living, the prevalent rates of wages of comparable establishments, 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 as soon as practicable to the Federal Government. So far eight Wage Board Awards have been announced.

**First Wage Board**

Constitution of First Wage Board predates enactment of the NECOSA. The first-ever effort for a dedicated legal rate for employees of the newspaper industry made in 1953 when the Central Legislative Assembly passed a resolution to meet the demands from general body of press to improve their working/service conditions. In

**The enactment of the NECOSA was a landmark development for the employees of the newspaper industry in Pakistan.**
of them were representing the employers (owners) and four representing the employees. The board announced its final decision May 25, 1980. 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. APNS later filed two separate petitions in the High Court of Sindh and 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. The Supreme Court of Pakistan dismissed the petition as in fructuous. Though the Court did not so.

Sixth Wage Board

Sixth Wage Board came into existence on October 23, 1994. Mr Justice (Retd.) Zia Mehmood 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 Afraasia 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 petitioner to approach to proper 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 19th 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.

Sixth 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 Shaft-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 operative from February 1, 2019. However, representatives of the media workers are still demanding implementation of this award.

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.

Since 1977, the government has appointed 11 chairmen of the ITNE. The NECOSA is silent on the term – in office – for chairman of ITNE; therefore, each of them served for a different duration.

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 2,783 cases during past ten years.

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DISTRIBUTION 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>
</tr>
</tbody>
</table>

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

1. Justice Mustqaa Hussain Munir (15.05.1975 - 14.07.1978)
11. Raja Amr Khan (07.03.2019)

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 2,783 cases during past ten years.

Most of the respondents agreed that devolving the NECOSA 1973 to the provinces may prove beneficial for the media industry workers.

- A respondent suggested that there should be Provincial Media Employees (Conditions and Services) laws. Provinces should establish implementation tribunals to address issues of media workers in the provinces. Some respondents agreed that there should be devolution of NECOSA. However, they argued that the law should not be devolved to the provinces without any proper homework by all stakeholders. They also emphasized that the NECOSA should be extended to all media industry.

- Another respondent, who was against the devolution of NECOSA to the provinces, proposed that there should not be special provincial laws for the media. Media workers unions and organisations should deliberate on the issue before advocating for such legislation.

- According to one respondent, NECOSA has lost its spirit. It is no more effective, and responsibility of its implementation is with the government, 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), PPUJ, 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 done by Radio Pakistan.

- The ITNE should be perform as a part of judicial system and appointment of the chairman should be through judicial commission – similar to the appointment of a High Court Judge. The Ministry of Law should be relevant ministry, and responsibility of its implementation always remains a problem. The ITNE either doesn’t exist or is a dream.

- The spread of Covid-19 has made the matters worse and now many journalists are facing salary cuts or no salary at all. If implemented properly, the scope of the Wage Board should be extended to electronic and digital media as well, so that the financial security of all the journalists, irrespective of their media affiliation, can be ensured.

- Actualization of the wage award takes too long and could also be preceded by newer awards which means that negotiated wages implemented at one stage may become obsolete with prevalent inflation. The process needs to be made swift and binding – perhaps on the lines of the Industrial Relations Act that sets legal bindings, time-limits and penalties for every step of the process including charter of demand, negotiation, arbitration & reconciliation (if needed), agreement, and implementation.

- When 7th wage award was being constituted, electronic media was not there, there was no concept of digital and social media. With exception to one or two newspapers, it was not implemented by the Ministry of Law. Then, there was boom in media with electronic media. So, the electronic media workers started getting two to three times higher salary as compare to the print media.

- ITNE is responsible to ensure that all journalists get a raise and this raise is again argued by inspectors which should be done, is just a dream for journalists. Trade union either doesn’t exist or is not supported by other contractual employees in TV and digital.

- The explosion 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.
Thankfully no one has challenged the recent Wage Board Award, but stagnation in wage increases are yet to be given. Many organizations have still not implemented it. Wage Board doesn’t object on giving maximum to any employee, but employers usually prefer to minimize the employee expenses. This creates demotivation for the people who work hard and are better performers than other people.

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 been opposed tooth and nail by news 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 issues 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 for any industry. The 7th Wage Board announced its wage award in July 2000 and 8th Wage Board announced its wage award in February 2019. There must be a four-year period to form a wage board. The Wage Board award must be implemented on all newspaper employees including contractual and outsourced employment.

However, a large number of respondents (15) consider the performance of Wage Board is not up to the mark. Although, the Wage Board announces the wages for all newspapers, but very few circulated newspapers comply with the wages determined by the Wage Board. The Wage Board mandate should be extended to include every employee of print industry.

The delay in constitution of regular Wage Boards – which is a matter of public interest – resulted in serious infringements of the rights of media workers. Moreover, rates fixed in the last Award are below the minimum wages standards and practices. This is also against the fundamental rights.

Wage Board Award is not being implemented by majority of newspaper groups. There is need to ensure its implementation through bringing amendments in the law.

The practice of contractual employment should be stopped by the media industry. The board by forming media houses to avoid determination of 7th Wage Board Award. The law gives discretion to the government to constitute the Wage Board at any time and there is no time frame provided in the law for (PLD 2012 SC1).

The Wage Board have proved to be ineffective.

This evident from the fact that Seventh Wage Board Award remains in force for more than 18 years – out of which it was inoperative for more than 10 years due to pendency of the case in the court. Ultimately, its benefits became redundant as a result of the experience of the previous Wage Board Award should be implemented within the given timeframe. Furthermore, only those newspaper should be given the official advertisement which implement the Wage Board award.

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 newspapers’ employees – performing its functions effectively?

Law-mandated Performance of ITNE

One of the respondents said that ITNE is an excellent organization for media employees, as ranked by many respondents. To make it more effective, there should be ITNE benches at the district level. One chairman cannot deal with the cases all over the country.

There should be a separate department / institution of ITNE inspectorate. The inspectors be attached to each newspaper which should be authorized to inspect the newspapers / media. They can be instrumental in ensuring implementation of the decisions of ITNE.

The State should remove the bottlenecks through amending limits to the laws of the Wage Board or ITNE binding on media houses. ITNE delivered many good judgements which are yet to be implemented to benefit the media workers.

Many respondents ranked ITNE performance law. It mostly works in Islamabad and hardly visits to other cities. It needs to create more Tribunals and it should be bound to time limit to decide cases wages disputes. One wage award implementation should not have taken much time. Overall system is working on delaying tactics.

All labour court should be empowered / brought under regular NECOSA to address the High Courts. Tribunals should be part of the judicial system instead of administrative system. ITNE is currently like any other tribunal in Pakistan – devoid of any engagement framework between the principals involved such as PFUJ, CPNE, APNS and print media employees. A program should be created that allows for an organic advocacy engagement among these principals while also generating an annual published report on the performance of ITNE. A program should be created that allows for an organic advocacy engagement among these principals while also generating an annual published report on the performance of ITNE.

The present condition of the media industry is elsewhere is that the ITNE is still being through land revenue laws. The Wages Authority should be able to recover the wages.

Several respondents stated that all labour laws, including laws relating to industrial relations, are good but their implementation is questionable, due to flaws in the judicial and administrative systems.

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 the appointment of chairman always remains a controversial issue. There is time gap in the outgoing and new chairman’s appointment. For example, a new chairman of ITNE is still awaited. Since there is no provincial bench of the ITNE, the chairman comes to every province in every 3 months. Therefore, we have to wait for 3 months for hearing of our cases. The ITNE usually sits in large cities. Small city newspapers and employees have to travel to these big cities for hearing.

The ITNE is the only existing organization responsible for ensuring the implementation of ITNE for the newspaper employees. However, interestingly, the electronic media doesn’t come under the scope of Wage Board or ITNE.

It is important that a separate Wage Board should be created for the electronic and digital media employees or they should also be brought under the Wage Board constituted for the newspaper employees so that their problems which are common in nature can be dealt with effectively.

Surprisingly, many of the respondents were unaware of the establishment, role and functions of the ITNE.

4. Is the existing legal framework, governing labour issues of news media workers (comprising various industrial relations laws), being implemented effectively?

Implementation of Legal Framework of Media Workers

Several respondents stated that all labour laws, including laws relating to industrial relations, are good but their implementation is questionable, due to flaws in the judicial and administrative systems.

The Wages Authority must have power to recover the wages and implement its judgement. In Islamabad, the authority is doing this under the Rules, but in rest of the country the authority is still being through land revenue laws. The Wages Authority should be able to recover the wages.

The labour code of Pakistan for the entire workforce that is being out of the NECOSA is mostly archaic, complex and overlapping.

There remains a need to simplify the entire framework as well as ensure implementation.

Industrial relations laws require collective bargaining and dispute resolution, extension of this law is minimal as best in the media industry. Although in media, some “plant-level unions” are registered with the NECOSA, under the Industrial Relations Commission, media workers and their apex bodies are mostly organized and/or registered as “associations.” Therefore, they are unable to approach an informal and legally binding collective bargaining, grievance settling and dispute resolution.

Several government institutions: EOB1, social security employer, NECOSA, and other departments. These labour laws are not being implemented in their true letter and spirit.

It should be brought back at district level to deal with the issues of labour rights including media workers’ rights – which are not covered under the NECOSA.

4a. What are the implementing agencies for various aspects of the framework? And how effectively do they do their work as far as news industry in concerned?

Implementing Agencies of Legal Framework of Media Workers

The following agencies are identified by the respondents under the general labour law framework:

- Wages Authority
- Labour Court
- Labour Provinces
- National Industrial Relation Commission
- Registrar Trade Union
- Social Welfare Department (district administration)

Various respondents showed their concern about these implementing agencies. In practice, effectiveness of these forums has been a matter of serious concern. It’s mainly due to flawed judicial system. The delay in provision of justice due to flawed procedural systems has made these forums less effective. There should be a system of advance guarantee / security payment – to be deposited by the defaulting party in the court or with the arbitrator (similar to the British system).

The security deposit should not be paid out of that security deposit rather than recover as land revenue areas or through wages authority.

One respondent said that media workers are asked to get themselves registered as trade union under these laws but the protection to the workers available under these laws are not applicable.
5b. 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.

5c. 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 been 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 existing laws will not provide benefit to 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 enforcing the rights of labor in media.
- Apart from the industry-related risks that women face as their male counterparts, the women
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 resourceful. 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, PFUI, AEMEND, 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. Rauf Sheikh, Former Chairman ITNE
Mr Abdullah Jan, Member – Seventh Wage Board
Mr Shahzada Zafar, Member – Eighth Wage Board
Mr Pirzade Shaukat, Member – Eighth Wage Board
Mr Muhammad Mushtaq Haider, Registrar – ITNE

Legal Experts
Mr Akhtar Hussain, Advocate Supreme Court of Pakistan
Mr Syed Ishtiaq Mustafa Bukhari, Labour (NECOSA) Law Expert
Mr Adnan Bashir Chaudhry, Labour Law Expert
Mr Hikmat Ahmed Man, Labour Law Expert
Mr Mian Muhammad Zulqarnain, Advocate Supreme Court of Pakistan

Local and International Experts / Academician
Mr Adnan Rehmat, Media Development Expert
Dr. Tauseef Ahmed Khan (Mr), Academician
Ms. Gulmina Bilal Ahmad, Development Practitioner
Mr Immed Asif, Expert on Unionism
Dr Imran Munir (Mr), Academician

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

Journalists / Media Workers Representative
Mr Mazhar Abbas, Senior Journalist
Mr Nazir Zaidi, PFUI
Mr Rana Azzem, PFUI
Ms. Sheeraz Bazmi, APNEC
Mr Amir Suhail, PFUI
Mr Fazal Jamil, PFUI
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 newspapers employees? 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 newspapers’ employees – performing its functions as mandated by law? What should be done to make it more effective to protect the rights of news media workers?

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) applicable 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, 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? •