

## Asia/ Pakistan

### Not a rosy picture

*Conditions of work of women workers in warrachs, sheds for processing fish, leave much to be desired, highlighting problems in the implementation of existing labour laws*

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More and more women are stepping out to work to supplement the income of their men. This is a positive change in that finally women are also being viewed as providers, compared to their traditional roles as unpaid housekeepers. This may be a sign that women's empowerment is finally taking place, but the picture is not as rosy as it may seem. While within their homes they are under the control of their fathers, husbands or brothers, when they step out, their problems increase, as their employers and society, in general, exploit them. This exploitation may be physical, emotional or even sexual. It brings to the fore a sad picture of human rights violations, and of little effort towards implementing laws and bringing about social awareness to help the victims. An example of this gross negligence is the condition of women who work in Pakistan's *warrachs* (sheds for processing fish), where one can witness human misery and manipulation at its worst.

*Warrachs* are big halls or rooms, measuring 20 ft by 50 ft or more. The walls are typically bare, unplastered cement blocks, and the roofs are made of asbestos or iron sheets. Women workers sit on the floor with their backs towards the walls. The number of women workers (and their children) in each *warrach* ranges between a minimum of 40 and a maximum of 250, depending on its size. Workers employed are usually female, more often than not accompanied by their young children, who also lend a helping hand with their work.

In the fisheries sector, *warrachs* are used for peeling shrimp, cleaning and gutting fish, and extracting meat from crabs, shellfish, etc. The manager/ operator of a *warrach* could be the owner of the premises or the one who has rented it. Typically, the following activities are undertaken in *warrachs*:

- Supply of peeled shrimp, gutted fish, etc. to processing plants on terms and conditions agreed

on by both parties. Arranging for raw materials (fish) is the sole responsibility of the operator.

- Peeling/cleaning of fish/ shellfish provided by the processing plants on terms and conditions mutually agreed on by both parties.

In both cases, the managers/operators of the *warrachs* are doing the job for processing plants or for some third party/firm exporting seafood. Hence, they are called contractors in the local fisheries industry.

In some situations, it may be absolutely necessary to give out certain tasks to a contractor. For instance, a small publisher who does not regularly handle bookbinding work, has no option but to get this task done by a professional binder. The binder, in turn, works for many publishers, employing his own labour. Thus, if there is exploitation of labour, it is the binder who is prosecuted, not the publisher who has subcontracted work to the binder.



It is the job of the employer to obtain work from the labour he employs. The job of the Labour Department is to ensure a fair deal for labour and due compliance with labour laws. The contractor has to be treated as an employer and has to be made to comply with labour laws.

With this in mind, one must look at the status of the contractor/owner/operator of the *warrach*. It appears obvious that in the case of fisheries *warrachs* as well, the contractors must be seen as the 'employers', responsible for payment of wages, labour welfare, terms

and conditions of employment, discipline and compliance with labour laws. However, in practice, this does not happen. In general, workers are paid poor wages, made to work for long hours without overtime payment, are not entitled to leave, and have no social security, health or accident coverage, or access to welfare schemes. In other words, laws for the protection and welfare of labour are not adhered to. In fact, the fault is more with the poor enforcement machinery, which is the Labour and Manpower Division, and its failure to deal with such violations in a suitable manner.

There are several provisions in existing labour laws that should apply to the labour employed in the *warrahs*, namely:

- The West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (section 1 (4) (a)) explicitly covers those “Employed directly or through any other person”. In Section 2(b), a commercial establishment is defined to include “the office establishment of a person who for the purpose of fulfilling a contract with the owner of any commercial establishment or industrial establishment, employs workmen” and “such other establishments or class thereof, as Government may, by notification in the official Gazette, declare to be commercial establishment for the purpose of this Ordinance.”
- According to Section 2 (xxx) of the Industrial Relations Ordinance, “workman” means any person who is employed in an establishment or industry for hire or reward either directly or through a contractor . . .”, and, according to Section 2(xiv), “industry means any business, trade, manufacture, calling, service, employment or occupation”.
- The Workmen’s Compensation Act, 1923 ((section 2 (1) (n) and Schedule II) covers numerous types of work, including those of contractors.
- Section 2 (ii) (g) of the Payment of Wages Act, 1936 refers to “establishment of a contractor who directly or indirectly employs persons. . . .”
- According to section 2(h) of the Factories Act, 1934, “worker” means a person employed directly or through an agency. . .” in work “connected with the subject of the manufacturing process.”
- According to section 2 (9) of the Provincial Employees’ Social Security Ordinance, 1965, “employer” means in the case of works executed or undertakings carried on by any contractor or licensee on behalf of the State, the contractor or licensee working for the State, and, in every other case, the owner of the industry, business, undertaking or establishment in which an employee works, and includes any agent, manager or representative of the owner.”
- According to the West Pakistan Shops and Establishment Ordinance, 969 (section 2 (g)), an employee “means any person employed, whether directly or otherwise, about the business of an establishment.” As per section 2(g), the Ordinance can be applied by Gazette notification to any other establishment not presently covered by the Ordinance.
- According to the Employees’ Old-Age Benefits Act, 1976 (section 2 (b)), “employee” means any person employed, whether directly or through any other person, for wages or other-wise in any industry, and as per section 2 (g), “industry” means “any business, trade, undertaking, manufacture or calling of employers, and includes any calling, service, employment, handicraft, industrial occupation or avocation of workmen.”
- According to Employees Cost of Living (Relief) Act, 1973 (section 2 (b)), “employee” means “any person employed, whether directly or through any other person . . . in any undertaking”, and, as per section 2 (d), “undertaking” “includes any class of establishments which the Federal Government may, by notification in the official Gazette, declare to be undertakings for the purpose of this Act.”
- According to the Minimum Wages Ordinance, 1961 (section 2 (9)), a “worker” means “any person including an apprentice employed in any industry. . .” and, as per section 2 (6), “industry” has been assigned the same meanings as in Industrial Relations Ordinance, viz. “any business, trade, manufacture, calling service, employment or occupation.”

It is clear from the above that contractors, such as the owners/operators of *warrahs*, are already covered under most labour laws. If violation of labour laws and consequent exploitation continues to take place, the responsibility falls on those who fail to enforce the law. In order to make the law more effective, a provision could be added, making it mandatory to register

addresses of worksites and offices of contractors with the Labour Department. Regular inspection of such worksites, maintenance of proper records and submission of returns by them must be made compulsory, as for other employers. These measures can check the abuses of the contract system. There is no need for any fresh legislation. The laws are already there—it is only that the people in power need to set right their priorities. Only then can this gross exploitation of labour be stopped.

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