



## LEGISLATIVE FRAMEWORK ON OCCUPATIONAL HEALTH AND SAFETY: A CASE STUDY OF PAKISTAN

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### Abstract

*In many jurisdictions, legal and regulatory frameworks controlling the protection of employees' health and compensation for disease and injury contracted at work are among the earliest pieces of social legislation; the rules governing prevention date to the 19th century, while workers' compensation laws were first passed in many jurisdictions in the early twentieth century. The same is true for Pakistan, where there is an urgent need for such laws regarding this crucial issue.*

*This article will provide a summary of current regulatory methods to the prevention of occupational illnesses, injuries, and compensation for their effects, while also examining the development of legislation from its inception to the present.*

**Keywords:** Occupational Health, Occupational Safety, Legislative Framework, Protection of Rights, Penal Laws

### Introduction

Occupational health and safety is about regulating the world of work and deals with the risks that are associated with the workplace. With the drastic changes overtime in this field, need for legislation regulating the work environment was felt. In the same line, need for legal framework



gained huge attention all over the world including Pakistan. In the course of 71 years certain legislation was promulgated. For the protection of workers, OHS were made part of Constitution of Islamic Republic of Pakistan-supreme law of the land. Pakistan Penal Code 1960 has provided coverage to different wrong doings of corporations with the liabilities while assigning legal personality to such entities. In addition to others, Factories Act 1934 being welfare legislation, followed by amendments thereafter, also deals with same subject in Pakistan. Financial enactment such as Workman Compensation Act 1923 and others including Companies Act 2017, Companies (Corporate Social Responsibility) General Order 2009, Employers Liability Act 1938, Labor Policy 2010, Protection against Harassment of women at the Workplace Act, 2010 also provide coverage to such issues.

However, all the enabling legislation has been accounted for many loopholes in it? Taking the example of the factories Act 1934-of particular significance in this regard-it is one of the main enactments that primarily deals with OHS issues. Unfortunately, it is been subjected to many criticisms for being an inadequate statute dealing with the subject for many reasons. After 18 Amendment in the Constitution of Islamic Republic of Pakistan 1973, the amendments made by provinces in the light of the same do not yield any fruit. It did not bring revolutionary changes within it neither any innovation has been added. Furthermore, other prevailing legislations came up with the same defects which are discussed in length thereafter.

### **Relevant Provisions in the Constitution of Islamic Republic of Pakistan 1973**

The Constitution is considered to be the Supreme Law of the Land and hence, the Constitution of Islamic Republic of Pakistan aims at promotion of social and economic wellbeing of people of Pakistan and laid obligation upon state to follow the Islamic principles while assuring such rights. (The Constitution of Islamic Republic of Pakistan, 1973) In the same vein it equally be shields the workers and employees by acknowledging and attached certain rights to them as according to Article 3 the state is obliged eradicate any sort of abuse found at workplace. (The Constitution of Islamic Republic of Pakistan, 1973) Article 4 and 9 describe one of the fundamental right as everyone should be protected from being treated otherwise accordance with the law and no harm would be done to him and taken away his life except according to law. (The Constitution of Islamic Republic of Pakistan, 1973) No one has right to do any act detrimental to the dignity of man as stressed by Article 14 of constitution. (The Constitution of Islamic Republic of Pakistan, 1973)

In addition, under Article 37 (e) it is mandatory for a state to provide decent workplace and take all necessarily step to provide a safe and sound workplace. (The Constitution of Islamic Republic of Pakistan, 1973) The state, being solely responsible for the security of its people, will provide all the fundamental facilities to its people for their work and ensure their wellbeing. (The Constitution of Islamic Republic of Pakistan, 1973)



## Relevant Provisions in Pakistan Penal Code (PPC) 1860

The Pakistani Penal Code is the substantive and penal law being implemented in Pakistan since its birth in 1947. It has application all over Pakistan. (Pakistan Penal Code, 1860, p. 1) It has defined the wrongs committed at workplace and attached certain punishments to it. It has equally defined the corporation wrong doings and resultantly describes punishments for it if they commit or omit any act. PPC has given a personality to corporation and companies and termed it as person. (Pakistan Penal Code, 1860) Persons mean not only an individual or a natural person but it includes a company, an association or body of persons whether incorporated or otherwise. The juristic persons are also termed as persons falling under the above-mentioned definition. (2010 CLD 717 Lahore.)

There are certain provisions of law where such acts and their punishment are discussed such as the bare reading of section 269 suggested that where any person does any negligent act having sufficient knowledge about the nature of the disease and has spread infection of any disease will bear its consequences as it entails imprisonment up to 6 months or fine or both. (Pakistan Penal Code, 1860) where a person does any negligent act with the poisonous substance or withhold any toxic or poisonous substance which is more inclined to jeopardize human life or cause [injury] (Pakistan Penal Code, 1860) or damage to any person and does not take precautionary measure as to stop the plausible threat of it to the human beings will be liable for up to 6 months imprisonment or fine or both. (Section 284 Pakistan Penal code, 1860) In the similar vein where any act done negligently by a person or where he has some inflammable or explosive substance in his possession which has likely to pose conceivable threat to any person and such person recklessly discards to take action in order to control it will be punished for imprisonment up to 6 months or 3000 fine or both. (Section 285 and 286 Pakistan Penal code, 1860)

Whoever does any heedless or imprudent act as to imperil human life or recklessly precludes taking such action in regard of any machinery in his control or caring likely to create any plausible danger to life of any person while using such machinery will be awarded punishment up to six months or fine up to 3000 or both. (Section 287 Pakistan Penal code, 1860)

PPC has also elaborated the offence of *Qatl-e-khata* which is murder by mistake. Where a person without any intention to pose harm to any person and resultantly death is caused will be penalized under the provision of *Qatl-e-khata*. The element of gross negligence is involved here. (Section 318 Pakistan Penal Code, 1860) Any person committed any act will be liable to 5 years imprisonment plus *diyat*. (Section 319 Pakistan Penal Code, 1860)

Where a person does any reckless act that it more inclined to harm or cause damage to any person will entail three years punishment and will also be penalized under the provision of *arsh* or *Daman* specified for hurt. In addition, with the same act if any person put at the risk the life and safety of any person shall also be liable for imprisonment up to six months or fine or both. (Section



337(H)(I) Pakistan Penal Code , 1860)

PPC has defined the offences and its punishments. Where any person (supra) commits any crime may punish as mentioned above. The penalty scheme under PPC includes the imprisonment and pecuniary punishments. The minimum and the maximum limit has not been defined herein as to what and from what extent the fine would be impose upon the person except section 285,286 and 287. The intriguing dimension is that how a corporation can be convicted for imprisonment where it prescribed mandatory? An individual offender can be sent to jail but where any corporation committed a crime how can it be punished with imprisonment as corporation having the attributes of natural person i.e. a corporation being legal entity enter into contract and assume responsibilities, sue and can be sued etc. but having no physical existence and being artificial and juristic person any corporation cannot undergo imprisonment and cannot be convicted for the same as company is incapable to suffer the such sentence. Where there are certain offences which cannot be committed by a corporation such as rape in the like manner imprisonment cannot be inflicted upon corporation. There is no controversy exists where the court has discretion whether to inflict fine or imprisonment as in case of above mentioned sections but the controversy is vital where the law required to convict the corporation for imprisonment and that is mandatory as in case of *Qatl-e-khata* where the penal liability attached is imprisonment plus *Diyat*.

### **Companies Act 2017**

The Companies Act 2017 is the most recent legislation. It is applied throughout Pakistan. (Section 1 Companies Act , 2017) It has laid down an obligation upon director that he will act in the best interest of the company and enhance its productivity. Apart from within house responsibilities he should take care for the environment too. He ought to fulfil his obligation with reasonable care and due diligence. Where director does any act which is against this section will penalize for the offence as up to 25000 fine and up to 500 rupees per day where the default continuous. (Section 204 and 479 of Companies Act, 2017) In addition the director shall submit a report stating the performance and activities of company including corporate social responsibilities during the financial year along with financial statement. Any violation of the said section would realize a penalty on listed company up to 2 years imprisonment and fine up to 5 lacs. Where the default continuous, a further fine of 10,000 for everyday would be imposed and company other than listed companies would be penalize for imprisonment up to 1 year and fine up to 1 lakh. (Section 227 Companies Act , 2017) By virtue of these sections the director has ultimate duty to maintain a safe workplace free from occupational hazards.

The Companies Act 2017 mainly stress on the protection of the shareholders and ensuring the profitability of the entity. There are no specific provisions about the health, safety and welfare of workers under the said Act and does not address the protection of the grass roots workers or such other employees at workplace except certain provisions (supra) and include the imposition of duty upon the director to exercise due diligence while performing duties and to file a report



mentioning the Corporate Social Responsibility activities.

The said Act defined two tier penalties, firstly fine and secondly imprisonment. Under the provisions discussed above if any contravention is found on behalf of director, he will be held liable. In case the director does not comply with provision as to perform the duties diligently the penalty that would be imposed upon director is 25000rs which is a nominal amount and which is not hard to pay and can be easily paid if any worker is exposed to risk found at workplace however the penalties are much higher in case where the director fails to file mere a report about the CSR activities, *interalia*.

### **Companies (Corporate Social Responsibility) General Order, 2009**

This order has applicability on all public companies (Section 1 Companies (Corporate Social Responsibility) General Order, 2009), every public company or any officer of it is bound by the law to give a descriptive or monetary disclosure of corporate social responsibility activities which include occupational health and safety in each financial year. This disclosure shall be included in director report to the shareholder and attached with annual audited accounts (Section 2 Companies (Corporate Social Responsibility) General Order , 2009)

This order has restricted its application only to public companies and private company does not fall in its ambit. This order has its very role of guideline and persuasive in nature but it talk about only the disclosure of CSR activities.

### **Factories Act 1934**

Factories Act 1934 being welfare legislation is mainly deal with the health and safety of workers. It extends throughout Pakistan. (Section 1 Factories Act , 1934) Chapter 3 of the Act talk about the health and safety of workers at workplaces. Factory has been defined in section 2(J) of the said Act as;

“factory means any premises, including the precincts thereof, whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on or is ordinarily carried on with or without the aid of power, but does not include a mine, subject to the operation of the Mines Act, 1923 (IV of 1923)”.

From the bare reading of the section 2(J) that has defined the factory one question arise in mind that the definition does not include a company. So how can a company be liable for the health and safety of the workers under this Act? How can liability be extended to the body corporate where any worker faces the occupational hazards defined above in this thesis? This query has been answered in the said Act by giving the definition of Occupier as defined by section 2(L);



“Occupier of a factory means the person who has ultimate control over the affairs of the factory, provided that where the affairs of a factory are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory”

The Term occupier has further elaborated by section 70(2) of the Act as;

“Where the occupier of a factory is a company, any one of the directors thereof, or, in the case of a private company, any one of the shareholders thereof, may be prosecuted under this Chapter for any offence for which the occupier of the factory is punishable: Provided that the company may give notice to the Inspector that it has nominated a director, or in the case of a private company, a shareholder, who is resident in either case in Pakistan to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder shall, so long as he is so resident, be deemed to be the occupier of the factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be director or shareholder.” (Section 89 of Khyber Pakhtunkhwa Factories Act, and Section 102 of Sindh Factories Act, 2013 and 2015)

Now a body corporate can be held liable where the grass root workers face the workplace perils. These instructions in Chapter 3 has set down workplace safety instructions for the companies to follow. Cleanliness shall be maintained in every factory. During the manufacturing or processing where any filth is gathered that shall be erased from floors and stairs on day-to-day basis and shall be properly ejected. The floor shall be washed using antiseptic at least once in a week as to kill microorganisms. Proper drainage system shall be maintained for any effluent at workplace. In every 14 months all the walls and the ceiling shall be white washed. Where any occupier is unable to fulfill above all requirements the provincial government may exempt such factory with other alternatives and strategies. (Section 13 and 14 Factories Act , 1934)

Efficient and reasonable arrangements shall be made for proper passage of fresh air into the work environment. That material for constructing the wall shall be used that it can keep the temperature low especially where the nature of the work is that it conducted in high temperature or produce it and the temperature shall not surpass rather keep low as it can be. In addition, effective measures shall be adopted to reduce the temperature at work environment such a spraying, whitewash, double roof, screening outside walls or rooftops or windows, by raising the level of the roof, or such other measure as recommended by Provincial government. (Section 15 Factories Act, 1934)

Where the nature of the work is a such that smoke, dirt and dust is emitted then it is the duty of occupier to install exhaust at the point where it is emitted and no internal combustion machine shall be operated which is more inclined to produce smoke and dust unless safety measures are installed for the safety of workers as it will adversely affect the health of workers.



(Section 16 Factories Act , 1934)

In any indoor work environment where it is necessary to keep the atmosphere moist. The occupier will make arrangement to increase the humidity of the air. The water use for this purpose shall be clean water. Where the water is not clean which is used for humidity, the inspector will give a notice to the manager to take appropriate measure. The provincial government can make rules to prescribe standards of humidification, methods used for artificially increasing the humidity, describe tests for determining the humidity of the air to be correctly carried out and recorded, prescribing methods to be adopted for sufficient ventilation and cooling of the air at workplace. (Section 17 Factories Act , 1934)

Overcrowding is prohibited under this Act to the extent that it is negatively affecting the workers' health. To avoid the harmful effects, the workers need to provide five hundred cubic feet of space. By the order of chief inspector, a notice mentioning the maximum number of workers in each room where the business activities are conducting shall be pasted. Such inspector can exempt any factory where he is of the view that there is no need of implementing this section. (Section 18 Factories Act , 1934)

Workers shall be provided sufficient and adequate lighting whether natural or artificial. In addition, there shall be maintained emergency lighting system. Where the glazed or skylights windows are used for passage of natural light into work environment. It shall be clean from inner and outer surface and all the obstacles shall be removed which can come in its way. Factory shall make every move to prevent light that is affecting the human eye due to reflection of a smooth and polish surface of anything and shadows that may cause harm to human body. In addition, the provincial government have power to make rules and standard for sufficient light in every factory. (Section 19 Factories Act , 1934)

Every factory shall provide clean drinking water with utensils such as glass and cups to all its workers with specifically a mark as "drinking water" mention on it and that shall be in a language understood by the entire workers there. A distance of twenty feet between the drinking water and latrine, urinal etc. and arrangement shall be made by the occupiers for cold water in summer season where two hundred and fifty workers are employed. (Section 20 Factories Act , 1934)

### **Employers Liability Act 1938**

This Act extends to the whole of Pakistan. (Section 1 Employer liability act , 1938) Section 2 of the said Act mentioned that due to the negligence and omission of the employer or any other person in the category of employer such as those who has been given such task by employer and acting on the behalf of employer, a person who has been assigned oversight responsibilities, any person hired by employer to whom the workman is answerable and follow his lead and any other



person who has the authority delegated by the employer for the performance of such duties as to keep the workplace free of any hazard and maintain a proper check therein including any plant, machinery and other business activities. If the worker sustains any injury or harm due to the negligence and while following the direction and instruction by all of the above persons, he can have a best claim for such injuries or death if occurred. (Section 2 Employer liability Act , 1938) A mere knowledge of any risk does not debar the workman to bring a claim against employer and the burden of proof is upon the employer. He will satisfy the court that the risk attached to the work or the business activity assigned to him was explained to him and with such perils he undertook the task. (Section 4 Employer Liability Act , 1938)

The Employer Liability Act was enacted long before the inception of Pakistan. It is an old and outdated legislation. This Act contains only 5 sections which mainly stressed upon the defenses taken by employer at the time when any worker brings the claim but the Act also provides the protective shield to the workers against employer.

### **Labor Policy 2010**

The labor policy defines the fundamental approach of the government towards industrial relations. The prime subject of this policy is labor. All the policies since the inception of Pakistan such as 1955, 1959, 1969, 1972, 2002, 2005 and 2006 worked for the protection of workers and industrial relations for productivity maximization. The policies before 2010 and including 2010 policy aims at to bring balance and harmony in employer-employee relationship and to eliminate the factors that leads to the distrust and hostility at workplace.

Likewise other labor policies the 2010 policy came up with the same objective and to provide a framework which is in conformity of International Labor standards (ILS) enunciated by ILO and guaranteed the fundamental rights envisaged in the Constitution of Islamic Republic of Pakistan.

The principle objective of this policy *interalia* includes regulating the reciprocal rights and duties of employer and worker, creating an environment that is conducive to the worker, focus on co-operative approach and a stress on decent work at workplace.

Construction industry is the one of the largest sectors where the country can earn multiplied profits and generate revenues. Wellbeing and work-related dangers of the workers in this sector are at stake and by the time this industry is probably going to posture new difficulties and issues. The government has prime responsibility to enact certain laws and regulations to regulate this sector generally and the health and safety of the workers at the workplace specifically.

Pakistan economy is largely depending upon its agriculture. Most of the labor population are working in this sector but it is not covered under the labor legislation and such workers face





many occupational hazards without compensating for the loss occurred and no safety legislation is available to deal such issues. The government should at the very first extend the application of this legislation to the agricultural sector as to compensate the farmers for the injury caused and in the event of death.

Huge number of laborers in Pakistan are working under pathetic, unfortunate and dangerous conditions. Workers in informal economy including Home based workers (HBW) are not secured by welfare legislation. These workers deserve the protection under such legislation as worst form of child labor will be eradicated and the adolescent between 14 and 18 will be under the strict supervision.

Health and safety being vital issue shall be addressed and a council named as Pakistan Tripartite Labor Conference and Standing Labor Committees shall be formed to identify and address such issues in all sectors of economy and to create an environment free from all perils.

The Labor Policy stressed at amicable working relationship amongst employer and workers for enhancing the productivity in all sectors. To safeguard the rights and interest of the workers or labors and provide a decent work under this policy is the very approach that is based on the Constitution of Pakistan 1973 and ILO conventions. Pakistan has ratified a number of conventions, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and 34 ILO Conventions (33 in force), which would include seven of the eight basic conventions overarching freedom of association, the abolition of bonded labor, equality at work, the elimination of child labor, and the Convention on the Rights of the Child. The decent work strategy which is to be adopted for prosperity of the country is to be bifurcated into four such as opportunities for productive, remunerative and safe work, social protection, respect for workers' basic rights and interests, social dialogue.

The above mentioned Labor policy addressed many vital and grave issues which the grass root workers are confronting in their routine but it still demand and time and again stressed upon that the new laws should be promulgated and old legislations should be amended and bring at the stage that it meet today's workers needs and provide protection to them e.g. it identify the lacuna in legislation that nowhere the construction and agricultural sector has been a part of labor laws but it has urge the Government to enact legislation on the issue.

In addition Pakistan has not ratified many of the conventions, recommendation and protocols of International Labor Organization (ILO) which specifically dealt with the health and safety at work i.e. Employment Policy Convention (EPC), 1964 (No. 122), Hygiene (Commerce and Offices) Convention (HCOC), 1964 (No. 120), Employment Injury Benefits Convention (EIBC), 1964 [Schedule I amended in 1980] (No. 121), Occupational Cancer Convention (OCC), 1974 (No. 139), Working Environment (Air Pollution, Noise and Vibration) Convention (WEC), 1977 (No. 148), Occupational Safety and Health Convention (OSHC), 1981 (No. 155), Occupational Health Services



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### **Workmen Compensation Act (WCA) 1923**

The Workmen Compensation Act (WCA) 1923 is another welfare and fiscal enactment which extends financial security to the worker and his/her dependent in monetary terms. It renders a legal obligation upon employer to compensate worker if he is exposed to any risk. In the event that a worker sustains an unintentional injury or other harm while on the job, the workers are likely entitled to compensation for their losses. (Worker Compensation Act of 1923, Section 3) The purpose of this law is to swiftly deliver justice and relief to those who experienced job injuries.. (2011 PLC 196.)

According to Section 2(1)(e) of the Workmen Compensation Act of 1923, the employer, which is defined as a body whether or not it is incorporated, as well as the managing agent, legal representative, and any other temporary employer, is obligated to pay compensation if the workman sustains any injury or even in the event of the workman's death. Workman under section 2(1)(n) and schedule II includes a railway servant who is hired for the purpose of operation or maintenance of any lift or vehicle, any person who is hired in such premises where ten or more persons are working in any manufacturing process or any work that is associated with such process or manufacturing or handling of explosives, where the nature of the work includes making, altering, repairing, ornamenting, furnishing or otherwise adapting for use, transport or sale any article or part of an article in any vicinity and where fifty or more persons are employed, any person hired in mine who is engaged in any mineral operation, extraction of mineral or any such like work, worker who is hired in construction, repair or demolition of any building, dam, road, bridge or tunnel, aerial ropeway, canal pipeline, sewer, engaged in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any overhead electric line or cable or post or standard for the same, service of fire brigade, an inspector, mail guard, sorter or van peon in the Railway Mail Service, outdoor work in the Posts and Telegraphs Department, hire in any work related to natural petroleum, natural gas or blasting operations, ferry boat having the capability of carrying more than ten persons, any premises which is specifically occupied for growing cinchona, coffee, rubber or tea and where twenty five or more than twenty five workers are hired, employed in the occupation of generating, transforming, supplying of electrical energy or gas, hired in any lighthouse or engaged in any work of producing cinematograph pictures used for exhibition, hired in the training, keeping, working or catching or hunting of elephants or wild animals, the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fires, a driver, a conductor, a checker, a cleaner, the handling and manipulation of radium or X-rays apparatus, or contact with radioactive substances, hired in



occupation related to handling or transport of goods of warehouse (where ten or more persons are in working state), any market (where hundred or more persons are working). (Schedule II and Section 2(1)(n) of Workers Compensation Act, 1923)

The employer shall be liable for any injury or harm which is caused to the employee during the course of employment. In other words, the employer shall be liable in three conditions as:

- (i) Where there is a relationship of accident and injury,
- (ii) The injury must be a consequence of the activity that is conducted. In other words, the activity is the proximate cause of the injury,
- (iii) The worker is exposed to the risk during the course of employment. (Section 3 of Workers Compensation Act, 1923)

“In S. 3(1), the term "accident" refers to a mistake or unfavorable situation that was neither anticipated nor intended. The details of each case will determine whether or not the accident was work-related; however, it must be related to and result from employment. The employment and the accident injuries must be connected or associated inadvertently. In the case of a workman who collapsed and died due to heart attack it was held on the facts of the case that he died as a natural result of the disease from which he was suffering and that there was nothing to show that the heart attack was due to an exceptional strain of work that he died on the day in question. A claim for compensation was therefore rejected.” (AIR 1959 MP 281)

“Expression “arising out of employment” includes the nature of work, its conditions, its obligation and its incident. Workman employed as helper to draw water from a well and in view of nature of his duties used to be present at the well beyond duty hours during night. Deceased dying by an accident as a result of falling into well, in circumstances held, death arising out and in the course of his employment.” (1984 PLC 870)

This Act also defines injuries for which the employer is responsible to the employee. The claim of the workman stands on these grounds which includes:

- (i) Death of a workman due to the injury caused,
- (ii) Permanent total disability (PTD),
- (iii) Permanent partial disability (PPD),
- (iv) Temporary total disability (TTD),
- (v) Temporary partial disability. (Section 4 Workmen Compensation Act, 1923)

### **Protection against Harassment of Women at the Workplace Act, 2010**

In corporate world there is tremendous increase in the workforce. Women are also part of this workforce. At many workplaces women face many obstacles. Harassment is one of the major contributing factors which create many impediments for employees especially women to climb the



corporate ladder. This Act is promulgated to protect all the employees at workplace from harassment. It is applied throughout Pakistan. This Act has defined organization on which this Act is applicable. It covers any autonomous or semi-autonomous body, corporation, educational institution, medical facility founded or administered by a district government, registered civil society associations, privately managed business or industrial establishment, company as described by the Companies Ordinance, 1984, and any other registered private entity that is a component of the federal or provincial governments. (Section 2(L) Protection against Harassment of Women at the Workplace Act, 2010)

Harassment embodied many things in its definition. It includes any unreasonable or unusual or unwelcome act of any person at workplace including the acts within the office premises and outside official activities which inclined to seek some sexual favors from the women. In addition, it incorporates the verbal, written or physical conduct of a sexual nature. Such acts of any person are grave in nature that it creates impediments in the office matters and includes the retaliatory actions if the complainant or the aggrieved person doesn't obey the command of the top notches or any other person in harasser capacity. (Section 2 (h) Protection against Harassment of Women at the Workplace Act, 2010)

## **Conclusion**

Suffice to say that many defects are part and parcel of the statutes governing the subject of health and safety at workplace. Legislation having bearing on workplace utterly disregards the importance of health and safety culture in Pakistan. Many key issues at workplace have not been addressed under the enabling legislation. From Factories Act 1934 to Companies Act 2017, the significance of OHS has been ignored in some way or other. Factories Act has no application to construction and agriculture sector which are considered as mega sector for developing economy like Pakistan. Agriculture has 18.9% contribution in Pakistan economy as observed by Economic Survey of Pakistan 2017-2018 but worker therein suffered the ills at workplace and have no coverage under safety laws. The Factories Act of 1934 was subjected to the 18th Amendment of the Islamic Republic of Pakistan's 1973 Constitution, which gave the provinces more authority over legislation. However, only modest changes were made to the Act, not the more important ones. From financial point of view, the monetary punishments and fines fixed under different legislations to the extent which is not hard job for corporation to pay.

In addition, compensation can merely alleviate the cost but cannot restore the health of a worker. Worker compensation schemes under legislation are not sufficient to meet the challenges faced by worker each and every day at workplace and corporations can easily escape their liability while following the law. The substantial body of legislations needs to be subjected to either review or reform. Comprehensive, reformative and updated legislation regulating the ills of occupation is the need of time where the grave issues of occupation are addressed and protection of workers are ensured.

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