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EXTRAORDINARY

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## PART-I

LABOUR & HUMAN RESOURCES DEPARTMENT

No.L-II-2-7/2018 Karachi dated the 31st May, 2021

NO.L-II-2-7/2018:- In exercise of the powers conferred by section 20 of the Sindh Minimum Wages Act, 2015, the Government of Sindh are pleased to make the following rules, namely:-

1. **Short title and commencement.** (1) These rules may be called the Sindh Minimum Wages Rules, 2021.

(2) They shall come into force at once.

2. **Definitions.** (1) In these rules, unless the context otherwise requires, the following expressions shall have meanings hereby respectively assigned to them, that is to say-

(a) "Act" means the Sindh Minimum Wages Act, 2015 **(Sindh Act No.VIII of 2016);**

(b) "Authority" means the Authority for any area appointed under sub-section (1) of section 10;

(c) "Board" means the Minimum Wages Board established under section 3 of the Act;

(d) "Chairperson" means the Chairperson of the Board appointed under section 3;

(e) "Committee" means any Committee appointed by the Board or Government under section 3(6);

(f) "Day" means a period of twenty-four hours beginning at midnight;

(g) "Department" means the Labour and Human Resources Department, Government of Sindh;

(h) "Employers Association" means registered employers' association

(j) "Form" means a form appended to these rules;

(k) "Government" means the Government of Sindh;

(l) "Inspector" means a person appointed as Inspector under section 14;

(m) "Member" means a member of the Board appointed under section

(n) "section" means a section of the Act;

(o) "trade union" or "trade union federations" means a trade union or federation registered under Sindh Industrial Relations Act, 2013 or Industrial Relations Act, 2012;

(2) All other words and expressions used but not defined in these rules shall have the meanings respectively assigned to them under the Act.

3. **Board to do certain things.-** The Board constituted under section 3 shall provide for the regulation of minimum rates of wages, adhoc relief, cost of living allowance, dearness allowance for different categories of workers employed in industrial and commercial undertakings.

4. **Terms of office of Chairperson.** (1) The Chairperson appointed under section 3 shall hold office for a term of two years which may be extendable for further term of only two years, unless he resigns his office, dies at an earlier date or removed from his office.

5. **Terms of office of the members of the Board.-** (1) The Department shall publish in the official Gazette two lists showing separately the registered Associations of the employers along with the names of prominent industry and trade and the registered trade unions/federations of trade unions of the workers for the purpose of submitting names from which members to be appointed under clauses (b), (c),(d) and (f) of sub-section (1) of section 3.

(2) Within one month of the publication of such lists, every organization included in the list may propose to Government the names of two persons as principal and alternate whom it desires to be considered for appointment, where such organization is of employers, as a representative of employers, and where such organization is of the workers, as representative of workers, together with a summary of the qualifications of that persons.

(3) The Department shall collect the names of the persons to represent the employers and the names of the persons to represent workers connected with the industry or trade concerned.

(4) The Government shall consider the names so submitted under sub-rule (2) and shall from such names, select one person to represent employers, one person to represent the workers, and one person to represent workers and one person to represent employers connected with the industry or trade for which minimum wage is concerned and shall publish their names in the official Gazette.

(5) Save as otherwise expressly provided in these rules, the term of office of a member of the Board, shall be two years commencing from the date of his appointment unless he resigns his office, dies at an earlier date or removed from his office:

Provided that such member shall, notwithstanding the

the date of his expected return to the Province of Sindh or Pakistan, as the case may be; provided that if the member continues to be absent from the Province of Sindh or Pakistan for a period exceeding six months, the Chairperson shall inform Government with a view to the appointment, if necessary, of a substitute member.

(7) If any member dies, resigns, becomes disqualified or ceased to be a member under rule 8, the Department shall notify the existence of the vacancy in the official Gazette and the procedure prescribed in sub-rule (2) and (3) shall be followed in filling the vacancy.

6. **Resignation of the Chairperson and members of the Board.** (1) The Chairperson or a member of the Board may, by writing under his hand addressed to Government, resign his office.

(2) A resignation shall take effect from the date of communication of the resignation.

7. **Filling of casual vacancy.** (1) When a vacancy occurs in the Board, Government shall take necessary steps to fill the vacancy in a manner as provided under section 3.

(2) A member appointed to fill a casual vacancy shall hold office only for the remaining portion of the term of office of his predecessor.

8. **Disqualification.** No person shall be, or shall continue to be, a Chairperson or member who -

(a) is or has at any time been adjudicated insolvent;
(b) is found to be a lunatic or of unsound mind;
(c) is, or at any time has been, convicted of an offence which in the opinion of Government is an offence involving moral turpitude;
(d) is having conflict of interest in the Board;
(e) is or has at any time been disqualified for employment in or dismissed from Government service;
(f) has lost the capacity by virtue of which he was appointed as Chairman or member;
(g) has failed to attend from three consecutive meetings of the Board without leave of absence from the Chairperson or, in the absence of the Chairperson, of Government; and
(h) is acting in contravention of the provisions of the Act or these rules.

9. **Fee, travelling allowance for members of the Board and members of Committee.** Members other than Chairperson shall be entitled to the travelling allowance for attending a meeting of the Board as may be fixed by Board.

10. **Meetings of the Board.**-The Chairperson may, subject to the provision of rule 11, call a meeting of the Board, at any time and place he thinks fit; provide that on the requisition in writing from not less than one-third of the members, the Chairperson shall call a meeting within fifteen days from the date of the receipt of such requisition.

11. **Notice of the meetings.-** (1) The Chairperson shall fix the date, time and place of every meeting and a notice in writing containing the aforesaid particulars along with a list of the business to be conducted at the meeting shall be sent to each member by courier/special messenger at least ten days before the date fixed for such meeting;

12. **Presiding at meetings.** (1) The Chairperson shall preside over every meeting of the Board at which he is present and in case of his absence, the members present shall elect from amongst themselves one of the Member to preside at such meeting; and the member so elected shall at that meeting exercise all the powers of the Chairperson.

13. **Quorum.** No business shall be transacted at a meeting of the Board, whether ordinary or emergent, unless at least one-third of the members are present and out of which at least two members representing the workers and employers:

Provided that if at any meeting a quorum is not present, the Chairperson may adjourn the meeting to a date not less than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

14. **Method of voting of the Board.-** The method of the voting of the Board be by show of hands.

15. **Minutes of meeting.** (1) The minutes of each meeting of the Board shall be prepared and circulated by the Secretary of the Board to all members and thereafter recorded in a minute book which shall be kept for permanent record.

(2) The record of the minutes of each meeting shall be signed by the Chairperson.

16. **Appointment of Committees.** (1) The Board may under sub-section (6) of section 3, appoint Committees and may refer to any such Committee for investigation, report and recommendations any matter within the competence of the Board, including matters relating to minimum rates of wages for any locality or for any section of an industry.

(2) A Committee appointed under sub-rule (1) shall consist of three members, of whom one representing employers, one member representing workers, and one representative from Government who shall be the Chairperson of the Committee.

(3) The Chairperson of a Committee shall have the same powers for purposes of holding an enquiry under the Act, as conferred upon the Chairperson of the Board under section 13.

(4) The Chairperson and the members of a Committee shall receive such allowances as are admissible to the members of the Board.

(5) The procedure for conducting of meetings of the Committee shall be such as of the procedure prescribed for the Board.

17. **Duties of Chairperson.** (1) The Chairperson shall have the power to invite any expert or adviser to attend any meeting of the Board and to take part in its deliberations, but such person shall not have the right to vote.

18. **Staff.** (1) Government may appoint a Secretary of the Board and such other staffs as it thinks necessary, and may fix the salaries and allowances payable to them and specify their conditions of service.

(2) The Secretary shall attend the meetings of the Board and assist the Chairperson in—

(i) convening meetings;
(ii) keeping the records of the proceedings of the meeting;

(3) The Secretary shall not be entitled to vote at any meeting of the Board or its subcommittees.

19. **Recommendation of minimum rates of wages for workers.-** (1) All references made by Government, which the committee, Advisory Committee or the Board is required to take into consideration under section 4, shall be considered either at its meeting or; if the Chairperson so directs, by sending the necessary papers to all members for their opinion.

(2) When a question is referred for opinion, any member may request that the question is considered at a meeting of the Board and thereupon the Chairperson may, and if the request is made by one-third or more members shall direct it to be so considered.

(3) The decision of the Board shall be expressed in terms of the opinion of the majority of the members present and voting at a meeting and, in the event of the equality of votes, the Chairperson or other person presiding shall have a casting vote.

(4) Where the Board proposes to recommend minimum rates of wages to Government, Government shall publish the proposed recommendation in the official Gazette for inviting objections and suggestions thereto from persons likely to be affected thereby within fourteen days from the date of publication.

(5) The Board may, after considering any objection and suggestion made in accordance with sub-rule (4) make such amendments in the original proposals as may seem desirable, or may uphold its original proposals and make recommendations accordingly to Government.

(6) In fixing minimum rates of wages, the principle of equal remuneration for men and women workers for work of equal value shall be applied.

20. **Minimum rates of wages.-** (1) In regard to any particular industry and class of workers for whom minimum rates of wages shall be fixed under the Act, Government, on the recommendation of the Board -

(a) fix the number of hours of work which shall constitute a normal working day, inclusive of one or more specified intervals;

(b) where a worker whose minimum rate of wages is fixed under the Act works for his employer on any day in excess of the number of hours constituting a normal working day, require the employer to pay him for every hour or for part of an hour so worked in excess at the overtime rate fixed under the Act or under any other law for the time being in force, whichever is higher;

(c) provide for a day of rest in every period of seven days which shall be allowed to all workers or to any specified class of workers.

21. **Prohibition to pay wages below the minimum rate of wages.** (1) If a contract between a worker to whom minimum rate of wage applies and his employer provides for the payment of a wage lower than the minimum rate of wage fixed under the Act, the contract shall have effect as if for that lower wage there were substituted the minimum rate fixed under the Act.

22. **Authority and its powers.-** (1) The Authority appointed under section 10 shall be from amongst the officers of the Directorate of Labour not below the rank of Deputy Director Labour (BPS-18).

(2) Where a worker claims through an application in Form IV of these rules to the Authority that he has been paid less than the minimum rate of wages applicable to him, the worker himself or through any other person authorised by him in this behalf within one year from the day on which such payment was to be made.

(3) If an application under sub-rule (2) is entertained, the Authority shall serve upon the employer by Registered post/courier/special messenger a notice to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date as specified.

(4) If the employer or his representative fails to appear before Authority in spite of two repeated notices sent under Registered post/ courier/special messenger the Authority may hear and determine the application ex-parte.

(5) If the applicant or his representatives fail to appear on the specified date, the Authority may dismiss the application.

(6) An order passed under sub-rule (4) or sub-rule (5) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be re-heard after service of notice on the opposite party of the date fixed for rehearing in the manner specified in sub-rule(3).

(7) The Authority appointed under section 10 shall be deemed to be a public servant within the meaning of Pakistan Penal Code (XLV of 186) and shall have all the powers of a Civil Court under the *Code* of Civil Procedure, 1908 for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such authority shall be deemed to be a Civil Court for all the purposes of section 195 and of Chapter XXX of the Code of Criminal Procedure,1898 .

(8) Every Authority shall have the powers of Collector Grade-I appointed under the Sindh Land Revenue Act, 1976 and may exercise such powers for the purposes of the Act and these rules. For the purpose of execution, the Deputy Commissioner shall facilitate the Authority if so requested.

23. **Power of the Board or Chairperson to collect information and evidence.** (1) The Board or the Chairperson may summon any employer to furnish such record, documents or information required in the course of the enquiry on the day specified therein through courier or special messenger.

(2) The provision of the Code of Civil Procedure, 1908 (Act V of 1908) relating to the summoning and enforcement of the appearance of the witnesses and production of documents shall, so far as may be, apply to proceedings before the Authority, Board or Chairperson.

(3) All record, register, documents, information, books and papers produced before Board or the Chairperson in pursuance of a summons issued under sub-rule (1) may be inspected by the Chairperson or Board, but the information so obtained shall be treated as confidential and the same shall be public only with the consent in writing of the party concerned:

Provided that nothing contained in this rule shall apply to the disclosure of any such information for the purpose of a prosecution under section 193 of the Pakistan Penal Code (Act XLV of 1860).

time being in force for payment of such allowance to witnesses appearing in Civil Courts in the Province.

24. **Appointment of Inspectors.** (1) Government may appoint such Officers of Directorate of Labour, as it thinks fit to be Inspectors for the purposes of the Act.

(2) The Director Labour, Additional Director Labour, Joint Director Labour , Deputy Director, Assistant Director and Labour Officer of the Labour & Human Resources Department and the Inspectors appointed under the Sindh Payment of Wages Act, 2015, shall be ex-office Inspectors for the purposes of the Act in respect of the employment to which the Act applies within their respective jurisdiction.

25. **Powers of the Inspector.** An Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code and shall for the performance of his duties under the Act, have the following powers:-

(a) to enter at any time any premises which any employer of workers to whom minimum rates of wages fixed under the Act apply, carries on his business and to require the production for examination of any register, wage books, records or payments made to home or out-workers by persons giving out-work and any other records or documents relating to the calculation or payment of wages, and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of the Act;

(b) to examine, either alone or in the presence of any other persons, as he thinks fit, with respect to any matter under the Act, any person whom he has reasonable cause to believe to be or to have been a worker to whom minimum rate of wage applies or was applicable or the employer of any such person or a servant or agent of the employer employed in the employer's business, and to require every such person to be so examined and sign a declaration of the truth of the matters in respect of which he is so examined.

26. **Publicity for minimum rates of wages.** (1) Government shall take all appropriate means of ensuring that the minimum rates of wages fixed under the Act shall be made known to all employers and workers concerned.

(2) Government may, whenever it considers appropriate, require all employers for whose worker's minimum rate of wages have been fixed under the Act, to display in prominent places in the factory, workshop or other specified place, notice in Urdu, Sindhi, and English or any other language specified in the order, giving the minimum rates of wages fixed.

27. **Forms of Register and Records.** (1) Every employer shall maintain at the place of employment in respect of any industry for which minimum rates of wages have been fixed under the Act, a Wage Register in Form-I and shall provide to workers bearing reference of the Bank Account Number.

(2) Every employer shall issue to the employees [illegible]

(3) Every employer shall obtain the signature or the thumb-impression of every employee on the Wage Register.

(4) Entries in the Wage Register and Wage Slips shall be authenticated by the employer or a person authorized by him in this behalf.

(5) A Muster Roll in Form III shall be maintained by the employer at the place of employment in respect of all employees employed in any industry, in respect of which minimum rates of wages have been fixed under the provisions of the Act.

(6) The registers and records required to be kept under this rule and such other rolls and records as shall be prescribed for the effective application of the Act shall be preserved by the employer for three years after the the last entry made therein:

Provided if the computerized record is maintained by the employer, it shall be maintained in the prescribed manner and the bound hard copy of such computerized record shall be maintained and preserved at-least for two years after the last entry made.

28. **Maintenance of Record in Electronic Form.** All documents records, registers to be maintained under the Act may also be maintained in electronic form subject to conditions that such record is maintained strictly as per provisions of Electronic Transactions Ordinance, 2002 or any other Federal or provincial law enacted for the purpose.

29. **Repeal.** The Minimum Wages Rules, 1962 to the extent Province of Sindh shall, on the commencement of these rules stand repealed.

**ABDUL RASHEED SOLANGI**
SECRETARY TO GOVT. OF SINDH

FORM-I
RULE 27(1)
WAGE SLIP

1. Name of Factory/ Establishment _____

2. Department _____

3. Branch/Section / Group etc. _____

4. Wages period _____

5. Address _____

| 1 | 2 | | | 3 | 4 | | 5 | | 6 | | 7 | 8 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Name of the Employee alongwith CNIC No. & date of initial appointment | Token or Ticket No. | Minimum rate of wages payable per month/per day or otherwise | | | Amount of overtime wages earned | | Gross wages payable | | Deductions if any | | Actual wages paid | remarks |
| | | Rs. | Paisa | | Rs. | Paisa | Rs. | Paisa | Rs. | Paisa | Rs. | Paisa |
| | | | | | | | | | | | | |

SIGNATURE OF EMPLOYER/MANAGER

STAMP

FORM-II
RULE 27(2)
WAGE SLIP

1. Name of Factory/ Establishment _____
2. Department _____
3. Branch/Section/Group etc. _____
4. Wages period _____
5. Address _____

| S.No. | Name of employee | Token or Ticket No. | Occupation | Rate of pay( if paid on piece rate the rate at which paid) | Minimum rate of wages payable | No. of days the workers attended | No. of hours of overtime worked | Amount of overtime wages earned | Gross wages payable | Amount of any deductions giving reasons for which deductions imposed | Actual wages paid | Signature or thumb impression of the employee and date of | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | |

SIGNATURE OF EMPLOYER/MANAGER

STAMP

FORM III

RULE 27(5)

MUSTER ROLL FOR THE MONTH OF _____

1. Name of Factory/Establishment _____ Working Hours

2. Department _____ I Period _____ From _____ to _____

3. Branch/Section/Group etc. _____ Interval _____ From _____ to _____

4. Wages period _____ II Period _____ From _____ to _____

4. Address _____

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 1 |
|---|---|---|---|---|---|---|---|---|---|
| Serial No. | Name of Employee alongwith address | Fathers'/ Husband name | Token or Ticket No. | Age | Sex | Date of initial appointment in the Factory/establishment | Occupation | Monthly record of daily attendance of each worker | Rem |
| | | | | | | | | | |

FORM IV

*[See* rule 22]

**Application for Claim**

**IN THE COURT OF AUTHORITY APPOINTED UNDER THE SINDH MINIMUM WAGES ACT 2015,**

**FOR _____ AREA**

*Application No*_____ *of* 20___

A. B. C *Applicant.*

VERSUS

X. Y. Z, *Opposite Party*

The applicant states as follows:—

1. A,B,C, is a person employed in the factory/establishment _____and resides at_____ _____

2. The address of the applicant for the service of all notices and processes is_____X, Y. Z, the opposite party, is the person responsible for the payment of his wages under section _____ of the Act and his address for the service of all notices and processes is _____

3. The applicant states that he/she has been paid less than the minimum rate of wages applicable to him/her for the following wage period(s) (give dates).

   (Here give any further claim or explanation)

   _____

4. The applicant estimates the value of the relief sought by him/her at the sum of Rs. _____

5. The applicant prays that a direction may be issued under section_____ for :-

   (a) Payment of his wages paid less as estimated or such greater or lesser amount as the Authority finds to be due.

   (b) Compensation amounting to _____

6. The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

APPLICANT

**Karachi: Printed at the Sindh Government Press**
**17-06-2021**