



**JOURNAL OF  
INTERNATIONAL STUDIES**

<https://e-journal.uum.edu.my/index.php/jis>

How to cite this article:

Iqbal, M. W., & Wahab, H. A. (2026). Labour rights and global standards: Examining just and favourable work conditions in Pakistan under international instruments. *Journal of International Studies*, 22(1), 1-16. <https://doi.org/10.32890/jis2026.22.1.1>

**LABOUR RIGHTS AND GLOBAL STANDARDS: USING INTERNATIONAL  
INSTRUMENTS TO EXAMINE JUST AND FAVOURABLE  
WORK CONDITIONS IN PAKISTAN**

**<sup>1</sup>Muhammad Waseem Iqbal & <sup>2</sup>Harlida Abdul Wahab**

<sup>1&2</sup>School of Law, Universiti Utara Malaysia, Malaysia

<sup>1</sup>School of Law, Minhaj University Lahore, Pakistan

<sup>2</sup>Legal & Justice Research Centre, School of Law, Universiti Utara Malaysia, Malaysia

<sup>2</sup>*Corresponding author: harlida@uum.edu.my*

Received: 6/2/2024

Revised: 22/6/2025

Accepted: 10/8/2025

Published: 30/4/2026

**ABSTRACT**

Just and favorable conditions of work (JFCW) are essential components of labor rights. These include remuneration, fair wages, reasonable working hours, and a healthy and safe environment. Thus, the right to such conditions guarantees a minimum standard for all workers as the concept promotes just and fair labor practices at worksites. This concept gained international recognition when the United Nations (UN) and its specialized agency, the International Labor Organization (ILO), acknowledged it as part of their key principles and even as a fundamental human right. Nevertheless, the idea may appear overly idealistic for some countries due to differing economic and social backgrounds. This article aims to discuss the legal framework and conditions of employment in Pakistan using international instruments, particularly the UN Declaration of Human Rights and relevant ILO conventions as benchmarks. The article highlights common violations of the right to JFCW at the workplace in Pakistan and analyses the legal framework, current implementation, and enforcement mechanism. The study adopts qualitative, socio-legal, doctrinal, and comparative approaches. In light of its findings, the study recommends improvement in terms of law reform and implementation to better protect and promote the right to JFCW for workers in Pakistan. The gap between Pakistan's labor conditions and international standards provides a foundation for guiding future policy reforms that seek to align national practices with global labor rights instruments.

**Keywords:** Just and favorable conditions, legal framework, decent work, labor and employment, international instruments.

## INTRODUCTION

The right to just and favorable conditions of work (JFCW) is a fundamental component of labor rights, encompassing a wide range of aspects which include the following: fair wages, reasonable working hours, adequate paid holidays, safety and health at work and fair terms and conditions of employment. This concept holds significant value as a key instrument in promoting just and fair labor practices in the workplace. It affirms the fundamental human right to decent working conditions and has rightfully emerged as an inalienable component of human rights (Kahn, 2019). Recognized as a human right by the United Nations (UN) and the International Labor Organization (ILO), the JFCW serves as a cornerstone for ensuring dignity, equity, and justice in the workplace. These principles are enshrined in quintessential instruments such as the Universal Declaration of Human Rights and the ILO's Decent Work Agenda, which collectively aim to promote fair labor standards globally.

Despite international recognition and practical awareness, the implementation of the JFCW remain uneven, particularly in countries facing economic constraints, institutional weaknesses, and socio-political challenges. According to the ILO, working conditions should establish a harmonious employment relationship by constructing a supportive work environment which is aimed at promoting the workers' welfare, securing their safety and health, ensuring balanced working hours, and maintaining adequate working conditions. Nonetheless, while the international platform has acknowledged the JFCW as a fundamental human right, many other countries are still struggling to meet these standards (Kahn, 2019), due to historical, social, and economic obstacles. Pakistan, as a developing country with a large informal labor sector, continues to struggle with the efficient implementation and enforcement of labor standards. Reports of unsafe working conditions, wage exploitation, and excessive working hours highlight the gap between legal commitments and on-the-ground realities.

A sovereign state, along with its legal system and domestic laws, does not operate in isolation from the international community. As a result, the state is often required to align its legislation with the provisions of international treaties to which it is a signatory. By becoming a party to these treaties, the state undertakes the obligation to formally accede to them (Masood, Hamad & Mat Rus, 2023). However, ratification as a demanding process for treaty approval, often falters due to internal and international challenges (Afzal & Mushtaq, 2024) that involve matters such as technical assistance, capacity building, possible need for constitutional and legislative amendment, plus other consequences of ratification. Even Labanieh, Hussain and Mahdzir (2021) in their study of e-arbitration, argued that international conventions had be developed with precision and tailored to the specific context in question, because not all existing conventions are suitable for direct application in every country.

While there is a growing literature on labour rights in Pakistan, few studies focus specifically on the JFCW as a distinct legal and human rights issue. Most existing research tends to address broader themes such as employment trends, social protection, or industrial relations. Hence, there is a clear need for doctrinal and comparative legal analysis that evaluates Pakistan's compliance with international standards and in turn, to propose actionable reforms for the country. Additionally, empirical studies on enforcement mechanisms, judicial interpretations, and worker experiences are limited. This presents an opportunity for original research that combines legal analysis with socio-legal insights to assess the effectiveness of current frameworks. Hence, in light of the relevant UN conventions and covenants, as well as ILO conventions and its principle of decent work, this paper seeks to address the problem of legal protection and enforcement of the right to the JFCW in Pakistan. It critically examines the domestic legal framework and its alignment with international standards, and identifies key areas where domestic laws fall short and are poorly implemented. By offering a legal and policy-oriented analysis, this study is pertinent for its ability to contribute to the discourse on labour rights in Pakistan. Through a combination of doctrinal, socio-legal, and comparative methodologies, the study is able to provide a nuanced understanding of the issues in the process of promoting the JFCW. The expected outcome of this paper is to propose actionable recommendations for legal reform and improved enforcement mechanisms. These suggestions aim to reinforce the fortification of workers' rights in Pakistan and bring the country's labour practices closer to international standards.

## **METHODOLOGY**

This qualitative study adopts a doctrinal legal research method, which has been complemented by socio-legal and narrative literature review approaches, to explore the scope of the right to just and favourable conditions of work (JFCW) for labour. Understanding the law is imperative in solving the legal problem with a careful analysis of the concepts (Langbroek et al., 2017). Doctrinal legal research encompasses the analysis of legal principles, statutes, and case law needed to interpret and clarify legal doctrines (Bhat, 2020). The primary legal analysis is grounded in secondary sources, including authoritative texts such as statutes, academic books, peer-reviewed journal articles, and institutional reports. These sources form the foundation for understanding the legal principles relevant to the JFCW in the workplace.

The research process involves a detailed examination of international legal frameworks, particularly instruments established by the UN, such as the Universal Declaration of Human Rights (UDHR), and the International Labour Organization's (ILO) principle of decent work. Given the broad scope of the JFCW, the discussion of ILO conventions is confined to the most relevant aspects, particularly those concerning health and safety conditions at work. A comparative legal analysis is conducted to evaluate how these international standards are reflected in the domestic legal framework of Pakistan. Pakistan is selected as a case study due to its ratification of key international labour conventions and the persistent challenges it faces in implementing labour rights effectively. The case study approach is particularly valuable in legal research as it allows for a detailed, context-rich examination of how legal norms are interpreted and applied in specific jurisdictions, offering insights that broader comparative methods may overlook (Ridder, 2017). Despite this, the comparative analysis methodology still enables one to identify similarities and differences between international legal standards and national legislation, with its focus on statutory interpretation and judicial application. Content analysis is used to assess the language and structure of legal provisions, while doctrinal analysis helps clarify legal concepts and principles.

Limitations of the present study include its reliance on secondary data, which may not fully reflect the practical enforcement of laws, and its focus on a single jurisdiction, which may limit the generalisability of the findings. Nonetheless, the legal analysis aims to provide a comprehensive understanding of the right to the JFCW and to offer informed recommendations and conclusions, as guided by the study's objectives (Wahab, Razak & Mahmud, 2022).

## **THE CONCEPTUAL FOUNDATION OF JUST AND FAVOURABLE WORKING CONDITIONS**

The phrase of just and favourable working conditions (JFWC) has no explicit definitions. The term however implies a primary objective and aspiration to promote just and fair labour practices (Barford, Coombe & Proefke, 2021). The Committee on Economic, Social and Cultural Rights highlights the enjoyment of the right to the JFWC as "a prerequisite for, and result of, the enjoyment of other Covenant rights, for example, the right to the highest attainable standard of physical and mental health, by avoiding occupational accidents and disease, and an adequate standard of living through decent remuneration" (United Nations Economic and Social Council, 2016).

Posthuma (2010) added that the concept comprises prospects for productive work and ensures the following: fair remuneration, adequate protection for workers at the workplaces, social security benefits for workers' families, a decent living standard, opportunities to nurture personal development, freedom

for workers to express their concerns by warranting equality of opportunity and treatment for all women and men. Equitable and favourable working conditions are deemed decent when they provide a fair income, ensure stable employment, and maintain a safe working environment. Significantly, decent work has been part of the UN Sustainable Development Goals (SDGs) which focus on inclusive, sustainable economic growth with full and productive employment (Bandyopadhyay, 2020).

The word “just” refers to something lawful and reasonable; while “favourable”, “describes something positive or promising” (Merriam-Webster’s, online dictionary). Together, these terms indicate the conditions that provide protection against substandard conditions of work that are unjust and unfair (Kahn, 2019). Hence, such conditions help safeguard workers against unreasonable and unsafe conditions that threaten health, lives, well-being, and inherent dignity. These include excessive hours of work and wages below the stipulated minimum, which prevent workers from affording basic necessities and fostering a personal relationship. Historically, following the First World War, various international organisations were established for maintaining peace and avoiding conflicts. The League of Nations Covenant, via its Article 23, ensured fair and humane conditions of labour for men, women, and children. In essence, the ILO aims to promote this value for labour through the principle of decent work. Furthermore, the workers should be paid with just, adequate and fair wages; women working conditions should be at par with those of men; and there should be no discrimination in pay between male and female workers (United Nations Economic and Social Council, 2016). Unsafe and unhygienic working conditions would normally cause health problems and put the life of the workers at great risk, as well as threaten their well-being (Kahn, 2019).

### **THE INTERNATIONAL LEGAL FRAMEWORKS**

The right to just and favorable conditions of work (JFCW) is enshrined, explicitly in Article 23 of the Universal Declaration of Human Rights (UDHR) and Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Both these documents have clearly spelt out the terms of the JFCW. Additionally, when this right is related to the working context, the most significant reference should also be the ILO, a UN agent, which through its conventions has implicitly established the right to fair wages, safe and healthy working conditions, reasonable working hours, equal opportunity in employment, and so on.

In line with the UN’s human rights agenda, the ILO has played a key role in integrating fundamental human rights into the world of work. Reflecting its core mission to uphold labor rights, the principles of the JFCW have been embedded into international labor standards across various conventions. The Committee on Economic, Social and Cultural Rights has identified the list of relevant conventions (United Nations Economic and Social Council, 2016) where the components of the JFCW encompass the following three broad categories: remuneration and wages, working hours and weekly rest, and the core labor standards. The latter include the abolition of child labor, the elimination of discrimination, and the assurance of a safe and healthy working environment. Moreover, the JFCW essentially focuses on the rights of workers at work, forming one of the key pillars of the Decent Work Agenda. In a nutshell, considering the overlapping of these international legal frameworks, the right to the provisions of the JFCW will be discussed through the lens of these three core areas: the coverage of remuneration, working hours and rest day, and a safe and healthy environment. For the purpose of the present analysis, this discussion will be within the framework of the foregoing, namely the UDHR and ICESCR for the human rights aspect; and the relevant core labor principles namely Decent Work Agenda, together with the relevant labor conventions where applicable.

## **Conventions and Covenants of the United Nations**

The Universal Declaration of Human Rights (UDHR) 1948 stands as a pivotal document in the evolution of human rights to uphold international peace and security, foster amicable relations among nations, promote international cooperation in economic, social, cultural, and humanitarian domains. The United Nations serves as a hub for unified action by implementing effective collective measures through various conventions and covenants. Thus, the UDHR provides, among others, fundamental protection to everyone including labor and the workers. It lays down the foundation of equality, fundamental justice, and dignified standard of life for all, thus related to the subject matter of the JFCW that covers the right to fair wages, safety and health at work, reasonable hours of work, and equal opportunity in employment.

Article 23 of the UDHR specifies that, “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.” Acknowledging the right to work as part of human dignity is to allow a freely chosen employment under just and favourable conditions. Article 23 therefore, provides safeguards against unjust and unfavourable conditions of work by underlining the entitlement of equal right to work and to choose any type of work with one’s free will. Most importantly, this right entails the JFCW ensuring everyone in terms of reasonable wages and decent working environment at the workplaces. This involves the idea that every individual worker is entitled to receive fair compensation, reasonable and favourable salary, thus ensuring a dignified existence for themselves and their family. This entitlement should be supported with additional protection of social security and guaranteed with the right to form and join trade unions of their own choosing. All in all, Article 23 is of paramount importance to secure and ensure a worker’s right to the JFCW at the national and international level.

Article 24 further adds that, “everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.” This provision safeguards against unreasonable and harsh working hours, as well as ensuring periodic holidays with pay, both of which are aligned with the principles of the JFCW. Although they are separate articles, both Article 23 and Article 24 are similarly significant. This is because other than assuring a worker’s right to the JFCW without any kind of discrimination, Article 24 ensures immense protection to all workers, enabling them to enjoy adequate working environment at their workplaces.

Furthermore, the International Covenant on Economic, Social and Cultural Rights (ICESCR) that focuses on basic rights, has defined and explained the right to the JFCW in an inclusive way. Article 7 acknowledges that “the right of everyone to the enjoyment of just and favorable conditions of work”, and “in particular” the following: (a) remuneration, (b) safe and healthy working conditions, (c) equal opportunity for promotion, and (d) rest, leisure and reasonable working hours and periodic holidays. The word “everyone” underscores the commitment of Article 7 that the right applies to all workers without exceptions. Moreover, this Article 7 clearly suggests the coverage of the right to the JFCW through its use of the phrase “in particular”, although it does not mean to limit them. While this may imply the indefinite list of “just and favorable conditions of work”, it also indicates the emphasis of the ICESCR towards the four areas of protection as the benchmark. These rights encompass fair wages for workers and their families, safe and healthy working conditions, equal opportunities for advancement, adequate rest and leisure, paid periodic holidays, and reasonable limits on working hours (Frey & MacNaughton, 2016). However, decades after the Covenant’s adoption, the right to the JFCW remains unrealized in many areas, evident wherein wages are still low, the gender pay gap persists globally, and many countries allow workweeks longer or exceeding 48 hours (United Nations Economic and Social

Council, 2016). Despite the existence of domestic labor laws, some countries including Pakistan, often fail to enforce them, denying workers fair work conditions.

While the international framework has expressed workers' right to the JFCW, scholars such as Dahan, Lerner and Milman-Sivan (2021) argued that labor rights, including the JFCW, must be understood within a framework of shared responsibility, particularly in global supply chains where violations are systemic. It suggests that labor rights, including the right to the JFCW, should be viewed as a collective obligation shared by all actors involved—governments, employers, multinational corporations, and consumers. This is especially important in global supply chains, where labor violations are often widespread and deeply embedded in the system. Ensuring fair working conditions requires coordinated efforts across borders and sectors, as no single entity can address these challenges alone. This perspective is especially relevant for countries like Pakistan, where a large segment of the workforce is engaged in export-oriented industries under precarious conditions.

### **ILO Principles and Conventions**

Primarily, the ILO envisages that member states will ratify the following core standards as classified in the ILO Declaration on Fundamental Principles and Rights at Work (updated in 2022): (a) Freedom of association and the right to collective bargaining; (b) Elimination of forced or compulsory labor; (c) Abolition of child labor; (d) Elimination of discrimination in employment and occupation; and (e) Ensuring a safe and healthy working environment. ILO has further operationalized the JFCW rights through its Decent Work Agenda, which emphasizes productive employment, rights at work, social protection, and social dialogue.

### ***Decent Work Agenda of the ILO***

There is no universally accepted definition of decent work (Dobbins et al., 2024). The ILO (1999) offers a definition as follows, the “productive work for women and men in conditions of freedom, equity, security and human dignity”, which appears to be quite vague. Nevertheless, the decent work principle has guided the ILO towards a primary objective and aspiration of people in their working lives to promote just and fair labor practices (Barford, Coombe & Proefke, 2021). Essentially, a decent work agenda emphasises the following four strategic goals: productive employment, rights at work, social protection, and social dialogue, with the primary goal to provide adequate protection to the workers at the national and international level. The agenda has gained much popularity and emerged as the most important concept of recent times, encompassing numerous aspects and comprehensive issues (Green, 2021). Dobbins et al. (2024) consider the following seven dimensions as the key elements of decent work: terms of employment; job design and nature of work; work-life balance; pay and benefits; social support and cohesion; health, safety and well-being; voice and representation.

As a concept, “decent work means opportunities for everyone; men, women and youth, to employment free from exploitation, where workers are treated with dignity and equality and provided just and fair remuneration as well as safe and healthy working conditions” (Venkatesan & Luongo, 2019). More specifically, this agenda reaffirms the ILO's commitment to achieving social justice by prioritising full and productive employment. This involves the formulation of economic and social policies designed to enhance the well-being of the working poor, employees, and the labor force.

The four pillars of the ILO decent work agenda should cover and overlap with the right to the JFCW. For instance, employment creation focuses on employment relationships, to ensure just and fair wages

to the workers. Similarly, the ingredient of social protection which safeguards in terms of safety and health, and protect workers' health as a priority to secure the JFCW. Hence, the international legal frameworks of the UDHR, the ICESCR, and the ILO are three different but interconnected key instruments which have a common aim to protect and promote workers' rights at the national and international level. While some argue that the majority of the member states still do not ratify the conventions, some see this as logical when each of them has different economic, culture and governance structures coupled with strengths and weaknesses (Adzakor, 2024). Nevertheless, considering the JFCW as part of a human rights issue, member states should promote the principles, and anticipate ratifying, at best, the fundamental conventions.

### ***ILO Conventions on Safety and Health at Work***

According to the ILO (2023), work-related causes lead to the deaths of approximately 2.93 million workers globally each year, while an additional 395 million suffer non-fatal occupational injuries. The Asia and Pacific region contribute the highest proportion of these fatalities, accounting for nearly 63 per cent of the global work-related mortality. Contemporary challenges such as climate change which exposes workers to excessive heat (ILO, 2024), and the rise of artificial intelligence and digitalization at work are reshaping the occupational safety and health (OSH) system across industries and countries (ILO, 2025). The wide spectrum of occupational hazards and risks highlights the ILO's dedication to recognizing within its core framework, 'a safe and healthy working environment' as a fundamental principle and right at the workplace. The two conventions are as follows: Occupational Safety and Health Convention, 1981 (C 155) and Promotional Framework for Occupational Safety and Health Convention, 2006 (C 187).

The C 155 is a cornerstone of labor standards on the OSH, as it lays the groundwork for certain instruments, such as the Protocol of 2002, which strengthens reporting and data collection mechanisms. This Convention is applicable to all sectors of economic activity and to all categories of workers, but allows member states to exclude certain sectors or categories of worker subject to the reporting of such exclusions to the ILO. Countries that ratify the conventions are obligated to develop, implement, and regularly review a comprehensive national policy on the OSH and the working environment, aimed at preventing or reducing workplace accidents and injuries. For employers, they are responsible for ensuring that the workplace is free from danger and health risks, a place where workers must cooperate and follow safety protocols. At the same time, the governments must establish and maintain inspection systems, as well as guidance.

Furthermore, the C 187 applies to all workers in all sectors of the economy, both public and private. It is designed to be universally applicable, regardless of a country's stage of the OSH system development. The convention focuses on system-wide improvement which encourages national-level action and compels governments to build comprehensive systems that protect all workers. Essentially, the C187 urges countries to create national plans and systems that protect everyone's safety and health at the workplace. Hence, both conventions work to complement each other; while the C155 lays the foundational requirements, such as a national OSH legislation, enforcement mechanisms, and training, the C187 promotes the establishment and continuous improvement of the OSH systems. Metaphorically, the C155 offers the structural framework, while the C187 acts as the driving engine that propels sustained progress in workplace safety and health.

### ***Other Relevant Conventions***

Another convention that is highly relevant to the right to the JFCW is Hours of Work (Industry) Convention, 1919 (C 001). It is the earliest international effort to regulate labor standards by limiting working hours and ensuring adequate rest for workers. It covers industrial undertakings, such as in manufacturing, mining, construction, and related sectors. These industries were at one time among the most labor-intensive and poorly regulated. In addition to establishing daily and weekly limits (of an 8-hour working day and a 48-hour working week), the C 001 also regulates overtime. The principles outlined in the C001 have served as the foundational standard, continuing to influence global labor standards. They remain highly relevant in contemporary discussions on work-life balance, decent work, and fair labor practices in a rapidly changing economy.

Following the C 001, the Weekly Rest (Industry) Convention, 1921 (C 014) was introduced to ensure regular periods of rest for industrial workers with a minimum of 24 consecutive hours of rest every week. Its adoption reflected the growing recognition that rest is essential not only for worker health and productivity, but also for human dignity and quality of life. The idea has since been integrated into the majority of national labor laws and remains relevant to the current reality of work where workers should be protected from the strain of continuous labor, and to support both physical and mental well-being.

## **RESULTS AND DISCUSSION**

### **Right to Just and Favorable Conditions at Work in Pakistan: Reflections on the Importance of International Instruments**

The Constitution of the Islamic Republic of Pakistan (Pakistan Constitution) serves as the supreme law of the land that guarantees fundamental rights and protections, including the dignity of a person, employment and OSH matters. Article 3 warrants the elimination of exploitation as follows: “The state shall ensure the elimination of all forms of exploitation and the gradual fulfilment of fundamental principle, from each according to his ability to each according to his work”. Protection of human dignity is also ensured through Articles 4 and 14, where the former warrants the inalienable rights of protection of law and treatment in accordance with the law, and no one has right to do any act detrimental to the dignity of man (Murad, Rahman and Momand, 2022).

Pakistan joined the ILO in 1947 and has since ratified 38 Conventions and 1 Protocol. Out of the 10 fundamental conventions, eight (8) was ratified, and they were: (1) Freedom of Association and Protection of the Right to Organize Convention 1948, (2) Right to Organize and Collective Bargaining Convention 1949, (3) Forced Labour Convention, 1930 (No. 29), (4) Abolition of Forced Labour Convention 1957, (5) Discrimination (Employment and Occupation) Convention 1958, (6) Worst Forms of Child Labour Convention 1999, (7) Minimum Age Convention 1973, and (8) Equal Remuneration Convention 1951 (ILO Normlex, 2024).

The two conventions regarding safety and health are yet to be ratified, showing the lack of the fundamental conventions to be applied in Pakistan. It is however, worthwhile to note that these two conventions had just been added quite recently to the ILO’s fundamental principles, i.e., in 2022, which could be the reason for the delay for it to be ratified by the Pakistan government. Furthermore, economically disadvantaged countries like Pakistan face heightened difficulties due to limited financial resources, weak institutional capacity, and insufficient political will; even geopolitical dynamics and

domestic constraints obstruct Pakistan's ability to comply with treaties and contribute to gaps in their implementation (Afzal & Mushtaq, 2024). While the justification for not ratifying these two core conventions (which are significant to the right to the JFCW) is not made clear, Pakistan was reported to reaffirm their commitment to prioritising the OSH as a fundamental element of inclusive, sustainable development and decent work for all at the National Tripartite Labor Conference in November 2024 (Numan, 2024). Even through a national tripartite workshop on Occupational Safety and Health, co-facilitated by the Ministry of Overseas Pakistanis and Human Resource Development (MOPHRD) and the ILO in 2022 (ILO, 2022), the parties had reviewed provincial and national policies on the OSH and at the same time discussed the ILO conventions, aiming for ratifying these OSH Conventions.

While the ILO expects the working conditions should establish a harmonized employment relationship by constructing friendly work environment to promote welfare of the workers, secure health and safety, balanced work hours and adequate working conditions, the violations related to the right to the JFCW in Pakistan are swiftly growing. According to ShuHong and Zia-ud-Din (2017), the existing legal framework of Pakistan for the protection of right to the JFCW is not in line with both the UN and ILO conventions. In terms of the integrated decent work development plan that was launched by the ILO, Pakistan has initiated close consultation with the national employers and workers' organisations. In this regard, the statement by Zahoor Awan, who is a Worker Representative and ILO Governing Body Member, has emphasised the need for better worker safety. This is because tragedies like the Rana Plaza collapse in Bangladesh and the Baldia factory fire in Karachi have highlighted the urgent need to improve safety standards in high-risk sectors such as mining, agriculture, and the care economy (Numan, 2024). Hence, there is strong agreement among the government, workers, and employers in Pakistan to ratify the OSH conventions, as this will certainly demonstrate Pakistan's commitment to protecting workers and strengthen its image as a responsible member of the international community.

### **Pakistan's Legal Framework Regarding the JFCW**

Pakistan has over 70 labor-related legislations that date back to the pre-independence era and which was inherited from Britain. Notably, the government is contending to consolidate and rationalize the labor laws into the following five broad categories: industrial relations, employment and service conditions, occupational safety and health, human resource development and labour welfare, as well as social safety net. The legal framework for the OSH is a combination of the Factories Act, 1934, and a provincial legislation like the Punjab Occupational Safety and Health Act 2019, and the Sindh Occupational Safety and Health Act 2017, along with other supporting laws that address specific sectors and issues.

The Constitution of Pakistan, under Article 37(e) provides that, "the State shall make provision for securing just and humane conditions of work". In view of this constitutional safeguard, Pakistan has warranted labor protection through its constitutional provision. Although the provision does not explicitly mention the right to the JFCW, the phrase "shall make provision" indicates a constitutional guarantee to provide protection to the workers through the enactment of laws. This is supported by Murad, Rahman and Momand (2022) who suggested that Article 37(e), as a provision regarding a decent workplace, in which the state shall provide all the fundamental facilities to its people for their work and ensure their well-being. While this constitutional protection regarding "securing just and humane conditions of work" should imply and encompass the JFCW, further elaborations and interpretations to Article 37(e) is necessary to indicate the country's inclination and dedication towards the international standard required. Nevertheless, ShuHong and Zia-ud-Din (2017) argued that the provision is too general and lacks specificity regarding key labor rights, such as fair remuneration, safe and healthy

working environments, rest and holidays, maternity leave, flexible working hours, so on and so forth. This gap between constitutional decision and practical implementation is reflected in the findings by Khan et al. (2020), which imply poor awareness and enforcement of decent work practices in Pakistan Railways. Despite difficult working conditions, employees tend to stay due to problems with high unemployment and limited job options. However, workers demonstrate strong interest in learning about their labor rights.

Despite assurances from the ILO, the government of Pakistan has made unsatisfactory progress in amending the labor laws to comply with international standards. One noteworthy example is the Industrial Relations Ordinance 2002 (IRO), which falls short in providing adequate protection and enforcement of the right to the JFCW at the workplace in Pakistan. The IRO has been criticised for its incapability in curbing unfair labor practices and safeguarding labor rights at the worksites when it constrains the possibility to seek interim relief from the labor court against labor rights violations.

The Factories Act 1934 (FA 1934), one of Pakistan's earliest welfare legislations addressing the issues in OSH, has faced significant criticism for its inefficiency, outdated provisions, and limited scope in securing the rights to the JFCW. Murad, Rahman, and Momand (2022) claimed that while the FA 1934 made references to company liability in certain sections, it failed to comprehensively include "companies" within its broader protective scope. Wishag, a Joint Secretary of the Ministry of Overseas Pakistanis and Human Resource Development, acknowledged systemic shortcomings in certain legislations, and urged the country to review and strengthen its OSH policies, legislation, inspection systems, reporting mechanisms, and training programs for workers and employers (ILO News, 2022). A study by Khan et al. (2020) found that the higher authorities displayed low awareness and concern for workers' issues, revealing a major communication gap within management. Additionally, organisations lacked a properly functioning Human Resource Department. The weakness was also identified in the labor inspection system. It was suggested that the government should hire more labor inspectors for better monitoring purposes. The Country Director of the ILO once highlighted the importance of OSH legislation, where Pakistan has yet to have comprehensive laws and even added that it must come with true implementation and enforcement (ILO News, 2017). In general, Murad, Rahman, and Momand (2022) concluded that the statutory framework governing the OSH in Pakistan is fundamentally flawed. It fails to promote a culture of health and safety, overlooks critical workplace issues, and excludes major sectors such as construction and agriculture from its scope, particularly under the Factories Act. These deficiencies are reflected in numerous documented cases of violations of workplace rights in Pakistan, which will be examined further in this study.

### **The Communal Violations of Right**

Labor conditions in Pakistan remain far from ideal and in some cases, are among the worst, despite the gradual improvements driven by recent government initiatives, particularly in advancing social dialogue about the matter. As mentioned previously, Pakistan has ratified the working hours convention and yet, the working hours are said to be poorly regulated. The Provincial Factory Act that limits work to 48 hours a week is rarely enforced, with many employers demanding overtime while workers accept unpaid extra hours to avoid losing their jobs (Hanif, 2020). It is evident that the working conditions are execrably unjust and unfair at the workplaces in Pakistan. Workers are required to work under long working hours without adequate breaks, denied weekly rest days or weekends, and deprived of essential entitlements such as sick leave and maternity leave for female workers. Additionally, they are also paid below the stipulated minimum wage. Even though Pakistan's minimum wage is already low, some workers are not paid even at that minimum wage rate. As a result, many struggle to survive and may

feel driven to take extreme steps due to the persistent underpayment and mistreatment. Janjuhah et al. (2021) discovered that workers in the mining industry are forced to do overtime work, but paid below minimum wages. While the labor laws of Pakistan allow workers to enjoy festival holidays as declared by the federal government, this provision is not offered to the workers. This is a clear violation of the workers' labor rights (Scherrer & Radon, 2019). All in all, there are severe violations of labor rights, thus against the right of the workers to the JFCW.

Generally, the work conditions of workers at the workplace in Pakistan remain arduous and distressing. Many are subjected to exploitative practices, often treated as expendable labor with little regard for their dignity or rights. Unfair labor practices are on the rise, and workplace harassment has become disturbingly routine. Arslan (2020) revealed grave violations of labor rights at the textiles and garment factories, including unjust and unsanitary working conditions, sub-minimum wages, denial of paid maternity leave for women workers, lack of access to clean water, as well as excessively long working hours. Noman, Mujahid and Fatima (2021) further claimed that 60-80 percent of workers in Pakistan were physically abused at the worksites. Ijaz (2019) similarly reported widespread labor abuses, where millions endured degrading, exploitative, and unsafe conditions. The global brands, in particular, have been found complicit in perpetuating this exploitation, employing millions of low-educated and unskilled workers under precarious, contract-based arrangements without formal agreements, effectively excluding them from protection by the labor laws. This is a severe violation of labor rights in a context where international brands are making huge profits by taking advantage of the loopholes and weak implementation of the labor laws and policies in Pakistan. All these incidents showed the deprivation of right to the JFCW.

Essentially, safety and health at work is an indispensable component of right to the JFCW, but the issues remain as the most critical and serious issues in Pakistan's labor landscape. There were numerous industrial accidents that took the lives of hundreds of workers across the country, for example, the fire incidents at a garment factory in Karachi with a 255 death toll, and a shoe-making factory in Lahore that claimed 25 lives. Job insecurity enables employers to easily dismiss and control workers, while weak labor inspections, poor enforcement, and aggressive actions against independent unions hinder workers from asserting their rights (Ijaz, 2019). Noman, Mujahid and Fatima (2021) highlighted that in the construction sector, which records the highest rate of workplace injuries, employers are rarely held accountable despite evident negligence in adopting proper safety protocols. Despite the worsening working conditions at the workplaces, the issues of OSH standards are often ignored. Therefore, to promote a culture of workplace safety and ensure the right to the JFCW, the government and stakeholders must prioritise awareness campaigns and invest in training programmes that educate employers and workers on safety protocols, as well as their rights.

The mining sector also has its share of extreme OSH deficiencies. Janjuhah et al. (2021) reported that miners were forced to work in demeaning, unhygienic, poorly ventilated, and hazardous environments with faulty working machineries. The majority of the workers were uneducated and untrained when operating heavy machineries, and were deprived of medical facilities and health care services, with many of them suffering from serious health issues, such as respiratory and kidney diseases, cardiac problems, and cancer. Consequently, an estimated 100 people lost their lives annually due to these preventable conditions. Khan et al. (2022) found that long working hours in Lahore spinning mills were strongly linked to respiratory ailments like byssinosis among women textile workers. Their findings suggested that regulatory enforcement and education could mitigate such outcomes, noting that factors such as age, wages, and education levels influenced workers' likelihood to seek treatment or adopt preventive measures such as wearing masks. Agricultural laborers also suffer from high injury rates,

primarily due to the lack of training and education. Again, these accidents and casualties can be eliminated or minimised by adopting mandatory and systematic measures through skill training programmes for the workers (Scherrer & Radon, 2019). However, the sad reality is, rather than spending for safety and health, employers are keener to earn more profits; thus, ignoring the workers' right to the JFCW. To address these deeply rooted issues, Pakistan must prioritize comprehensive OSH legislation, supported by robust enforcement and awareness efforts. The government is urged to expedite the ratification and implementation of the relevant ILO conventions, ensuring alignment with global labor standards. Only through effective policy enactment and implementation, legal reform, and a culture of accountability can the right to the JFCW be meaningfully realized in Pakistan.

Unsafe and unhealthy working conditions are attributed to various factors, such as gaps in governance, inadequacies in the legislative framework, limited knowledge and resources, unsustainable business practices, and a deficiency in fostering a culture of prevention at both the national and workplace levels. In Pakistan, the devastating incidences at the workplace denote ineffective implementation and enforcement of labor laws due to weak labor inspections and the limited number of labor inspectors in the provincial labor department. One of the most devastating examples is the fire at Ali Enterprises in Baldia Town, Karachi, which resulted in the deaths of 255 workers. Investigations revealed that the employer failed to adopt necessary safety measures, while the labor department had not conducted regular inspections. Often, cases of occupational diseases and casualties are not reported to the labor department due to weak monitoring and enforcement at the federal and provincial levels (Ahmed et al., 2018), causing difficulties in curbing the casualties and providing awareness to the public. The informal employment sector is at an even worse situation. Without the extension of labor laws to industries operating informally or outside the regulatory scope, workers remain vulnerable to exploitation and unsafe conditions. Thaheem and Mahmood (2020) advocated for the government to extend the application of labor laws to high-risk sectors like the brick-kiln industry, which is very notorious for its hazardous working environment.

A report by the United States on human rights practices has identified various structural legal problems with complicated and ambiguous laws in Pakistan. In the 3<sup>rd</sup> world congress of 2014, the International Trade Union Confederation (IUTC) revealed that Pakistan was among the countries where the labor laws were incapable of providing fundamental rights to its workers. The Global Rights Index has consistently ranked Pakistan among the worst countries for women regarding the protection of their fundamental rights, particularly, the right to the JFCW (Ijaz, 2019). Nevertheless, Pakistan in recent years has taken significant strides to improve its regulatory framework when the provincial governments, under the guidance of the federal government, have formulated and implemented several laws and regulations to safeguard workers' rights. To promote a culture of workplace safety, the government and stakeholders must prioritize awareness campaigns and invest in training programs that educate employers and workers on safety protocols, hazardous materials, and machinery handling to reduce workplace accidents. It is therefore, essential for the state to initiate collaborative partnership with employers, where the government can effectively work together through a tripartite arrangement (Wahab, Ayub & Ali, 2021). It is encouraging to note that such collaborative frameworks have already begun to take shape (ILO News, 2017; ILO News, 2022).

## **CONCLUSION**

The findings of this study indicate that while the legal framework of Pakistan safeguards the rights of its workers, particularly through constitutional guarantees, these provisions do not explicitly spell out

the matter regarding the right to the JFCW. Despite the existence of relevant laws, the implementation and enforcement of the law in Pakistan remain weak and inadequate to ensure just and fair labor practices at the workplace, particularly in light of the numerous mishaps and incidents of violations reported across various industries in the country. In other words, the existing legal framework of Pakistan in the context of right to the JFCW for labor does not fully align with international legal instruments, including the UDHR and ILO Conventions. This misalignment is evident in the widespread and severe infringements on the JFCW in the private sector, encompassing not only OSH, but also working conditions, wages, hours of work, welfare, social security, and the right to unionize.

Sporadic labor legislation and legal provisions in Pakistan must be properly and promptly addressed for the sake and benefit of the workers, industries and the state. The government must overcome the issues of the extensive lacuna regarding the implementation and enforcement of both international and domestic laws. While international treaties and protocols present complex challenges and dilemma for developing nations, benchmarking the international legal instruments, proper implementation and enforcement of domestic labour law is nonetheless urgently needed. Currently, matters related to OSH are governed by different laws, both at the federal and provincial levels, leading to inefficiency and a lack of cohesive enforcement. A unified and comprehensive labor law framework is, therefore necessary. Furthermore, a strict and pragmatic measure should be adopted to strengthen the implementation and enforcement mechanism of the said right at the domestic level so that the workers can be ensured that the principle of a decent work environment is upheld, which will include ensuring safe and healthy working conditions at the worksites. Moreover, the Federal government should establish a coordination policy with the provinces to promote uniformity. The Government should provide the necessary guidelines to amend labor laws related to the JFWC, laws which are aligned with the international conventions and ILO decent work agenda. Since the international conventions do not simply bind or are enforceable on the member states, it is strongly urged that Pakistan must adopt and enact domestic laws which will be guided by the relevant international laws.

With regard to international conventions, the government of Pakistan is urged to ratify the fundamental conventions, particularly on labor safety and health. The initiative and steps taken at the ILO tripartite discussion in advancing OSH legislation are commendable. At the same time, empowerment of the labor department is necessary through having the proper and systematic labor inspection mechanisms at the workplaces. It is submitted that the ultimate responsibility lies on the Pakistan federal government to draft labor laws and policies in line with the UN Conventions and Covenants, as well as ILO Conventions and guiding principles. This is to ensure that just and favorable working conditions prevail in the country. Additionally, this study strongly recommends awareness and training programs for both employers and workers so as to ensure that the latter enjoy the right to the JFCW.

#### **CONFLICT OF INTEREST STATEMENT**

The authors received no financial support for the research, authorship, and/or publication of this article.

#### **ACKNOWLEDGMENT**

This research received no specific grant from any funding agency in the public, commercial, or not-for profit sectors.

## REFERENCES

- Adzakor, W. F. (2024). *The ILO does not have the power to sanction countries, and often conventions are not ratified by many countries. Is it still worth passing these conventions?* [https://www.researchgate.net/publication/384812537\\_THE\\_ILO\\_DOES\\_NOT\\_HAVE\\_THE\\_POWER\\_TO\\_SANCTION\\_COUNTRIES\\_AND\\_OFTEN\\_CONVENTIONS\\_ARE\\_NOT\\_RATIFIED\\_BY\\_MANY\\_COUNTRIES\\_IS\\_IT\\_STILL\\_WORTH\\_PASSING\\_THESE\\_CONVENTIONS](https://www.researchgate.net/publication/384812537_THE_ILO_DOES_NOT_HAVE_THE_POWER_TO_SANCTION_COUNTRIES_AND_OFTEN_CONVENTIONS_ARE_NOT_RATIFIED_BY_MANY_COUNTRIES_IS_IT_STILL_WORTH_PASSING_THESE_CONVENTIONS)
- Afzal, M. & Mushtaq, S. A. (2024). The concept of ratification of treaties and protocols in public international law and their non-binding effects on developing countries' sovereignty: A case study of Pakistan. *Annals of Human and Social Sciences*, 5(3), 546-559. [http://doi.org/10.35484/ahss.2024\(5-III\)48](http://doi.org/10.35484/ahss.2024(5-III)48)
- Ahmed, I., Shaukat, M. Z., Usman, A., Nawaz, M. M., & Nazir, M. S. (2018). Occupational health and safety issues in the informal economic segment of Pakistan: A survey of construction sites. *International Journal of Occupational Safety and Ergonomics*, 24(2), 240-250.
- Arslan, M. (2020). Mechanisms of labour exploitation: The case of Pakistan. *International Journal of Law and Management*, 62(1), 1-21.
- Bandyopadhyay, P. K. (2020). Sustainable development goal 8: Achieving decent work—An illusion. In D. Crowther & S. Seifi (Eds.), *The Palgrave Handbook of Corporate Social Responsibility* (pp. 413-427). Springer.
- Barford, A., Coombe, R., & Proefke, R. (2021). Against the odds: Young people's high aspirations and societal contributions amid a decent work shortage. *Geoforum*, 121, 162-172.
- Bhat, P. I. (2020). Doctrinal legal research as a means of synthesizing facts, thoughts, and legal principles. In *Idea and methods of legal research*. Oxford Academic. <https://doi.org/10.1093/oso/9780199493098.003.0005>
- Dahan, Y., Lerner, H. & Milman-Sivan, F. (2023). Shared responsibility and labor rights in global supply chains. *Journal of Business Ethics*, 182(4), 1025-1040. <https://doi.org/10.1007/s10551-021-04988-w>.
- Dobbins, T., Cao, X., Green, A., Johnstone, P., & Foster, W. (2024). Conceptualizing decent work: An explorative study of decent work in England's Midlands region. *Policy Studies*, 46(4), 560–581. <https://doi.org/10.1080/01442872.2024.2353068>
- Frey, D. F., & MacNaughton, G. (2016). A human rights lens on full employment and decent work in the 2030 sustainable development agenda. *Sage Open*, 6(2), 2158244016649580.
- Green, F. (2021). *Decent work and the quality of work and employment*. GLO Discussion Paper Series 817. Global Labor Organization (GLO), 1-39.
- Hanif, M. H. (2020, March 9). The deadly impact of long working hours. *The Express Tribune*. <https://tribune.com.pk/article/94438/the-deadly-impact-of-long-working-hours>
- Ijaz, S. (2019, January 23). "No room to bargain": Unfair and abusive labor practices in Pakistan. *Human Rights Watch*. <https://www.hrw.org/report/2019/01/23/no-room-bargain/unfair-and-abusive-labor-practices-pakistan>
- ILO Normlex. (2024). *Ratifications for Pakistan*. [https://normlex.ilo.org/dyn/nrmlx\\_en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:103166](https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103166)
- International Labour Organization. (1999). *Decent Work: Report of the Director General – International Labour Conference, 87th Session*. International Labour Office.
- ILO News. (2017, November 28). *Advancing Pakistan's occupational safety and health legislation through social dialogue*. <https://www.ilo.org/resource/news/advancing-pakistans-occupational-safety-and-health-legislation-through>

- ILO News. (2022, September 21). *Pakistan considers ratifying two ILO fundamental conventions on Occupational Safety and Health*. <https://www.ilo.org/resource/news/pakistan-considers-ratifying-two-ilo-fundamental-conventions-occupational>
- International Labour Organization. (2023). *A call for safer and healthier working environments*. International Labour Office.
- International Labour Organization. (2024). *Ensuring safety and health at work in a changing climate*. International Labour Office.
- International Labour Organization. (2025). *Revolutionizing health and safety: The role of AI and digitalization at work*. International Labour Office.
- Janjuhah, H. T., Ishfaq, M., Mehmood, M. I., Kontakiotis, G., Shahzad, S. M., & Zarkogiannis, S. D. (2021). Integrated underground mining hazard assessment, management, environmental monitoring, and policy control in Pakistan. *Sustainability*, 13(24), 13505.
- Kahn, E. (2019). A structural approach to the human right to just and favourable working conditions. *Critical Review of International Social and Political Philosophy*, 22(7), 863-883.
- Khan, M., Muhmood, K., Noureen, S., Mahmood, H. Z., & Amir-ud-Din, R. (2022). Epidemiology of respiratory diseases and associated factors among female textile workers in Pakistan. *International Journal of Occupational Safety and Ergonomics*, 28(1), 184-198.
- Khan, S., Saba, K., Sher, S., Khan, R., Zafar, H. M. A., & Abbas, U. (2020). Awareness and implementations of decent work practices: A case study of Pakistan railways. *Ilkogretim Online*, 19(4), 4096-4115.
- Labanieh, M. F., Hussain, M. A & Mahdzir, N. (2021). The legal capacity of international conventions and laws to legalise e-arbitration. *Journal of International Studies*, 17, 211-237. <https://doi.org/10.32890/jis2021.17.9>
- Langbroek, P., Bos, K. V. D., Thomas, M. S., Milo, M., & Rossum, W. (2017). Methodology of legal research: Challenges and opportunities. *Utretch Law Review*, 13(3), 2-8. <https://doi.org/10.18352/ulr.411>
- Masood, M. O. N., Hamad, A. M. A., & Mat Rus, M. (2023). Reimagining future relations between international and national law with special reference to the Palestinian situation. *Journal of International Studies*, 19(1), 123-144. <https://doi.org/10.32890/jis2023.19.1.5>
- Merriam-Webster's. *Online dictionary*. <https://www.merriam-webster.com/dictionary>
- Murad, F., Rahman, S. U. & Momand, S. S. S. (2022). Legislative framework on occupational health and safety: A case study of Pakistan. *Pakistan Journal of International Affairs*, 5(4), 44-57.
- Noman, M., Mujahid, N., & Fatima, A. (2021). The assessment of occupational injuries of workers in Pakistan. *Safety and Health at Work*, 12(4), 452-461.
- Numan, M. (2024). *Pakistan takes historic step towards safer and healthier workplaces*. <https://www.ilo.org/resource/news/pakistan-takes-historic-step-towards-safer-and-healthier-workplaces>
- Posthuma, A. (2010). Beyond 'regulatory enclaves': Challenges and opportunities to promote decent work in global production networks. In A. Posthuma & D. Nathan (Eds.), *Labour in Global Production Networks in India* (pp. 57-80). Oxford University Press.
- Ridder, H. G. (2017). The theory contribution of case study research designs. *Business Research*, 10, 281-305. <https://doi.org/10.1007/s40685-017-0045-z>
- Sarfraz, M., Andlib, Z., Kamran, M., Khan, N. U., & Bazkiaei, H. A. (2021). Pathways towards women empowerment and determinants of decent work deficit: A South Asian perspective. *Administrative Sciences*, 11(3), 80.
- Scherrer, C. & Radon, K. (Eds.). (2019). *Occupational safety and health challenges in southern agriculture*. Rainer Hampp Verlag.

- ShuHong, Y., & Zia-ud-Din, M. (2017). Analyzing the labour issues in Pakistan: A historical background of labour laws and labour unions. *Labour & Law Issues*, 3(2), 21-54.
- Thaheem, M.S. & Mahmood, A. (2020). Extension of labor laws in the informal economy of Pakistan: Brick-kiln industry as a case study. *Pakistan Journal of Social Sciences*, 40(2), 591-602.
- United Nations Economic and Social Council. (2016). *Committee on Economic, Social and Cultural Rights. E/C.12/GC/23*. <https://www.refworld.org/legal/general/cescr/2016/en/122360>
- UN Committee on Economic, Social and Cultural Rights. (2016). *General comment No. 23 on the right to just and favourable conditions of work (Article 7 of the International Covenant on Economic, Social and Cultural Rights)*. E/C.12/GC/23. <https://www.refworld.org/docid/5550a0b14.html>
- Venkatesan, M., & Luongo, G. (2019). *SDG8—sustainable economic growth and decent work for all: Concise guides to the United Nations sustainable development goals*. Emerald Publishing Limited.
- Wahab, H.A., Ayub, Z.A. & Ali, S.I. (2021). Child labor in its worst forms as child slavery: deploying the international instruments to define employer limits. In Lilienthal, G. (Ed.), *Human Capital and Development* (pp. 169-211). Nova Science Publishers.
- Wahab, H. A., Razak, S. S. A. & Mahmud, N. A. K. N. (2022). Legal issues inworking from home amid COVID-19 pandemic in Malaysia. *UUM Journal of Legal Studies*, 13(2), 163-186. <https://doi.org/10.32890/uumjls2022.13.2.7>