

From Legislative Recognition to Meaningful Protection: A Comparative Analysis of Provincial Home-Based Workers Legislation in Pakistan

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ABSTRACT

In Pakistan, women engaged in the informal home-based sector, mainly part of global value chains, have largely been left out of the labour law. The devolution of the labour law from the federal government to provinces after the 18th amendment paved the way for the enactment of dedicated labour laws, such as the Sindh Home Based Workers Act, 2018, and the Punjab Home Based Workers Act, 2023, which is a historic legislation by the province of Punjab. This article is a critical consideration of the question as to whether this recognition is matched with meaningful protection. It then builds and applies a five-dimensional framework towards meaningful protection through a comparative doctrinal approach that draws on the concepts of inclusive legal definition, enforceable substantive rights, empowered institutional architecture, automatic social protection integration, and collective voice with access to justice. The analysis shows that there is a huge disparity in terms of symbolic recognition and rights, in all provinces, in relation to enforceable rights. There are significant gaps in the definition (own account self-employed workers are excluded), the system of wage-setting (which rely on recommendations but don't have a formula that converts a piece-rate to a minimum wage), the lack of linkage between the HBW registration and social security institutions, and the lack of executive powers for the enforcement bodies. The study concludes that, in the absence of any effort to tackle these structural design defects, the landmark laws may serve to legitimize information rather than eradicate it, and provide low cost signals of international compliance without providing protection for workers. Finally, the article recommends a second generation of reform that is based on inclusive definitions, compulsory social security linkage, principal employer responsibility, and enforcement by workers.



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1. Introduction

The home based workers (HBWs) are a huge and very important but under-visible group of the Pakistani labour force. These workers work in the production processes directly in their own homes, stitching clothes, weaving carpets, assembling sports goods, creating bangles, processing agricultural goods etc., all for contractors who are integrated into domestic and global supply chains (Khattak, 2004; Khan & Khan, 2017). The number of HBWs in Pakistan is estimated between 12 and 20 million all of which are women, which makes it one of the highest home-based labour concentration in the world (Bari, 2011; Sultana & Kiani, 2011; Khattak, 2004; Naeem & Khan, 2010). Their economic impact is significant as they are an invisible force powering the major export sectors like textiles, leather and sports goods and their income is sometimes vital for the home (Siegmann & Shaheen, 2008; Butt, 2016). But throughout history, such labourers have been left unprotected by any labour laws, outside of the realm of the minimum wage, social security, safe working conditions and the rights to collective bargaining that are granted to formally employed industrial workers (Ali, 2010; Ahmad & Khan, 2015; Khan & Akhtar, 2018). It is the extreme vulnerability of the workers, caused by and resulting from, this invisibility—the lack of a worker voice to speak collectively, lack of social protection, lack of regulation of the occupational hazards, and often sub-subsistence piece-rate pay (Chen, 2014; Bari, 2011; Devereux & Sabates-Wheeler, 2004).

In 2010, Pakistan's 18th amendment to the Constitution that created a new framework for labour relations. The amendment removed the Concurrent Legislative List, leaving the entire issue of labour to the provinces and thus bringing to an end a broadly uniform, although loosely enforced, national legal system and opening up a new arena for provincial innovation (Ali, 2015; Aziz & Shah, 2017; Ayub, 2017). The Constitution created a policy window for workers' associations, activists and international organizations to push for policies specifically aimed at the home sector. However, the results came after the sustained advocacy; and in 2018, Sindh enacted the first ever Home Based Workers Act while in 2023, the Punjab government passed the Home Based Workers Act. The policy has already been adopted in KP and the draft legislation is in the process of being drafted, while Balochistan and Islamabad Capital Territory are mainly unresponsive (Awan & Ahmed, 2022; Hussain & Rehman, 2020). These specific pieces of legislation are a self-evident breakthrough; a legislative moment of significance that provides official recognition for home-based workers as subjects who have rights (Mehdi & Ahmed, 2020; Karamat & Zulfiqar, 2018).

But what doesn't help is that recognition does not necessarily lead to protection. This is a hard law to have at its core, a gap between the symbolic affirmation of rights on paper and the real opportunity for a worker

to access and exercise those rights (Edelman, 1964; Suchman, 1995; Standing, 2011). Laws may contain entitlements in their text, but at the same time limit their scope by using restrictive definitions, setting up institutions without executive powers, or by omitting important connections with social protection facilities which could make abstract rights a reality (Deere & Royce, 2019; McCann, 2008). It is therefore crucial to examine critically if Pakistan's provincial HBW laws are designed to provide meaningful protection, which in this context is not simply in terms of rights language, but also through inclusive legal protection, substantive and enforceable rights, empowered enforcement agencies, and the integration and accessibility of social security mechanisms and procedures in order to allow workers' voice and justice. This article attempts this interrogation by performing a systematic comparative study of all the provincial legislations on home based work in Pakistan.

1.1. Significance of the Study

This study has several important aspects. Home-based workers are one of the most marginalized and feminized groups of workers and the impact of policies and laws for their protection have implications for gender equality, poverty reduction and for the promotion of decent work, as set out in Sustainable Development Goal 8 (Razavi & Hassim, 2006; Cook & Dugarova, 2014; Kabeer, 2015). Most of the HBWs in Pakistan are undervalued women's labour and the enhancement of their legal protection is an integral part of women's economic rights struggle (Kabeer, 2008; Kabeer, 2012). Second, post 18th Amendment devolution of labour law is a big constitutional experiment in the federal governance of Pakistan. In the case of a single group of vulnerable occupations, however, there is a marked lack of systematic comparison of the ways in which the various provinces have exercised the power of legislation that has been made available to them. There are a few studies that have been conducted on the topic of the provincial laws themselves, or have a descriptive advocacy focus; however, there is a lack of doctrinal, cross-provincial analysis and critical evaluation (Mehdi & Ahmed, 2020; Khan & Khan, 2019). Third, Pakistan will be able to continue enjoying the European Union's Generalized Scheme of Preferences Plus (GSP+) only if it is able to implement the international labour standards including informal worker standards (Ahmed & Jan, 2020; Ali & Kazmi, 2021). It is thus crucial for both the social policy of the countries affected by the HBW legislation and international economic accountability to identify the points in which the legislation is flawed and where it is deficient in enforcement. Finally, creating and applying a novel multidimensional framework of 'meaningful protection', this study provides a diagnostic tool that can be used by the legislators, labour inspectors, trade unions, and home based worker organizations to assess and strengthen legal framework not just in Pakistan.

1.2. Problem Statement

Although there has been recent significant progress in the legislations made in Sindh and Punjab, available data from the civil society organisations and a few government sources point to very little improvement in the material conditions of home-workers. Only a small minority of workers have registered under the new legislation; piece-rate (unilaterally agreed) wages are still below any definition of a basic wage; clinics for health insurance, old age pensions or maternity protection are still largely missing; and worker organisations have not yet achieved formal bargaining status (Jamil & Ghazali, 2021; Ali & Sheikh, 2018; Mustafa & Rizvi, 2019). There are two issues. First, the laws contain structural problems: they fail to include the majority of own-account workers with narrow definitions; wage-setting bodies have only advisory powers, and there are no bridging provisions to connect the registration of HBWs with the country's social security institutions. These are not the results of implementation failures, but design failures which may question whether the laws, even if well implemented, will provide meaningful protection (Chen & Vanek, 2013; Osei-Boateng & Ampratwum, 2011). Second, even these imperfect provisions are poorly enforced by the slow, underfunded, and apparently unwilling bureaucracies. The danger is that the law does a legitimizing thing – that it gives a cover to what is in fact a state of exploitation, for the world to see as progress (Edelman, 1964; Standing, 2011). It has been observed that the current provincial legislation relating to home based workers in Pakistan is failing to translate from symbolically recognising the home based workers to protecting them in practice; however, the exact size, scale and reasons for this gap have not been systematically mapped and measured in each province.

1.3. Research Objectives

In order to address this problem, the study pursues the following objectives:

1. To map and compare the legislative provisions for home-based workers across Pakistan's four provinces and the Islamabad Capital Territory.
2. To develop an analytical framework of “meaningful protection” grounded in international labour standards, particularly ILO Convention 177 and Recommendation 184, and tailored to the context of informal home-based work.

3. To measure the gap between legislative recognition and meaningful protection across five dimensions: inclusive legal definition, substantive rights, enforcement institutions, social protection integration, and worker voice and access to justice.
4. To identify the political, economic, institutional, and gendered factors that explain the observed protection deficit.
5. To propose a reform-oriented legislative and policy framework capable of transforming recognition into effective, rights-based protection for home-based workers in Pakistan.

1.4. Research Questions

The study is guided by the following interrelated questions:

1. How do the provincial legal frameworks define “home-based worker,” and which categories of workers do these definitions include or exclude?
2. What substantive rights pertaining to wages, social security, occupational safety and health, contract security, and freedom of association do the laws confer, and how do they compare across provinces?
3. What enforcement and implementation mechanisms are established, and what is the nature and capacity of the institutions created?
4. To what extent are the laws structurally integrated with broader social protection systems, such as provincial social security institutions, the Employees’ Old-Age Benefits Institution, and health insurance schemes?
5. What factors political, economic, legal, and social account for the gap between legislative recognition and the realization of meaningful protection for home-based workers in Pakistan?

1.5 Research Methodology

The method of this study is a qualitative research with a comparative legal research design approach. Primary source of data is the legislation itself: Sindh Home Based Workers Act, 2018, Punjab Home Based Workers Act, 2023, draft bills (when available), Khyber Pakhtunkhwa Home Based Workers Policy, 2021, and federal labour laws (if applicable) for the Islamabad Capital Territory. Those texts are

analysed in detail from a doctrinal perspective, picking out provisions and structuring them by the five dimensions of the meaningful protection framework.

Secondary data comes from various sources, such as empirical and policy reports produced by HomeNet Pakistan, Women in Informal Employment: Globalizing and Organizing (WIEGO) network, Pakistan Institute of Labour Education and Research (PILER), International Labour Organisation (ILO) and Sustainable Development Policy Institute (SDPI), academic literature on labour federalism, informal work and feminist legal theory, and grey literature such as policy briefs and advocacy documents. The comparative analysis is organized around this matrix which compares each province based on a “recognition-to-protection” continuum on the five dimensions. The study uses a political economy perspective relevant to power inequalities, institutional memory, and gendered devaluation of household labour, to account for the identified gaps (Benería & Roldán, 1987; Razavi & Hassim, 2006). The scope limitation of the study needs to be noted that the analysis only covers law and policy on paper and doesn't involve the primary empirical fieldwork. It does, however, heavily rely on existing empirical studies to base the analysis of law on the grounded reality of the people who work, and sets the groundwork for future field-based studies.

2. Literature Review

This section places the present study in the existing scholarship on home-based work, the informality of labour and legislation to protect it. It is structured in a thematic manner to illustrate the conceptual foundations, the international, national and doctrinal sources in which the article is embedded but also the lack that gives it its comparative analytical thrust.

2.1 Home-Based Work, Informality, and Gender

The notion of “home-based work” in the context of overall informality of the labor market has changed considerably over the last 40 years. Home-based work has been firmly established as an informal employment category which is both flexible in terms of the site of work and in terms of power relations, as evidenced by the work of Martha Chen and the WIEGO network, which has documented the special nature of the subcontracting chain that shapes power relations in home based work (Chen, 1999; Chen et al., 1999; Chen, 2014; Chen, 2012). The distinction between those who work from home and other informal operators is in the position they play in terms of the production network; they are at the lowest end of the network, must pay for workspace, utilities and equipment, and have practically no control over the volume, terms and price of work (Barrientos, 2013; Raworth & Kidder, 2009). This structural

dependency is exacerbated by gender since the 95% of all the HBWs in the whole world and in South Asia are women, whose productive labour is socially defined as domestic labour (Bhattacharya & Choudhury, 2014; Razavi, 2007). The above ideology has been shown by feminist labour scholars to legitimise the lack of legal protection for home-based work and the absence of minimum wages for domestic workers, all of which reinforce the devaluation of this form of work and suggest it is a way of making supplementary household earnings (Benería & Roldán, 1987; Kabeer, 2008; Benería et al., 2015). Informal work, gender and subcontracting therefore produces a unique kind of labour exploitation which is structurally not able to be captured by industrial era legislation. To assess the extent to which these power imbalances are effectively reconfigured in the province, it is crucial to grasp the content of this literature.

2.2 International Legal Standards and Comparative South Asian Experience

International labour standards can serve as a norm to measure and evaluate domestic legislation. The most important international instruments which deal with home-based work are the Home Work Convention, 1996 (ILO No.177) and the Recommendation on home work, 1996 (ILO No.184) (Vosko, 2002; Sankaran & Madhav, 2011; Nandi, 2018). The definition of homework contained in Convention 177 is very broad and includes work done by a person at the premises of his or her choosing (including his or her own home) using equipment and materials obtained or provided by the person (that is, the parent) doing the work for remuneration, or resulting in a product or service agreed upon by the person doing the work and the employer. Finally, the Convention requires ratifying parties to have an over-arching national policy to ensure equality of treatment between home workers and other wage earners in the field of freedom of association, prevention of discrimination, occupational safety and health, remuneration, social security and access to training, among other things. Though Pakistan is not a signatory to Convention 177, it is important as it is an internationally agreed instrument on the meaning of 'meaningful protection'. Moreover, the principles of C177 are indirectly relevant to international economic obligations of Pakistan under its GSP+ trade preferences with the European Union as deep-rooted international conventions need to be effectively implemented (Ahmed & Jan, 2020; Ali & Kazmi, 2021).

Comparative South Asian experience also helps to shed light on pathways and pitfalls. Although there is no specific central legislation in India, it has experienced continued advocacy efforts and a draft National Policy on Home Based Workers was put together. In India, home based workers are estimated at 50 million and there has been ongoing advocacy leading to a draft National Policy on Home Based Workers, but no comprehensive central policy (Bhattacharya & Choudhury, 2014; Jhabvala & Sinha, 2002; Unni,

2001). There has been a few examples of the state level efforts that have been made to include piece-rate workers under statutory framework of welfare boards, with mixed results of implementation in Maharashtra, with the Mathadi, Hamal and Other Manual Workers Act (Sankaran & Madhav, 2011; Agarwal, 2009). The conflict between legal protection and lack of legal protection for home-based workers, and between visibility and lack of visibility of workers, is well illustrated in the garment industry of Bangladesh, which has no laws to cover home workers, but has a strong formal factory inspection system (Rashid & Mahmood, 2019; Kabeer & Mahmud, 2004). The examples in this comparative approach highlight the central importance of legal form but also illuminate how legal decisions, such as in terms of definition, funding, and enforcement, affect the ability of laws to bring about real gains.

2.3 The Pre-18th Amendment Legal Void in Pakistan

Until the devolution of the constitution for labour protection in 2010, Pakistan's laws for protection of labour has been largely factory-centred. The workers were defined in terms of a physical workplace with direct supervision of the employer in different laws like Factories Act, 1934, West Pakistan Shops and Establishments Ordinance, 1969, and Industrial Relations Act, 2008. Workers in the home environment, who work in a dispersed location, and are employed by a contractor, but not a specific employer were not covered by any definition (Ahmad & Khan, 2015; Sayed & Ali, 2013). The Industrial and Commercial Employment (Standing Orders) Ordinance 1968, which offered little in the way of service protections, did not consider a workforce integrated into subcontractual links. The formal employer-employee relationship was also reflected in the social security system, the Provincial Employees' Social Security Institutions (ESSI) and the Employees' Old-Age Benefits Institution (EOBI), which made it very difficult for the HBWs to join these schemes (Shaikh & Gandapur, 2019; Iqbal & Ahmad, 2017). The invisibility of home-based workers has been a recurring theme in scholarly commentaries from this time that have consistently recognized it as a product of, and part of, the systematic exploitation of these workers (Khan & Khan, 2019; Bari, 2011). The 18th Constitutional Amendment, which transferred labour to the provinces, was seen as a chance to reverse this historic exclusion by context-sensitive provincial legislation (Ali, 2015; Ayub, 2017). The historical background can help to appreciate the importance of the legislative turn discussed in the article.

2.4 Emerging Scholarship on Provincial HBW Legislation

There has been a limited but increasing amount of scholarly and policy literature that has emerged since the passage of dedicated provincial laws. HomeNet Pakistan, the flagship network of the HBW

organizations, has developed a series of valuable reports, analysing content and early implementation of the Sindh Home-Based Workers Act (Jamil & Ghazali, 2021; Ali & Sheikh, 2018; Mehdi & Ahmed, 2020). They also point to some key weaknesses, including an overly narrow definition that is restricted to a particular contractor, no clear procedure for making connections between registration and social security access, and extreme delays in formulating rules of business and allocating public funding. The analysis of the Punjab Home Based Workers Act, 2023 is still at a fledgling stage, with early commentaries expressing excitement over the establishment of a dedicated Welfare Fund, and the emphasis given to social protection coordination in the text, while also noting the lack of clarity in its definitions, and enforcement in the absence of a legal framework that defines and outlines the scope of the social protection services provided by the government (Jamil & Ghazali, 2021; Sultana & Akhtar, 2022; Mustafa & Rizvi, 2019). So far, studies like those of Ali and Qureshi in Pakistan, have mentioned the provincial laws in the context of the discussion on post-18th Amendment governance, but they have not methodically compared the two governing acts in terms of their doctrine, and have not used the non-legislative mechanism in KP and the legislative vacuum in Balochistan as a unified analytical framework (Khan & Khan, 2019). Furthermore, most of the existing literature has a descriptive approach, and only describes the laws themselves, not a framework based on theoretical foundations and multiple dimensions to assess the laws' protection level.

2.5 Conceptualizing the Law–Practice Gap in Labour Protection

This study is theoretically nourished by the already mature and rich socio-legal literature on the law in books and law in action. While critical legal scholars and institutionalist political economists have long shown that statutory rights often do not translate into lived protection in practice because of weak enforcement institutions, because rights-holders do not have political and organizational power, and because the structure of economic exploitation does not change, legal instrumentalists have assumed that enacting a law will lead to a change in behaviour. It is a philosophy known as “legislative symbolism,” in which states set aside laws for purposes other than enforcement of rights, instead to indicate that they are complying with certain outside norms, e.g., ILO standards or conditions for trade, without the fiscal and political resources to implement them (Edelman, 1964; Suchman, 1995; Standing, 2011). Considering the context of Pakistan, this literature reminds us that provincial HBW laws can have a legitimating effect for an international audience, but do not necessarily improve the material conditions of workers.

From here it becomes clear that there is a need for a clear analytical yardstick. Recognizing that law is not binary, but rather multidimensional, with multiple dimensions of its enforceability, availability and institutionalization, scholars and actors on the issue of labour rights are increasingly pushing for this.

Scholarship on labour rights is increasingly advocating for the multidimensionality of law, in terms of its enforceability, accessibility, and institutionalization (Dahan et al., 2016; Fudge, 2012; Gammage & Ravelo, 2017). The idea of a “social protection floor” and the decent work agenda also highlight the linkages between labour rights, social security and workers' voice (Hickey, 2009; Mares, 2003). To date, however, the idea of summarizing these insights into a systematic, multi-dimensional model, specific to the context of home-based work, and then applying this model in a comparative provincial study in Pakistan, has not been tried. This very gap is filled by the present article. It builds a five-dimensional tool; that is, inclusive definition, substantive rights, institutional enforcement, social integration of protection, and collective voice with access to justice based on the literature reviewed above, and applies it to quantify, compare and explain the gap in meaningful protection in the nascent provincial legal framework in Pakistan.

3. Conceptual Framework: A Multidimensional Model of Meaningful Protection

The literature review above showed that a first step towards protecting HWs is already provided by the existence of a statute addressing these workers, but this is not a reliable indicator of protection. There are laws which are full of rights but empty in practice. The next step to go beyond a binary assessment and to make the comparative analysis more analytically rigorous, is to develop a multidimensional model of “meaningful protection.” The framework is based on the convergence of international labour standards (including ILO Convention 177 and Recommendation 184) (Vosko, 2002; Sankaran & Madhav, 2011; Nandi, 2018), the decent work approach and socio-legal scholarship on enforceability and institutional design noted above.

Meaningful protection here means a legal and institutional situation: (i) home workers are named in law, and no significant group is not; (ii) they have a floor of entitlements (health, pensions, maternity benefits) that are substantive, not hortatory; (iii) they are covered by enforcement institutions with clear legal authority, with dedicated financial resources, with participatory governance; (iv) there is a seamless connection, through the law, to the rest of the social protection system so that legal registration automatically leads to access to health, pension and maternity benefits (Devereux & Sabates-Wheeler, 2004; Kabeer, 2015); and (v) they have collective voice and meaningful access to dispute resolution mechanisms that overcome the formidable asymmetries of subcontracting chains (Chen & Vanek, 2013; Barrientos, 2013). The provincial legislative frameworks are compared based on the following five dimensions detailed below.

Dimension 1: Legal Identity and Inclusive Definition

“Home-based worker” is the starting point of every measure of protection. A very narrow conception (such as the one that applies only to workers who create products for a known contractor) could make most of the HBWs invisible legally. The immense number of own account workers who produce goods at home for their own sale in markets or markets for sale without a contractor relationship does not fit the definition of sub-contracting. A useful definition for a protection framework is in line with ILO Convention 177, which covers all workers at their place of work for remuneration, regardless of who provides the equipment or materials, and also captures dependent sub-contracted workers as well as own-account self-employed workers (Vosko, 2002; Chen, 2012). All subsequent rights are defined by the breadth of the definition.

Dimension 2: Substantive Floor of Rights

Legal recognition needs to be translated into a tangible and enforceable set of rights. Fair remuneration is at the heart of these. A meaningful law for piece-rated home-based workers should not only say wages should be "fair" but also specify a legal procedure to be used to determine what that minimum wage is on a time basis, and to do that in a negotiation process (Mustafa & Rizvi, 2019; McCann, 2008). Substantive protection means that there are occupational safety and health conditions adjusted to the domestic sphere and including employer responsibilities, which go beyond wages, and which cover aspects such as ventilation, fire protection, hazardous materials etc. (Khan & Akhtar, 2018; Butt, 2016). Social security rights (sickness, maternity, old age, employment injury) shall be included in legal rights, not aspirations. There needs to be effective penalties for contractors not complying with the right to written contracts and payment receipts. Rights are a paper promise without being specific and enforceable.

Dimension 3: Institutional Architecture and Enforcement Capacity

There are no rights without the remedy. There needs to be institutionalization that has the legal authority, financial independence and capacity to enforce the law in a meaningful way. The Councils or Boards provided for in the provincial statutes have not just recommendatory powers, but also have executive powers to determine wages, receive complaints and penalize. These bodies must be representative of the workers by having worker representatives elected by workers' own organisations and not simply appointed to fill seats (Chen & Vanek, 2013). Enforcement processes need to go beyond remotely located labour courts and include easily accessible, low-cost, fast and effective grievance redress mechanisms at the district level that also rely on a proper inspectorate that is capable of working with informal workers and

not against them. The law should also establish adequate budgetary resources for the state, and provide statutory guidance on funding, such as a welfare fund that funds from contributions from contractors and lead firms.

Dimension 4: Social Protection Integration

An important aspect of the protection is to establish what can be described as 'legislative bridge clauses'. The registration of a home-worker under the labour law should automatically qualify her for health insurance, pension insurance under EOBI and maternity benefits (Devereux & Sabates-Wheeler, 2004; Rehman & Shaikh, 2019). Today, in the current administrative silo mentality, labour registration and enrolment in social security are not linked; a worker can register, but fail to get a doctor or an old-age pension. A meaningful law introduces new provisions and makes it obligatory for everyone to be recognized at the same time, including the state and the principal employers, who are required to pay into this coverage. This connection could turn registering into a real avenue to a social protection floor (Hickey, 2009; Osei-Boateng & Ampratwum, 2011).

Dimension 5: Collective Voice and Access to Justice

Home-based workers are structurally atomized, that is, they are located at home, working alone. Meaningful protection understands that individual enforcement of rights is not feasible if not collective organisation. The law therefore needs to actively support and fund the establishment of HBW unions and cooperatives and establish a statutory bargaining process to ensure that contractors and lead firms sit down for talks on piece rate and working conditions (Chen & Vanek, 2013; Karamat & Zulfikar, 2018). Access to justice is more than just having the right to file a lawsuit; it is about legal aid, evidence and standing rules, and shifting the burden of proof in cases involving work orders and payments (Shah, 2018; Deere & Royce, 2019). If these measures are not in place, the one-to-one dynamic between the worker and a contractor with access to work will make any individual complaints process a fiction.

Operationalizing the Framework

All five dimensions can be mapped along a continuum from recognition to protection, and taken together represent a continuum. The following comparative analysis looks at each province's legislative structure

in relation to these measures and provides a qualitative assessment of the extent of protection offered. This framework does not say that laws necessarily need to be more recognition and less protection in sequence; it allows for a law to be more recognition and less protection, and it is designed to pinpoint exactly what parts of the law are missing. The article is a systematic application of this model and goes beyond mere description of legislative provisions to critical examination of their ability to change the lived reality of millions of Pakistan's home-based workers.

4. The Provincial Legislative Landscape: A Recognition Survey

The 18th Amendment to the Constitution of Pakistan in essence brought about a “differentiated legal geography” within the four provinces and the Islamabad Capital Territory of Pakistan by devoting powers to each province. The fallout of the 18th Amendment to the Constitution of Pakistan introduced a “differentiated legal geography” in the four provinces and Islamabad Capital Territory of Pakistan (Ali, 2015; Aziz & Shah, 2017; Ayub, 2017). This section aims to present a factual description of the legislative and policy tools available to each jurisdiction that have been used to regulate home working. It presents a descriptive basis for comparative analytical work in Section 5 and documents the definitional options, institutionalization, and rule-making status of each of the frameworks.

4.1 Sindh: The Pioneer – Sindh Home-Based Workers Act, 2018

Sindh is the first province of Pakistan to pass a separate act for home-based workers. After years of tireless advocacy by the trade unions and civil society activists, the Sindh Home Based Workers Act (Act No. V of 2018) was presented to the Governor for assent in March, 2018 (Mehdi & Ahmed, 2020; Karamat & Zulfiqar, 2018). A home based worker is defined as an individual who “manufactures, produces, provides goods or services” for a contractor or an employer remunerated for work in the residence or elsewhere at his option. The definition specifically connects the worker to an identifiable intermediary or principal, so as to focus the law on piece rate sub-contract work.

The Act provides for institutional structure in a multi-level fashion. The Minister for Labour chairs a Provincial Council for Home-based Workers which is made up of representatives from the government departments, employers, contractors, and home-based workers themselves at the apex. The Council's duties are to advise the government on policy, to make recommendations on minimum wages and working conditions and to oversee the implementation of the Act. It allows the registration of home-based workers at the operational level and the appointment of Grievance Redressal Officers to receive and investigate complaints, while also imposing penalties (fines and imprisonment) for non-compliance. The government

can make regulations for the purpose of carrying out the purposes of the Act. The drafting of more detailed rules of business, however, has been significantly delayed and large scale registration drives have only begun years after the rules were passed and registration numbers are still only a small proportion of the estimated total of workers (Ali & Sheikh, 2018; Shah, 2018).

4.2 Punjab: The Catch-Up – Punjab Home-Based Workers Act, 2023

Five years after Sindh, the province of Punjab passed its Home Based Workers Act (Act XXXIV of 2023) with the highest provincial labour force (Sultana & Akhtar, 2022; Hussain & Rehman, 2020). The Punjab Act bears resemblance to many aspects of the Sindh act, but also adds some innovations. It also uses a contractor/employer relationship as a core element in its definition of a “home-based worker”, which describes “individual persons who are engaged in the production of goods or the provision of services, from their homes, for an employer or a contractor and receive wages or other remuneration”. Own account workers are not included in the sub-contracting bias and therefore excluded.

A similar two-tier system of governance is provided for by the Punjab Act, namely a Provincial Council for Home Based Workers, the chairperson of which is the Minister for Labour and District Councils in each of the districts. The Councils are because they are required to advise the government, encourage registration, oversee the implementation and make recommendations on wage rates. One interesting feature of the Punjab scheme is the establishment of a special Home Based Workers Welfare Fund which is funded by the government, contributions from employers/ contractors and other sources. The aim of the Fund is to finance social security benefits, but the nature and quantum of such benefits is left to rule making by the Act. The Act also has provisions to promote the need for coordination with existing social protection institutions, which are missing from the Sindh law (Jamil & Ghazali, 2021; Mustafa & Rizvi, 2019). The detailed rules and the working of the Fund and Councils are in an early stage of development as in Sindh (Sultana & Akhtar, 2022).

4.3 Khyber Pakhtunkhwa: Policy without Law

There is no specific law in KP to support the home workers. The provincial government recently (2021) introduced a Home Based Workers Policy, a non-binding executive policy statement which outlines a vision for the recognition and protection of HBWs (Awan & Ahmed, 2022; Hussain & Rehman, 2020). The Policy recognises the extent of home-based activities, mainly carried out by women in fields like embroidery, handicrafts and food processing industries, and lays down general goals: Registration, Access to social protection and Skill development. The Home Based Workers Bill is prepared, and the

government has consulted with various groups in the process, but has not been introduced in the Provincial Assembly as of the time of writing.

Between a policy and a law there is a big difference. A policy is a statement of intent, not a statement of rights and obligations that can be enforced on contractors and no mechanism for enforcing it exists. Unfortunately there is no statute for workers in KP, so they are entirely dependent upon the goodwill of their employers, and the scope of the existing general labour law was not created with home-based workers in mind (Ahmad & Khan, 2015). The KP case can be said to be a rhetorical recognition without any legal protection structure.

4.4 Balochistan: The Silence

Balochistan is totally a legislative vacuum. There is no specific legislation, policy or public draft document that focuses on home based workers. No discernible legislative process has taken place in the province, and work at home is still not in the state's business to recognize. This is significant in the context of the high poverty rate and gender disparity in Balochistan, and the proportion of homemade production in areas like Embroidery and Carpet Weaving (Sayed & Ali, 2013; Shah, 2018). The legal vacuum in Balochistan does not exist merely in part for the pre-18th amendment HBWs, as they are completely invisible – not just in practice, but in law.

4.5 Islamabad Capital Territory: The Federal Limbo

Islamabad is an unusual jurisdiction. The constitutional arrangement is that ICT is subject to federal legislative jurisdiction, and also that pre 18th amendment labour laws, which only apply to ICT and establishments operating inter-provincially, still apply. There is no federal legislation covering home-based workers and the existing legislation such as the Shops and Establishments Ordinance and the Factories Act does not acknowledge home-based work (Sayed & Ali, 2013). The federal legislature has not stepped in to fill this void, and HBWs in the nation's capital are in a similar legal limbo as those in the pre-devolution nation.

Comparative Snapshot: Table 1

Territory	Legal Instrument	Year	Definition Scope	Principal Institutions	Welfare Fund	Implementation Status
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Sindh	Sindh HBW Act	2018	Sub-contracted worker linked to contractor/employer	Provincial Council, Grievance Officers	Not specified	Rules delayed; limited registration
Punjab	Punjab HBW Act	2023	Sub-contracted worker linked to contractor/employer	Provincial Council, District Councils	Yes – HBW Welfare Fund	Nascent; rules under formulation
Khyber Pakhtunkhwa	HBW Policy (non-statutory)	2021	Broad aspirational language	None with legal authority	None	Draft Bill in consultation
Balochistan	None	–	–	–	–	No legislative initiative
Islamabad Capital Territory	None (federal vacuum)	–	–	–	–	No legislative initiative

This survey shows that although there has been a legislative recognition in Sindh and Punjab, the depth and design of the recognition is significantly different and other jurisdictions are far behind or completely behind. The next section evaluates whether these instruments provide meaningful protection or just a 'facade' of statute.

5. Comparative Analysis: Measuring the Protection Deficit Across Dimensions

This section examines the provincial legislative frameworks surveyed in Section 4 in the context of the multidimensional model of meaningful protection developed in Section 3. One dimension is explored at a time in relation to each of the two provinces that have statutory frameworks (Sindh and Punjab) and the impacts of non-statutory or missing frameworks in Khyber Pakhtunkhwa, Balochistan and the Islamabad Capital Territory. The analysis shows that although there is considerable progress in the legislative recognition of home workers, all jurisdictions are experiencing huge gaps in protection that question whether current laws can change the material conditions of the workers at home.

5.1 Dimension 1: Definitional Boundaries and the Exclusion of Own-Account Workers

The term "home worker" is the most important "gate-keeping" condition of any protective statute. Home-based workers are defined in the Sindh Home Based Workers Act 2018 as well as in the Punjab Home Based Workers Act 2023 in the context of a contractor or an employer who offers work on a fee basis (Mehdi & Ahmed, 2020; Sultana & Akhtar, 2022). According to Sindh Act, an HBW is a person who "manufactures, produces or supplies goods or services" in his house or at any premises of his convenience for "a contractor or an employer on payment of remuneration." Almost the same words are used under the Punjab Act, which firmly ties the definition to the sub-contracting relationship.

With this formulation there is a big exclusion. In Pakistan, there are a large number of people who are own account self-employed and work from home making embroidery, food items or handicrafts for the local market or keeping livestock and growing vegetables in their backyard to earn income without any middleman. These workers are not covered by any of the definitions (Naeem & Khan, 2010; Chen, 2012). Despite whatever their situation is, legally, they are invisible. ILO Convention 177 defines "homeworkers" as "a person who works on a person's own account, or as an employee of that person, using equipment, materials or other inputs supplied by that person or others" and Recommendation 184 makes a clear call for action to include own-account workers in the protection provided under the Convention (Vosko, 2002; Sankaran & Madhav, 2011). The Sindh and Punjab Acts establish a hierarchy of deservingness because they provide coverage only in relation to contractors or employer-employee relationships. The Sindh and Punjab Acts establish a hierarchy of deservingness because only those HBWs who are linked to a contractor-employer relationship are covered, while the majority of independent self-employed workers are not covered.

By contrast, the non-binding Policy of Khyber Pakhtunkhwa employs more aspirational language, but with no statutory force, it does not even confer legal identity. Balochistan and ICT don't offer a definition, rather they contribute to the invisibility that existed before the 18th amendment. It is thus not a marginal issue, but rather a structural limitation to the scope of even the most successful provincial legislation, the definitional gap.

5.2 Dimension 2: Substantive Rights – The Advisory Wage Trap and the Missing Social Security Link

Any protection that is meaningful should provide real enforceable substantive rights. The provincial legislations are quite inadequate in the important fields of wages, social security and working conditions.

In terms of payment, both the Sindh and Punjab Acts provide for minimum wage rates “recommended” by their respective Councils to home-based workers. The key here is recommend and there is no legal power for the Councils to establish binding wage floors. Both Acts make no attempt to define a formula to convert piece rates (the most common mode of payment in home-based work) into an equivalent hourly and/or daily minimum wage (Mustafa & Rizvi, 2019). This is an ultimate mistake that can be fatal. Often piece-rated workers work long hours and get paid amounts that when compared to the time they put in, are much lower than the minimum wage. If there is no legal basis for conversion, then any claim to 'fair remuneration' will be a wish and not a right.

There are also low levels of provisions for social security. The Sindh Act is almost silent on the issue, and does not provide for health insurance, maternity benefits, old age pensions, or employment injury compensation. A step forward in the right direction is the launching of a Home Based Workers Welfare Fund in the Punjab Act, which innovates. The Act, however, does not give any indication of either the amount nor the type of benefits to be paid, nor does it make any such benefits automatic in the sense of a legal claim (Jamil & Ghazali, 2021; Mustafa & Rizvi, 2019). It is entirely up to further rules and executive discretion to be implemented to utilize the Fund, and there is no justiciable social security right for workers. There is no statutory requirement for contractors or lead firms to pay to the Fund at a specific percentage.

As for occupational safety and health (OSH), both Acts state in their preambles that the workers' safety is a consideration in their objectives, but do not specify any legally binding requirements that have been developed specifically for home based work, e.g. requirements for ventilation, fire protection, limitations on hazardous materials and employer duties to provide safe equipment (Khan & Akhtar, 2018; Butt, 2016). Statutes don't provide inspection authority for home workplaces or holders of contracts for injuries or illnesses caused by their work. Therefore, the OSH aspect of substantive protection is virtually unrealistic.

As far as contract and payment security, the Acts are in principle based on written contracts and receipts, but the enforcement is very weak (small fines and short imprisonment time) considering the strength of the relationship between contractor and an isolated home based worker. Neither Act have liability going

up the “supply chain” to the “principal employer” or “brands” which are frequently as informal and under-capitalized (Barrientos, 2013; Raworth & Kidder, 2009).

5.3 Dimension 3: Institutional Design – Recommendatory Councils and Toothless Grievance Cells

Institutions are the means by which legal rights are put into action. The Sindh and Punjab Acts provide for the formation of Provincial Councils (and District Councils in Punjab) that are populated with government officials, employer/ contractor representatives and a minority of worker members. Representative workers are usually appointed by the government, not elected by workers' groups in the workplace, and they are only a handful in comparison to the number of workers (Chen & Vanek, 2013; Shah, 2018). The Councils have advisory/recommendatory powers: can recommend wages, ensure implementation and encourage registration. They do not, however, have executive powers to establish binding wage rates, hear and determine grievances and penalties. They are only as effective as the government will be responsive to them, and in situations where there is minimal political will, this means institutional impotence.

Grievance redress mechanisms are also feeble. The Acts provide for officers to receive complaints, but they neither establish labour courts with jurisdiction over complaints nor establish special tribunals for easy access. A formal complaint process with a contractor who determines a poor female home based workers access to work is too frightening for such a worker (Shah, 2018). And neither Act offers any legal aid, nor does it modify the general rules of evidence or civil procedure in any way to accommodate the informal and undocumented nature of the work done in the home. Registration is required, but it has been happening at a very slow pace, and hasn't been linked to any automatic benefit for workers to sign up, so it may become a surveillance tool without any real benefit (Ali & Sheikh, 2018; Jamil & Ghazali, 2021).

5.4 Dimension 4: The Silo Effect – Disconnection from Health, Pension, and Social Assistance

A key feature of meaningful protection is linking the registration of labour laws to the overall social protection framework. Access to health insurance, old-age pensions and cash transfers must not be hindered by having to cross multiple disconnected and separate bureaucracies at home. However, this is the situation in the existing provincial system.

The Sindh Act does not have a “bridge clause” that would automatically grant the benefits of the provincial social security institution (ESSI), pension of EOBI, or the Sehat Sahulat health insurance programme to

those who are working from home but registered. The Sindh Act also lacks a “bridge clause” that would automatically provide registered home-based workers with benefits under the provincial social security institution (ESSI), coverage under the EOBI pension, or under the Sehat Sahulat health insurance programme (Mehdi & Ahmed, 2020; Rehman & Shaikh, 2019). Although the Act for Punjab talks about coordination with the social protection institutions, it doesn't require it. A consequence of this is that a worker could have an HBW registration card but the worker would be totally outside the social protection net without health cover, pension, maternity benefit; etc. (Devereux & Sabates-Wheeler, 2004; Shaikh & Gandapur, 2019). The legislation of labour rights and social security as two distinct areas of activities continues the traditional fragmentation of the labour market, missing the informal sector. In KP, the non-binding Policy hints at linkages but does not have any statutory powers and in Balochistan and ICT, the question is moot. No matter the jurisdiction, the potential of registration as a pass to a social protection floor has yet to be realised.

5.5 Dimension 5: Worker Voice and Justiciability – The Absent Bargaining Table and Courtroom Door

Collective empowerment and accessible justice, are needed for meaningful protection. No worker alone can negotiate with the contractors who set the work schedule for home-based workers, who are atomized in their homes. The right to freedom of association is recognized in principle in the Sindh and Punjab Acts, but neither provides a legal framework for collective bargaining by HBW unions with contractors or lead firms, nor provides for payment of piece rates (Chen & Vanek, 2013; Karamat & Zulfiqar, 2018). The Councils are consultative (not bargaining) forums and their constitution does not require an employer to agree with the workers' representative.

The access to justice is also limited. The grievance officers established in the Acts are not juries, but administrative officers. The legislations do not give jurisdiction to labour courts to hear HBW cases and neither do they establish special, low-cost, less formal labour courts. No legal aid, no burden of proof in disputes over work orders or payments are shifted and no class action mechanism to consolidate the claims of widely scattered workers (Shah, 2018). These formal rights are in effect not available in a situation of unequal power and high levels of deprivation.

5.6 Synthesis: The Recognition-to-Protection Continuum

The qualitative comparative summary in Table 2 below shows the five dimensions in all five jurisdictions. It shows that the Sindh and Punjab countries have come from non-recognition to partial recognition but

both the countries are concentrated in the lower end of the protection continuum. KP is rhetorically visible, but legally invisible, while Balochistan and ICT are legally invisible.

Table 2: Comparative Assessment of Meaningful Protection Dimensions

Dimension	Sindh	Punjab	KP	Balochistan	ICT
1. Inclusive Definition	Low (contractor-linked, excludes own-account)	Low (same exclusion)	Very Low (aspirational policy, no statutory definition)	Absent	Absent
2. Substantive Rights	Low (advisory wages, silent on social security, OSH aspirational)	Low-Medium (welfare fund created but not rights-based; similar wage/OSH gaps)	Absent	Absent	Absent
3. Enforcement Institutions	Low (recommendatory Council, weak grievance mechanism)	Low-Medium (similar structure, plus District Councils)	Absent	Absent	Absent
4. Social Protection Integration	Very Low (no bridge clauses, no automatic linkage)	Low (textual reference but no mandated linkage)	Absent	Absent	Absent
5. Collective Voice & Access to Justice	Low (no bargaining mechanism, no legal aid)	Low (same deficits)	Absent	Absent	Absent

Overall Protection Level	Low	Low-Medium	Negligible	None	None
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The analysis shows that, even the most sophisticated provincial legislation, which has a welfare fund and a district structure, is still structurally inadequate to provide meaningful protection. The uniformity in all dimensions is advisory statements instead of enforceable rights, recommendatory bodies instead of empowered institutions, and aspirations instead of required social protection connections. In its current state, the legislative framework is more like a framework of recognition for an edifice of protection to be constructed.

6. Explaining the Chasm: Why Recognition Does Not Translate into Protection

The comparative analysis in the previous section confirmed that the laws and policies of all the provinces regarding home-based workers are significantly inadequate when considered from the perspective of all five aspects of meaningful protection. This discovery has left a significant question to be answered: How is it that, with all the advocacy, international interest, and apparent political will to pass dedicated statutes, they are not succeeding in moving from recognition to protection? This section proposes that this 'gap' is not an unintended result, but is created by a combination of five interrelated conditions: the political economy of a diffuse and weak constituency, institutional path dependency, the gendered devaluation of home-based labour, the dispersed responsibility along the supply chain, and the fragmented labour federalism following the 18th Amendment of the Constitution.

6.1 Political Economy: Diffuse Constituency and Low-Cost Signaling

The home-based workers form a large and more or less scattered group of people. The HBWs, on the other hand, are dispersed among millions of households, where unionization is not as easy as in factories and strikes do not have the same impact on production lines or lead to political pressure. Tackling this challenge as an individual is a prohibitive cost and because they are poorly organized, they have little electoral muscle (Chen & Vanek, 2013; Standing, 2011). Even when laws are obtained on paper, home-based workers don't have the leverage to ensure their enforcement in a political system that is often driven by the power of organized interests.

The political economy of labour protection in Pakistan has historically favored organized industrial workers over dispersed informal workers. Yu Shuhong and Malik Zia-Ud-Din demonstrate how changing

political regimes have influenced labour policy, often resulting in laws that serve symbolic purposes rather than providing substantive protection to vulnerable workers. The provision of a home-based workers law provides provincial governments with a way to comply with international labour standards, particularly important because of the European Union's trade preferences, and meet the advocacy needs of civil society, while not incurring the significant financial and administrative costs of real enforcement (Ahmed & Jan, 2020; Edelman, 1964; Ali & Kazmi, 2021). Laws can be approved, dances can be organised and then not received; Councils can be established but not resourced; registrations can be done but not funded. In this calculation, recognition is a symbolic benefit that provides political payoff, and any real protection is a costly, time-consuming and unrewarding political task.

6.2 Institutional Path Dependency: The Factory Inspectorate Model

The labour administration in Pakistan is a heritage of the industrial era, which was focused on factory. Labour inspectorates are organised, trained and equipped for inspecting formal workplaces that have a clearly defined employer, workplace, and workforce. This model contradicts all of the following presumptions: home-based work. Working places are no longer actually homes, but rather houses scattered throughout urban slums and rural villages, and the employers are often layers of subcontractors who don't have a fixed location. And the employment relationship is oral, fluid and without any paperwork (Ali, 2010; Ahmad & Khan, 2015).

It is not a mistake that institutions are not able to control the atomized production at home, but a fundamental path dependency. The provincial labor departments responsible for enforcing the new laws on HBW have not had the basic restructuring, training and approach necessary to effectively control informal home-based workers (Ali, 2010; Osei-Boateng & Ampratwum, 2011). It is impractical to put into place a factory inspectorate to monitor rights in millions of homes. Laws impose new requirements on institutions that cannot meet them, and political willingness to invest in capacity through the recruitment of community-based workers, providing funding for HBW intermediaries and establishing new inspection approaches is missing.

6.3 Gendered Devaluation of Home-Based Labour

The overwhelming majority of home-based workers in Pakistan are women and this is no accident of the labour market but the result of the interaction between labour market and the conventions of patriarchy. Home-based work is socially constructed as an extension of women's domestic work, which occurs in parallel and subordinate to the domestic role/responsibility. This ideological construction leads to a

chronic devaluation of home-based labour seen as a source of supplementary income rather than as the main source of productive income, “helping” instead of “working” (Benería & Roldán, 1987; Kabeer, 2008; Benería et al., 2015).

This male devaluation is evident in the law and policy response. The idea that wage-setting Councils are not binding represents an implicit belief that home-based workers are not entitled to a binding minimum wage like male breadwinners are. That the social security integration is missing implies that HBWs are not regarded as workers with full spectrum of labour rights but as a welfare recipient in need of protection, not entitlement, by the state (Kabeer, 2012; Razavi & Hassim, 2006). Thus, the difference between recognition and protection isn't just a design issue, it's an issue of deeply entrenched patriarchal norms that deny women working at home the status and rights of formal work.

6.4 Dispersed Supply Chains and the Dissolution of Employer Responsibility

In Pakistan, home-based work is a part of complex and multi-tiered subcontracting networks that connect the worker in her home with the lead company and/or brand. It is a vital function of capital in terms of workspace, utility and equipment, as well as in terms of the breakdown of legal responsibility. Informal, undercapitalized intermediaries, with limited means to provide remedies, may be directly engaged by the contractor whose employee suffered an injury or who complained of receiving low wages or no work at all, even after he or she was injured. The lead firm, or international brand, who determines the price and the entire chain of supply, is legally invisible (Chen, 1999; Chen et al., 1999; Barrientos, 2013).

This basic imbalance is also not addressed by the provincial HBW legislation which does not include principal employer responsibility or extend supply chain responsibility. The legal duty-bearer is the contractor who is least able to carry out duties and the economic beneficiary of the worker's labour is not bound by any legal duty (Raworth & Kidder, 2009; Siegmann & Shaheen, 2008). Such a disconnect between economic power and legal accountability can be a structural contributor to the protection deficit - and one not currently covered by the law.

6.5 Fragmented Federalism: The Absence of Inter-Provincial Harmonization

The 18th Amendment led to devolution of labour legislation, thus providing space for innovations in the provinces, which are only partially used in Sindh and Punjab. It also created an uncoordinated and disjointed regulatory environment without coordination with inter-provincial level. If not harmonized, a real possibility arises that these supply chains can shift to provinces with less stringent regulatory

requirements, such as Balochistan where there is no legislation. Moreover, the federal territorial division has left Islamabad Capital Territory without any law making system (Ali, 2015; Aziz & Shah, 2017; Ayub, 2017).

The absence of a coordinating body under the Council of Common Interests or an inter-provincial labour forum does not provide a platform to disseminate lessons from Sindh and Punjab, establish any minimum standards and regulatory competitive deregulation. In the context of weak federal support, fragmented federalism exacerbates all these other factors: political economy pressures to under-enforce are intensified with the possibility of capital flight; institutional weaknesses are reinforced with no higher authority pushing for capacity-building. This gap between recognition and protection is therefore perpetuated by a constitutional structure that allows further development of legislation in some provinces, but in which the depth, uniformity and extent of the legislation are constitutional barriers.

7. Bridging the Gap: Towards a Legislative and Policy Framework for Meaningful Protection

This analysis has shown that although the home-based worker laws are history making and have played a major role in the past in protecting these women, there are structural problems in their design which hampered the ability of these laws to provide meaningful protection. These defects are not inherent, and can be corrected through careful legislative and policy change. This section promotes a second generation reform agenda, based on the five dimensions of meaningful protection, having been supported by cross-cutting institutional and coordination mechanisms. Rather than cast aside the current laws, the goal is to strengthen them – to create a framework of recognized rights into a structure of enforceable rights.

7.1 Redefine Inclusivity: A Definition That Leaves No Worker Behind

The first thing that needs to change is the broadened definition of the home-based worker in the statute. Both Sindh and Punjab Acts need to be amended to include the inclusive approach of ILO Convention 177, which defines an HBW as any individual who works with their own or their own chosen premises for a reward, including own account self-employed workers, irrespective of who provides equipment, materials or other inputs (Vosko, 2002; Nandi, 2018). This would extend the ambit of the law to the millions of women working in independent artisanal production, raising livestock for livelihood and engaging directly in selling on the market, which are currently outside the scope of the law. The first step in KP must be the creation of a statute and not a mere policy that would include the definition from the

beginning. The first step towards Balochistan and Islamabad Capital Territory is to begin the process of creating a legislative framework that recognizes the existence and rights of home-based workers (Shah, 2018).

7.2 Make Rights Enforceable: From Advisory Language to Justiciable Entitlements

The substantive rights must transition from the declarative statements to recognisable rights. First, the law must provide a statutory method for determining how piece-rate compensation will be transformed into a minimum wage equivalent, on an hourly or daily basis. This involves establishing a technical committee within the Council and an equal mix of workers on the committee, which is asked to establish a piece rate for each sector, by multiplying a standard output with the piece rate, at least the statutory minimum wage is achieved. The rates generated should be set as a binding rate, not an advisory rate (Mustafa & Rizvi, 2019; McCann, 2008).

Secondly, the liability of the principal employer has to be enshrined. Both lead firms and brands that finally reap the rewards of home-based production should be held liable for compliance with wage, safety and social security obligations along the supply chain. This moves the responsibility from the weakest party, the intermediary contractor, to the party most likely to have the resources and reputation to ensure compliance, the intermediary contractor's client (Barrientos, 2013; Raworth & Kidder, 2009).

Third, the safety and health standards should also be specialized to the home-based work place, and specify the responsibilities of contractors and lead firms for providing safe materials, covering the cost of protective equipment, and paying workers for work-related injuries. Fourth, there needs to be statutory presumptions in favour of the worker where the workers' contracts and payment receipts were not provided by the contractor.

7.3 Institutionalize the Social Protection Link: Automatic Bridge Clauses

The most radical measure would be the addition of automatic bridge clauses in the provincial legislation. All registered home workers should be considered by law to be eligible for the provincial health insurance scheme, to receive EOBI pension and to receive maternity benefits. The HBW registration database should be compatible with the databases of the social security institutions, such that registering also results in the simultaneous registration without additional administrative delays (Devereux & Sabates-Wheeler, 2004; Rehman & Shaikh, 2019). State funding via the general revenues funds and Welfare Fund provides a base contribution, with an obligation on contractors and lead firms to pay an additional contribution, under a

co-financing mechanism. This reform would transform the registration from a windowless administrative process into an actual access to a social protection floor, while at the same time motivating labourers to sign up and making the legalistic system directly relevant to their lives.

7.4 Empower Institutions: From Recommendatory Bodies to Executive Authorities

The Provincial and District Councils should no longer be advisory groups, but be made into executive committees. They should have the power to establish minimum piece rates which are binding, and the power to hear and resolve complaints, the power to impose administrative penalties on non-compliant contractors, and the power to decide how Welfare Fund benefits are paid out. The participation of workers on these Councils should be increased and more than half should be home-based workers, elected by their own organisations and trade unions to ensure that there is participatory governance (Chen & Vanek, 2013; Karamat & Zulfiqar, 2018). To become operationally independent, the Councils should be provided with a statutory minimum budget, from consolidated provincial funds, supplemented by employer and international development partner contributions.

Grievance redress needs to be rethought to be accessible. Rules of evidence should be relaxed in dedicated HBW courts, class complaints should be allowed, and burdens of proof should be reversed in payment cases, within existing labour courts. A legal aid fund (funded from the Welfare Fund) should be established to assist workers in filing claims (Shah, 2018).

7.5 Democratize Enforcement and Strengthen Collective Voice

The enforcement approach should be changed from a top-down inspection, which is impractical for millions of homes to a worker-led, community-based enforcement approach. The state should acknowledge, support and engage home-based worker unions and cooperatives as first-line intermediaries for registration, awareness building and identification of grievances. These bodies should be given statutory status as collective bargaining agents, and a compulsory SECTORAL bargaining system introduced, requiring contractors and lead firms to engage in piece-rate negotiations with representative HBW unions at the district level. Participative enforcement structures could be funded by a small levy on the export value of goods made by home-based workers, directed to the Welfare Fund (Raworth & Kidder, 2009; Jhabvala & Sinha, 2002).

7.6 Establish an Inter-Provincial Coordination Mechanism

Last, the broken federalism that allows a race to the bottom needs to be fixed. A forum for harmonization of minimum standards, either under the umbrella of the Council of Common Interests or a formal inter-provincial forum of labour ministers, should be set up. This body would establish a baseline of protections (definitional scope, methodology for calculating the minimum piece rate, social security linkage requirements) to which all provinces are required to adhere, and therefore to which provinces would not have an incentive to adopt a system that is lower (Ali, 2015; Aziz & Shah, 2017; Ayub, 2017).

These reforms are all part of a unified program to make legislative recognition meaningful protection. They are challenging, both politically as well as financially and institutionally, but they are realistic and attainable, they can build on the current legislative framework, and they are tailored to the specific gaps identified in this study. With them, the much needed laws of Sindh and Punjab will become mere words, but with their presence the Pakistan can start to keep its commitment to the home-based workers not only in words but in actual practice as well.

8. Conclusion

8.1 Findings of the Study

This comparative study of provincial home workers laws in Pakistan comes up with the following key conclusions, one for each of the dimensions of the protection continuum identified in this article:

As regards definition and coverage, both the Sindh Home Based Workers Act, 2018 and the Punjab Home Based Workers Act, 2023 are based on a sub-contracting oriented interpretation which restricts a home-based worker to the presence of a contractor or employer (Mehdi & Ahmed, 2020; Sultana & Akhtar, 2022). The definition does not cover own-account self-employed workers, who include women engaged in independent home-based artisanal production, in market vending and in agricultural processing, a significant proportion of the home based workers. Khyber Pakhtunkhwa has a non-binding policy while there is a complete legislative vacuum in Balochistan and Islamabad Capital Territory (Awan & Ahmed, 2022; Shah, 2018).

Second, in terms of substantive rights, the provincial laws make heavy use of "suggestions. Wage-setting Councils can recommend but not impose minimum piece rates and there is no formula to work out the equivalent minimum hourly rate for piece rates (Mustafa & Rizvi, 2019). Despite the establishment of Welfare Fund under the Sindh Act, there is no reference of social security in the Act and it remains uncognizable under the Punjab Act. Occupational safety and health regulations are non-binding, and do not

include inspectors or any requirement for the employer to take responsibility for hazards in the home (Khan & Akhtar, 2018; Butt, 2016).

Thirdly, institutional architecture is poorly designed. The Provincial and District Councils have only recommendatory powers, grievance redress procedures are hard to access for poor, remote workers, and workers have only token representation. There are no provisions for class action in the laws, nor for “relaxed” evidentiary rules or legal aid (Chen & Vanek, 2013; Shah, 2018).

Fourth, the important legislative link between labour law registration and the social protection system is missing in all jurisdictions. There is no automatic linkage between HBW registration and provincial health insurance, EOBI pensions or maternity benefits, which continues bureaucracy’s “silos” and puts a value-added end to the registration of workers (Devereux & Sabates-Wheeler, 2004; Rehman & Shaikh, 2019; Shaikh & Gandapur, 2019).

Collective Voice and access to justice is not addressed (5th). The laws include freedom of association provisions, but do not provide a statutory bargaining system, nor do they impose any obligation on the principal employer to allocate responsibility in supply chains, nor are there any provisions for a tribunal to be available to hear claims (Chen & Vanek, 2013; Barrientos, 2013).

8.2 Conclusion

The article ends with the conclusion that the provincial legislation enacted in Pakistan for home workers is a historic, yet a very incomplete achievement. The first step is to be recognized – formally identified as a legal person and a citizen with rights – but the existing legal structure provides and can provide no real protection to the status quo. The differences between what is set out in the statute and what is actually 'entitled' are deep and systemic in all five dimensions studied. As intended, the laws are more accurately seen as a series of scaffolding that need to be built upon so that the edifice of protection can rise.

This protection gap is not an incidental nor simply a reflection of poor protection implementation. It is driven by the political economy of a dispersed low clout electorate that allows low cost signaling to international markets, institutional path dependency of a factory based labour administration, a gendered devaluation of home based women's work, structural dissolution of the employer responsibility in dispersed supply chains and absence of inter provincial harmonization mechanisms to avoid a race to the bottom of regulation (Ali, 2010; Ali, 2015; Edelman, 1964; Benería & Roldán, 1987). If the renowned laws of Sindh and Punjab are left to operate without tackling these root causes, they could be used as a

form of symbolic legitimation, providing a layer of respectability to the practice of working to international labour standards without changing the reality of workers' working lives.

What this means for post-18th Amendment labour federalism in Pakistan is obvious: devolution will allow innovations to be introduced in the provinces, but such innovation without capacity, enforceable rights and coordinated standards will result in a piecemeal structure of uneven protection. What is needed now is for the millions of women working in the home who keep Pakistan's economy afloat to be transformed, from having their work recognised in law, to having it recognised in practice in terms of decent work, social security and collective dignity (Cook & Dugarova, 2014; Kabeer, 2015; Razavi & Hassim, 2006).

8.3 Recommendations

The following are core recommendations to be prioritized for legislation and policies in furtherance of the detailed reform framework outlined in Section 7:

1. Expand the scope of the statutory definition of home based worker to include own account, self-employed, workers in accordance with ILO Convention 177, to bring the provincial legislation in line with the broader definition (Vosko, 2002; Chen, 2012).
2. Create sector specific, binding piece-rate-to-minimum-wage national formulas with effective technical committees that are empowered with representatives from workers. Replace advisory wage recommendations with binding formulas for the different sectors based on piece-rates and minimum wages, with effective technical committees and strong representation from workers (Mustafa & Rizvi, 2019; McCann, 2008).
3. Embed the concept of 'mainstreaming' employer duties for wages, health and safety, and social security compliance in the chain by introducing the concept of 'mainstreaming' for lead companies and brands (Barrientos, 2013; Raworth & Kidder, 2009; Siegmann & Shaheen, 2008).
4. Ensure automatic inclusion of bridge clauses in the policy so that enrollment of a home-based worker also results in provincial health insurance, EOBI pension for the worker and maternity benefits (funded by the state and the employer) (Devereux & Sabates-Wheeler, 2004; Rehman & Shaikh, 2019; Shaikh & Gandapur, 2019).

5. Make Councils executive, removing the advisory role, increasing their statutory budgets, adding majority elected worker representation, and giving them the power to set wages, listen to complaints and impose penalties (Chen & Vanek, 2013; Shah, 2018).
6. Create user-friendly grievance processes such as dedicated HBW benches in labour courts, reverse burden of proof in payment cases, provision of legal aid and class complaints (Shah, 2018).
7. Support and register HBW unions and cooperatives as statutory bargaining agents and first point of contact in registration, awareness and enforcement (Chen & Vanek, 2013; Karamat & Zulfqar, 2018).
8. Establish an inter-provincial coordinating mechanism through the Council of Common Interests which could smoothen out minimum standards and eliminate regulatory arbitrage between provinces (Ali, 2015; Aziz & Shah, 2017; Ayub, 2017).

These recommendations together provide a logical progression from the symbolic recognition of home-based workers to their substantive protection through laws that include home-based workers' names to those that actually protect them from exploitation and insecurity.

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