



Protecting Rights of Domestic Workers in Pakistan: An Analysis of Existing Laws and Need for Comprehensive Legislation

Muhammad Musaddique Ali

Graduated from NUST Law School, National University of Sciences & Technology Islamabad.
musaddique.11b20s3h@student.nust.edu.pk

Dr. Sohaib Mukhtar

Associate Professor, NUST Law School, National University of Sciences & Technology, Islamabad. sohaibmukhtar@nls.nust.edu.pk

Commander (R) Abdul Ghaffar

Assistant Professor, Bahria University Law School, Bahria University Islamabad Campus.
ghaffar.buic@bahria.edu.pk

Abstract

This research is critical examination of domestic workers' rights in Pakistan with a special focus on current laws and to suggest reforms needed. Even though the Islamabad Capital Territory Domestic Workers Act 2022 and the Punjab Domestic Workers Act 2019 have been legislated, but domestic workers remain vulnerable to exploitation and abuse due to the lack of proper implementation. This research identifies obstacles in the enforcement of these laws, such as weak enforcement strategies, low registration rates, lack of awareness, and the informal nature of domestic work. These factors add further to the vulnerability. Further, this research suggests the creation of a specialized tribunal to deal with the cases of domestic workers abuse and adjudicate the matters expeditiously. In addition, it seeks legislative reforms to protect all domestic workers and guarantee the effective realization of labor rights across Pakistan. By looking at the socio-legal barriers, this research emphasizes the need of a multi-dimensional approach from the state, civil society, and the judicial system to protect the dignity, rights, and welfare of the domestic workers of the country.

Keywords: Constitution of Pakistan; Domestic Workers; Punjab Domestic Workers Act, 2019; Islamabad Capital Territory Domestic Workers Act 2022

Introduction

This research delves into the rights of domestic workers in Pakistan. It examines the effectiveness of the laws in place and the loopholes in their implementation. Domestic workers in Pakistan, despite laws such as Punjab Domestic Workers Act 2019 and Islamabad Capital Territory Domestic Workers Act 2022, continue to be victims of harassment and exploitation. This research attempts to delve into the reasons why the laws in place are not being enforced and proposes new laws to improve the protection of domestic workers. This research paper is aimed at navigating lacks in implementation of existing laws for the protection of domestic workers. Prior emphasizing the implementation and formulation of new laws, this research focuses on defining, who are the domestic workers, their duties, and in return which sort of rights they have. A domestic worker is someone who offers a variety of domestic services in a household. Domestic services include housekeeping, cooking, laundry, and ironing, caring for children, the elderly, or sick members of the family, gardening, driving (chauffeur), and caring for domestic



pets. Domestic work is defined by the Punjab Domestic Workers Act 2019 as any job performed within or for the household, including child care, elderly care, sick care, natal, post-natal care, and related matters. According to the International Labor Organization (ILO) Convention on the rights of domestic workers, a worker who enters into a professional relationship with one or more families to perform domestic work is considered a domestic worker. However, a worker who performs domestic work occasionally or sporadically and not on an occupational basis is not considered a domestic worker. If the domestic worker lives in the employer's home, they may be referred to as a live-in worker; if they reside in their own home, they may be referred to as a live-out worker. A domestic worker can be hired by his employer either full-time or part-time. In Pakistan, roughly 30% of all domestic workers are migrants from other districts. The two primary categories of domestic workers who are most frequently exploited and mistreated in Pakistan are Child Domestic Workers (CDW) and Female Domestic Workers (FDW). Millions of Pakistani middle class and upper-class citizens regularly hire domestic workers, who make up 75% of the nation's labor force and heavily contribute to the informal economy. There are no accurate estimates of domestic workers in Pakistan, nevertheless, because the work is unseen. Approximately 4–10% of all jobs in developing nations are created by domestic work, which amounts to 8.25 million in Pakistan, according to an ILO study. The Pakistan Institute of Development Economics (PIDE) also found that every other household has a domestic worker, indicating that 50% of domestic workers are women and that domestic work makes up a significant portion of the informal sector. As already mentioned that the domestic workers have less exposure due to the hidden nature of employment thus more vulnerable. There are territorial legislations enacted by provinces, but lack implementation, and Provinces like Sindh, Balochistan, and Gilgit Baltistan lack such laws. So, this research examines how the existing laws can be best implemented and new laws can be formulated.

Implementation Gaps in Domestic Worker Protection Laws of Pakistan

Historically, domestic labor has been vulnerable and devalued, mostly executed by children and women in informal environments and lack legal acknowledgment or social safeguards. Every citizen is granted fundamental rights under Constitution of Pakistan 1973, which also expressly addresses rights of laborers and workers. Slavery, forced labor, and child labor are prohibited under article 11, freedom of association and right to organize unions are granted under article 17, practice of lawful profession or occupation as well as conduct of any lawful trade or business are permitted under article 18, equality before law and prohibition of discrimination based solely on sex are granted under article 25 and just and humane working conditions are stipulated under article 37 which guarantees that women and children are not employed in occupation that are inappropriate for their age or sex, as well as maternity benefits for working women. Other laws have been enacted at the federal and provincial levels in response to the Constitution's provision for the welfare of labor.¹

¹ Mukhtar, Sohaib. "Social Transformation of Pakistan under the Constitution of 1973." *Social Transformations in Contemporary Society. Lithuania. Mykolas Romeris University* 4 (2016): 47-59.



Despite the enactment of legislations like the Islamabad Capital Territory Domestic Workers Act 2022 and the Punjab Domestic Workers Act 2019, many domestic workers remained unprotected and vulnerable. The International Labor Organization (ILO) Domestic Workers Convention 189 (2011) provides an extensive criterion for domestic employment though Pakistan has not ratified this convention but Supreme Court in its landmark judgment PLD 2014 SC 305 (the famous missing persons' case) concluded that the international convention, although not ratified can still be relied upon in order to meet ends of justice. Post eighteenth amendment the labor is transferred subject and provinces so far shown very least interest in addressing this very important issue.²

Pakistan's domestic worker protection laws are progressive on paper, but significant implementation gaps hinder their effectiveness in providing a safe and just working environment for this vulnerable class. These gaps contribute to continue exploitation and abuse of domestic workers, leaving them unprotected and underpaid. This issue remains pressing due to the absence of comprehensive enforcement mechanisms, inadequate awareness among both workers and employers, and deep-rooted societal challenges.

The prime and major issue is the Lack of implementation of laws. Although legislative efforts such as the Punjab Domestic Workers Act 2019 and the Islamabad Domestic Workers Act 2022 were enacted to protect domestic workers, these laws have failed miserably to bring tangible improvement and change in the lives of workers. The Acts promise the establishment of employment contracts for workers, standardizing minimum wage and an inspection force dedicated to ensuring compliance. However, civil society advocates Bushra Khaliq noted that despite discussions and protracted debates, no noteworthy action has been taken by the government to enforce these provisions. The lack of practical enforcement indicates a significant vacuum between the legislative intention and its true impact on the ground.³

Another critical and significant issue is the Low registration rate of domestic worker, which demonstrates the failure to integrate a large portion of this workforce into the formal system where they could be protected by the law. The Punjab Employees Social Security Institution (PESSI), designed for workers registration has achieved very low enrollment rates. During 2021, only 14,717 workers registered in total, a very few domestic workers were among them. While the International Labor Organization (ILO) projected 8.5 million domestic workers in Pakistan in 2015. This stark discrepancy reflects the systemic and practical hindrances that prevent workers from registering. Factors such as reluctance from both workers and employers to formalize labor relations, limited awareness about registration procedures, and the complexity of the registration process have all added to this shortfall.⁴

Moreover, the lack of awareness of rights and laws is widespread among domestic workers. Most domestic workers remain unaware of their job protections because they lack proper information

² Blackett, Adelle. "Regulatory Innovation on Decent Work for Domestic Workers in the Light of International Labor Organization Convention No. 189." *Int'l J. Comp. Lab. L. & Indus. Rel.* 34 (2018): 141.

³ Shahid, Ayesha. "Child Domestic Workers in Pakistan: Challenges, Legislative Interventions, and Finding A Way Forward." In *The Asian Yearbook of Human Rights and Humanitarian Law*, pp. 185-207. Brill Nijhoff, 2022.

⁴ Warraich, Khuram Shahzad. "Domestic Servitude in Pakistan: A Qualitative Study." *CEERAT Journal of Society and Development* 1, no. 1 (2024): 33-40.



about the legal rights they possess or they are misinformed. For instance, a domestic worker in Punjab expressed concerns that demanding formal contracts together with minimum wage laws would reduce her job opportunities since she thought these legal standards would discourage prospective employers from hiring her. The combination of widespread ignorance with widespread illiteracy stops domestic workers from demanding their rights and makes them defenseless against abuse. Employers also demonstrates poor awareness regarding their legal duties across these new laws because of which they fail to implement them properly.⁵

Formalizing this informal sector further adds to the issue. In Pakistan domestic work is a largely informal sector. It constitutes about 80% of the country's employment. It is very challenging to formalize this sector and to enforce labor laws within private households. Many household workers, especially those who are illiterate or are with low levels of education, are very pervasive to indulge in formal labor arrangements, fearing that it may reduce their employment opportunities. On the other hand, employers often tend to choose informal arrangements because it allow them to hire workers at low wages and by bypassing legal requirements. These factors prevent formalization and ultimately the effective implementation of such laws.⁶

Employers' resistance is another key barrier to the enforcement of domestic worker protection laws. Most employers, especially those accustomed to hiring workers at low wages, are resistant to changes brought about by the new laws. As an expert on poverty and rural development, Dr. Ghazal Mir Zulfiqar argues that such legislations will not bring about tangible changes unless there are campaigns aimed at changing societal perceptions. Standard social attitudes and deeply rooted social stratification systems continuously emphasize the belief that domestic workers do not have the same rights as of other employees. According to her, Laws without proper social realization are ineffective.⁷

Furthermore, a lack of supervision and inadequate monitoring systems compromise the enforcement of protection laws for domestic workers. Though the laws exist, the enforcement mechanisms are insufficient, no proper system is in place to regulate and monitor compliance. The shortfall of labor inspectors and ineffective complaint resolution systems overlook the violations. Proper monitoring is highlighted and overemphasized by the Protection against Harassment of Women at the Workplace Act (PAHWA) 2010, in the same pattern that domestic worker laws need to address this. Domestic workers are mostly neglected, and reports of abuse are too low because of insufficient monitoring.⁸

Fear of retribution is another obstacle to reporting abuse. Domestic workers are mostly financially dependent on employers and dwell in the same household, which makes them highly vulnerable to retaliation in case of lodging complaints. The fear of retribution, parallel with the

⁵ Malik, Javed Mahmood. "Challenging Illiteracy: A Human Capital Approach." *Global Educational Studies Review* 4 (2020): 71-76.

⁶ Dharejo, Nazia, Mehtab Begum Siddiqui, and Zareen Atta Memon. "Legal and Illegal Informal Workers in Pakistan's Sindh Province." *Pakistan Journal of International Affairs* 6, no. 4 (2023).

⁷ Zulfiqar, Ghazal Mir. "Dirt, Foreignness, and Surveillance: The Shifting Relations of Domestic Work in Pakistan." *Organization* 26, no. 3 (2019): 321-336.

⁸ Khan, Maria, and Ayesha Ahmed. "The Protection against Harassment of Women at the Workplace Act 2010: A Legislative Review." *LUMS LJ* 3 (2016): 91.



absence of an accessible and reliable grievance forum, hindered many workers from seeking justice when they are abused. Without readily accessible legal recourse, workers remain victimized by an abusive and exploitative working environment.⁹

Though child labor is illegal, it is a growing problem in Pakistan, mostly children are employed in domestic work. Domestic labor work in closed and circumscribed sphere thus difficult to monitor child labor, and mostly poor families rely on the money earned by their children for their living. Such dependence makes the exploitation of child workers a persistent problem. The Policy Brief on the Legal Framework for Child Domestic Labor in Pakistan calls the effective enforcement of labor laws and highlights the need to protect the children from work.¹⁰

Finally, there is no clear mechanism to address trans-provincial trafficking of domestic workers and to bar human trafficking. Domestic workers who are victims of inter-provincial trafficking are at high risk of being abused and exploited. The absence of clarity on which agencies to hold accountable for prosecuting and investigating trans-provincial trafficking, it bars the authorities from dealing with the problem in an integrated manner.¹¹

This research explains how the legislative intention overlooked the genuine problems that barred effective implementation of laws, and insufficient legal knowledge of the employers and employees added more complexity to the situation. Inclusion of provisions like employment contracts, minimum wage, and maternity leave cannot be monitored until the sector is not formalized. Secondly, without educating the masses to be aware have available legal protections, only legislations would not suffice.¹²

Informal nature of domestic work, cause significant threat to domestic workers. The intimate boundaries of a household are frequently the site of domestic work, making it difficult to regulate or monitor. Until it is not formalized how employment contracts and other measures of protection can be materialized? Further, domestic workers are not covered by Pakistan's general labor laws and regulations, which only applies to industries, agriculture, and companies employing ten or more people. Labor Courts which has jurisdiction has per the domestic workers acts of Punjab and Islamabad are not efficient because they have a specialty in formal labor matters. This indicates a serious concern that the legislators were not aware of sensitivity and distinct nature of this profession.¹³

⁹ Marchetti, Sabrina, Daniela Cherubini, and Giulia Garofalo Geymonat. *Global Domestic Workers*. Bristol University Press, 2021.

¹⁰ Gilani, Sayed Raza Shah, Shehla Zahoor, and Muhammad Arshad Iqbal. "Child Labor in Pakistan: Causes, Consequences and Prevention." *Pakistan Social Sciences Review* 6, no. 2 (2022): 197-208.

¹¹ Lanjwani, Bisharat Ali, Aslam Pervez Memon, and Kiran Sami. "Impact of 18th Constitutional Amendment on Labour Laws Applicable on Brick Kiln Industry." *International Research Journal of Arts & Humanities (IRJAH)* 49, no. 49 (2021).

¹² Shah, Syed Qasim, and Suhaimi Mhd Sarif. "Navigating Labor Protection: A Comprehensive Study of Employment Laws in Pakistan." *International Journal of Public Administration, Management and Economic Development* 8, no. 2 (2023).

¹³ Nawaz, Shandana, and Aisha Azhar. "Domestic Labor Legislation in Pakistan: Motives for Resistance." *UCP Management Review (UCPMR)* 1, no. 1 (2017): 1-33.



Secondly, the legislation are there, but significant number of domestic workers remain unaware that they have legal rights and the advantages enshrined in these laws have not yet been made. A significant percentage of domestic workers in Punjab remain oblivious to the Domestic Workers Act, especially the aspect of a guaranteed minimum wage. It shows that without making masses aware laws lay in abeyance and remain dormant. Prior formulating laws government could have worked on public awareness to shift the onus on public.¹⁴

Another problem is that mostly domestic workers are illiterate because. Especially workers belonging to rural areas are illiterate and without training and education to understand their rights or to assert them. Signing contracts or getting their wages via banking are novel for them but also pose practical hurdles. Without assistance, education and training, efforts for effective enforcement of the law seem impossible. Free education and training should be there to facilitate workers in proper understanding and in using of legal protection available to them.¹⁵

Moreover, the minimum age to work is different from compulsory schooling in Pakistan, which is 16 years of age. It is important that the minimum age for domestic work, especially for those living in must be 18 years so that children are safeguarded from abuse and exploitation. So the government should work for formalizing this sector on priority. Without formalizing the likelihood of abuse and exploitation will remain persistent. Secondly there should be awareness campaigns for improving knowledge on the rights of domestic workers and their legal protection. Most importantly legislating a provision without understanding parallel difficulty is impractical. Government should work for ensuring all the constitutional rights to domestic workers, all the supplementary laws will easily be implemented. The weak enforcement of laws to safeguard domestic workers can be attributed to a range of institutional limitations including limited resources, weak monitoring and inherent difficulties of regulating private homes. The assurances contained within the legislations i.e., the signing of contracts, the setting of standard wages, and the sending of labor inspectors have not in the majority been implemented in practice. One of the major reasons for this failure is the lack of political will and determination to enforce these laws effectively. Even though these regulations are written down, their enforcement is weak, marked by a lack of follow-up by the concerned authorities.¹⁶

The labor Courts have the jurisdiction to adjudicate the matters pertaining to domestic workers rights Violation as per the Domestic workers Acts of Punjab and Islamabad. But due to large number of cases and lengthy trails, people avoid bringing the law suits in the courts. Domestic workers rights abuse does not fall into the purview of the National Industrial Relations Commission, because the sector is not formalized and thus is not an industry as per the law. This also exacerbates potential violations of domestic workers rights. Conducting labor inspections in private households is extremely difficult due to the absence of specialized labor inspectors and

¹⁴ Sajid, Muhammad. "Examining the Legal and Administrative Framework of the Rights of Domestic Workers in Pakistan: Examining the Legal and Administrative Framework." *FGEI International Journal of Multidisciplinary Research (FIJMR)* 1, no. 2 (2022): 44-52.

¹⁵ Barrech, Sadia, Muhammad Din, and Allauddin Allauddin. "Sociological Analysis of Domestic Child Labor." *Pakistan Journal of Gender Studies* 19, no. 1 (2019): 149-162.

¹⁶ Azeem, Muhammad, and Hiba Akbar. "Labor Conditions and Resistance under Chinese Investment in Pakistan." *Comp. Lab. L. & Pol'y J.* 43 (2022): 391.



the absence of monitoring mechanisms to verify compliance. Further, the current number of inspectors is grossly inadequate to deal with the long list of employers operating in the informal economy. The labor inspection system in the country has been criticized for its inaction, corruption, and inefficiency, which all contribute to weakening the enforcement of laws.¹⁷

As per the Domestic Worker Acts of the Punjab, Sindh, and ICT, the Labor Inspectors should inspect the households to ensure the safety of domestic workers. The number of inspections has increased from 2018 to 2023 in Punjab, as per the survey conducted in 2023 by a human rights activist. But still, the abuse cases are being reported because the inspections exclude the Social and political elite. Further, the labor inspection system in the country has been criticized for its inaction, corruption, and inefficiency, which all contribute to weakening the enforcement of laws.

A relevant question is the inadequacy in the provision of resources to labor departments tasked with implementation of these laws. The Labor Departments and the relevant social welfare agencies are typically hampered by limited human and financial resources, which prevent them from carrying out their duties effectively. Furthermore, the dispute resolution committees provided in these legislations have not been established in every district. If created, then there is no official record present to track them or to resort to in case of violations.¹⁸

Law enforcement authorities, in most cases, are afraid to take action against the culprits, thereby the law is ineffective. Mostly the cases of violence doesn't report until the victims are murdered or raped, till then the nature of issue shifts from civil to criminal. Bringing the culprits to justice is something far away. The Case of a 10 years old girl Fatima Phuriro reported on 16-08-2023. She was a bonded labor in the house of a very influential Peer of Ranipur. She was raped and then killed, the culprit was arrested and produced before the Magistrate of Sobhoderro, Ranipur and 4 days police remand was taken after completion of first 13 days for further investigation on 17-08-2023. No any further tracking record is present online and personal investigation shown that poor family settled the issue due to fear and spiritual connection with the Culprit and his family. Apart from institutional deficits, the absence of gender sensitivity among law enforcement agencies and the judiciary also significantly impedes the effective enforcement of legal protection for domestic workers. A significant proportion of domestic workers are women and girls; without adequate gender-sensitive training, law enforcement and judicial officers often do not have the appropriate tools to handle the complexities that come with cases involving domestic workers. The lack of specialized training on handling gender-based violence and exploitation in domestic work settings often leads to poor investigations and ineffective protection for victims of abuse.¹⁹

¹⁷ ul Rehman, Nabeel. "Role of Small-Scale Industries and Policies in Development: A Comparison between Pakistan and Japan." *ISSRA Papers* 14 (2022): 85-98.

¹⁸ Dharejo, Nazia, Mehtab Begum Siddiqui, and Zareen Atta Memon. "Legal and Illegal Informal Workers in Pakistan's Sindh Province." *Pakistan Journal of International Affairs* 6, no. 4 (2023).

¹⁹ Rahman, Misbah, Muhammad Saleem Rahpoto, and Ghulam Muhammad Mangnejo. "Women Empowerment and Micro Finance Programs: A Case Study of District Khairpur." *Review of Economics and Development Studies* 6, no. 1 (2020): 107-116.



To address these problems, specialized labor inspection units or independent organizations charged with monitoring working conditions should be there for private households. These agencies would be charged with enforcing labor law compliance, investigating allegations, and robustly penalizing violators. But without adequate resources and staff, the success of such measures is doubtful. The government must invest more in the labor department, provide inspectors with extensive training, and equip them with the tools to confront the specific challenges involved in inspecting private homes. The legal system may become more effective and accessible for domestic workers if specialized labor tribunals are established to handle matters pertaining to domestic workers.²⁰

In short, Pakistan's domestic worker protection laws are both wide-ranging and multi-dimensional in their shortcomings. These shortcomings are the result of a broad sweep of factors, including weak enforcement, lack of awareness, resistance among employers, resource constraints, and the inability to reform deep-rooted cultural inclinations. To overcome these hurdles appropriately, a concerted effort by the government, civil society, and other stakeholders needs to be undertaken to extend domestic workers proper protection and ensure their rights. An integrated approach, encompassing the effective enforcement of legislation, public awareness raising campaigns, curbing mass illiteracy, sensitization of the key stakeholders, and accessible grievance redress mechanisms, is required for the eradication of these implementation gaps and protection of domestic workers in Pakistan.

Enforcement Regulatory Inadequacies in Domestic Worker Rights of Pakistan

Domestic workers in Pakistan, who are an integral part of the majority of families, are abused and exploited due to ineffectiveness of the enforcement mechanisms and legal frameworks as aforementioned. It is need of an hour to alter societal attitudes, general public perception through awareness campaigns, and encouraging trade unions, such practices can help in establishing more just and fair legal system to protect domestic workers from abuse. There is a necessity to address the socio-economic determinants driving the exploitation of domestic workers and specifically child labor. Poverty, poor access to education, and poor social protection are some of these determinants. In addressing these root issues, there is a need for the government to put in place effective measures that span from education schemes, direct support to poor households, and anti-poverty programs. With these socio-economic determinants, the need for child domestic work can be curbed and opportunities created for households to become self-sustaining without the exploitation of children as workers. Additionally, strengthening of domestic worker unions and stakeholders would be a crucial move towards the betterment of working environment and protection of the workers from abuse.²¹

²⁰ Iqbal, Asad, Zhou Xuan, and Peng Xianbing. "Labor Standards, Labor Policy, and Compliance Mechanisms: A Case Study in Pakistan." *The Critical Review of Social Sciences Studies* 3, no. 2 (2025): 1057-1070.

²¹ Shafeeq, Nadia, and Farah Naz. "Doing the Dirty Work: The Experiences of Female Domestic Workers in Pakistan." *Journal of Development and Social Sciences* 3, no. 2 (2022): 171-182.



In a resource-constrained state like Pakistan, Non-Government Organizations (NGOs) can play an effective role in promoting the cause of domestic workers. By providing assistance and promoting the cause of domestic workers, NGOs can serve as a liaison between the government and these workers. They can create legal awareness in domestic workers to ask for their rights. And NGOs should campaign to change the social strata towards domestic workers, so that people may learn to respect their domestic workers like people belonging to other profession, this would result in decrease of abuses. NGOs can also be crucial in helping domestic workers who are being mistreated or exploited by offering them legal assistance. The majority of domestic workers lack the funds and knowledge necessary to seek legal assistance, especially those who are in precarious situations. To guarantee that domestic workers can exercise their rights, NGOs can provide free or reasonably priced legal services, such as assisting them in submitting police complaints or defending them in court. Legal aid organizations can support workers in their fight against issues faced by them, such as exploitation, non-payment of wages, and illegal termination. NGOs can empower domestic workers and give them equal access to the legal system by facilitating their access to legal aid. NGOs can also help forming support groups and domestic worker unions, which can bargain for better working conditions and workers' rights. By negotiating better pay, working conditions, and job security with employers and the government, the unions can give domestic workers a powerful collective voice. NGOs can contribute to the development of a more cohesive and successful movement for domestic worker rights by strengthening the organizational capabilities of domestic worker unions.²²

At the national level, NGOs can also advocate for policy changes. They can also campaign for changes in existing legislation, for example, making employment below a certain age compulsory or providing harsher punishments to employers who breach workers' rights. Through lobbying parliamentarians and collaborating with international agencies, NGOs can influence the legal framework to provide greater protection to domestic workers. Apart from advocacy and lawmaking, NGOs can also conduct skills training for domestic workers to enable them to upgrade their skills, raise their income, and raise the status of domestic work. Training can equip workers with new skills, for example, childcare, eldercare, or housekeeping skills, which may render them more competitive in the labor market. Through training and upgrading skills, NGOs can enable domestic workers to have a career beyond exploitative work.²³

To counter the socio-economic determinants leading to the exploitation of child domestic workers, NGOs can introduce programs of poverty reduction and education assistance to families. Poverty and lack of education are some of the underlying causes of child labor in domestic work. NGOs can provide economic assistance, school scholarships, or vocational training to poor families, which would minimize their dependency on domestic work as a means

²² Ghani, Fauzia, and Bushra Ghani. "Role of NGOs in the Social Development of Pakistan: A Case Study of USAID." *Pakistan Vision* 21, no. 2 (2020): 181.

²³ Zulfikar, Ghazal Mir, and Maheen Khan. "NGO-Led Organizing and Pakistan's Homeworkers: A Materialist Feminist Analysis of Collective Agency." *Journal of Business Ethics* 162 (2020): 1-14.



of income. Besides, they can assist programs of higher school enrollment and retention of school children, which would minimize the demand for child domestic labor.²⁴

The Domestic workers go through various types of abuse. Despite being the pillar in maintaining the house and a critical support in terms of contributing to the economy, domestic workers are poorly shielded by the law, having negligible rights and mechanisms of relief once they are abused. Domestic workers undergo a series of abuses, including physical, verbal abuse, excessive working hours, meager payments, and sexual harassment. The law failed to protect the rights and needs of the domestic workers sufficiently, in the majority of instances abuses go unreported, hence perpetuating these workers' vulnerability and marginalization. This research recommends the establishment of a specialized tribunal that will be responsible for the hearing of cases of the abuse of domestic workers in Pakistan. Having a tribunal that deals with the specific issues of domestic workers would correct the loopholes in the current legal system, thus providing a more accessible, specialized, and effective forum for domestic workers to seek justice. Not only would this tribunal accelerate the hearing of accusations of abuse, but it would also serve as a deterrent to would-be perpetrators while raising awareness about the rights of domestic workers. This research specifically focuses on the need for a specialized mechanism that can provide justice to domestic workers, a group that has been neglected in Pakistan's legal and social framework.

In Pakistan, domestic workers are typically placed in a situation where they are not given the chance to speak up about their grievances. The power imbalance between employers and workers, combined with the fear of reprisal that deters the abuse from being reported, combined with the lack of effective social support systems, create an environment where exploitation and abuse are allowed to thrive. Judicial system failed to provide effective protection to domestic workers because the legal system largely ignores this. Domestic workers are usually exempt from labor laws, and they are thus not given the same rights as workers in other industries. So, domestic workers are often at the mercy of employers, who will typically abuse and act unaccountably. The Pakistan legal system not properly equipped to deal with the unique issues of domestic workers. Due to the absence of a dedicated tribunal, a huge backlog of cases has occurred which is hampering timely justice delivery to the victims of maltreatment. Workers, at the moment, are reeling under various burdens. For the expeditious disposal of cases it is dire need to establish the specialized tribunal. For hearing the voice of the workers and their grievances being mindful of their dignity and rights.²⁵

It is imperative that a tribunal be formed to address the myriad concerns of domestic workers, such as the fear of retaliation, denial of effective access to legal services, and support. Most domestic workers stay quiet about their exploitation due to lack of choice of employers or fear of losing down livelihood. Besides, society doesn't see the physical and psychological abuse that is inflicted on them. The workers responsible for running homes are put at a disadvantage as they

²⁴ Dashti, Asghar, Muneera Moulabuksh, and Mohammad Ali. "Role of NGO's in South Asia: A Case Study of Pakistan." *Pakistan Journal of International Affairs* 4, no. 2 (2021).

²⁵ Shah, Syed Qasim, and Suhaimi Mhd Sarif. "Navigating Labor Protection: A Comprehensive Study of Employment Laws in Pakistan." *International Journal of Public Administration, Management and Economic Development* 8, no. 2 (2023).



do not have the legal cover. Most of the domestic workers in Pakistan work 12 to 14 hours a day without resting or taking any days off. Workers in this category generally get beaten up, slapped, and physically punished in some way. It is not unusual for employers to use verbal insults, threats, and coercive behavior with workers, which is psychological abuse. Many domestic workers report sexual harassment, which is a less talked-about yet significant problem in recent times. Many employees don't go to court despite the seriousness of the matter due to the long procedures and delayed justice. Most of such workers are discouraged by the length, cost, and uncertainty of court proceedings. Regular courts generally deal with domestic worker cases. These courts are not well equipped to deal with the specificities in the case. The courts handling these cases often have a huge work burden and may not have sufficient expertise to properly analyze the evidence and circumstances of conflict domestic labor cases. As a result, such cases usually face delay and dismissal or are poorly handled, thus no remedy to victim.²⁶

The Pakistani legal system aimed at eliminating abuse of domestic labor force is hugely insufficient. Studies shown that ordinary courts are inaccessible and insensitive to the unique difficulties of the workers in their daily operations. Given the very nature of domestic labor, it can be seen that a specialized tribunal is needed to hear cases of abuse with the proper sensitivity to the particular issues faced by such workers. Not a general but a specialized tribunal would be a better and more efficient forum for hearing cases of abuse, helped by a specialized legal framework for hearing cases of this kind. In addition to the quicker and more efficient channel of redress provided to them, the tribunal would also provide a forum for generating greater consciousness of the rights of domestic workers and eroding the social mores that allow them to be exploited. A specialized tribunal should be structured differently from usual courts. The court would be designed around the delivery of speedy-track hearings, hence facilitating the swift and effective disposal of cases. Not only would this offer prompt assistance to the victims, but also serve to deter potential abusers, who would know that the court is a fast and active one. Besides, the court would prioritize dealing with the most pressing cases of abuse to ensure that the victims are secured and their cases heard promptly.²⁷

In addition, a specialized tribunal would be better placed to understand the unique nature of maltreatment in domestic work situations. Jurists and lawyers attached to this court would be domestic labor law qualified as well as familiar with the specific patterns of exploitation and maltreatment that domestic workers suffer. Such specialization would enable them to handle cases with the sensitivity and understanding they need, and legal processes would be fair and equitable for both the domestic worker and the employer. Legal professionals would also be better able to differentiate between normal workplace disputes and cases of real abuse, and therefore ensure that issues are resolved in the right manner and justice is served. The court may also incorporate ancillary support services, such as social workers, counselors, and legal aid attorneys, to guide domestic workers through the legal process. The majority of the abused

²⁶ Hameed, Usman. "Rights of Contractual Employees under the Existing Service Laws of Pakistan." *Journal of Peace, Development and Communication* 6, no. 04 (2022).

²⁷ Qamar, Naima, and Siraat Younas. "Challenge to the Industrial Relations Act 2012: Two High Courts Respond." *LUMS LJ* 4 (2017): 166.



victims require psychological counseling to recover from trauma, and a specialized court could provide access to such services. The court could also work with advocacy groups committed to representing domestic workers and provide outreach programs and education on workers' rights. Access to legal representation would be necessary to prevent workers who cannot afford representation from being denied justice due to financial constraints.²⁸

The setting up of a specialized tribunal would require serious legal and institutional reforms. Firstly, it would be required to amend Pakistan's labor laws to include domestic workers and provide them with the same protection afforded to workers in other sectors. This would be required to ensure that domestic workers are treated as rightful employees who are entitled to reasonable wages, secure working conditions, and protection against exploitation. In addition, the tribunal would need to be established through a law that delineates its jurisdiction, powers, and functioning procedures. It would also be required to establish a dedicated financial corpus to fund the operations of the tribunal and provide financial assistance to workers willing to file legal cases.

The key aspect of the tribunal will be the operation of the tribunal with accountability and transparency. There shall be a necessity to determine appropriate procedures and guidelines so that the tribunal can work impartially and fairly and ensure the rights of all the interested parties in the process. In order to gain the confidence of the tribunal, there should be a guarantee of transparency in case administration, followed by periodic reporting and monitoring to ensure that the tribunal is running smoothly and in the interests of the workers for whom the tribunal has been established. The legal measures can only achieve targeted results if the society is non-pervasive. Change in social behavior can help in implementing the laws properly and ultimately help in creating a fairer legal system.²⁹

Furthermore, the establishment of a specialized court to try the abuse of domestic workers in Pakistan is a crucial and necessary step towards the administration of justice to one of the most vulnerable groups in Pakistan. Domestic workers in Pakistan are subjected to widespread abuse and exploitation, and the lack of legal protection for them denies them access to redress. The current legal system is not suitably geared to address the unique issues of domestic workers, and the traditional court system is not best suited to deal with these issues in the way they should be dealt with. A special tribunal would provide a faster, more streamlined, and more humane forum for addressing the abuse domestic workers have suffered. By providing the opportunity for such cases to be heard by judges familiar with the special dynamic of domestic work, the tribunal would increase the chances that fair and prompt results would be achieved. In addition, the tribunal would serve as a deterrent to perpetrators and signal a broader cultural shift in Pakistan towards the acceptance and protection of domestic workers' rights. The creation of a special tribunal would benefit domestic workers and at the same time send a very strong message to society that any kind of mistreatment and exploitation of domestic workers will not be tolerated. This would reiterate the significance of obtaining the rights of all, regardless of employment, and

²⁸ Irvine, Krin, David A. Hoffman, and Tess Wilkinson-Ryan. "Law and Psychology Grows up, Goes Online, and Replicates." *Journal of Empirical Legal Studies* 15, no. 2 (2018): 320-355.

²⁹ Kara, Siddharth. *Bonded Labor: Tackling the System of Slavery in South Asia*. Columbia University Press, 2014.



guaranteeing a fairer and more balanced legal framework for the workforce in Pakistan. In general, the creation of a special tribunal would be a huge step towards the security of domestic workers in Pakistan and guaranteeing that they receive the same rights, dignity, and protection as all other workers.

Conclusion and Recommendations

Lack of enforcement, ignorance among workers and employers of their rights and duties, and unwillingness on the part of employers to adhere to labor laws are the primary issues. The fact that domestic employment is widespread in the unorganized sector further complicates matters in organizing such labor in formal legal frameworks that provide protection. The absence of special inspection mechanisms, non-functional grievance redressed mechanisms, and fear of retaliation also aggravate it. There needs to be a multi-faceted approach to such issues, involving resourcing the enforcement of current law, further worker and employer sensitization campaigns, and the establishment of specialist tribunals to decide on disputes over the rights of domestic workers. Moreover, extending the coverage of domestic workers to current legal regimes or the passing of new, more specialized laws will improve protection and prevent workers from being denied substantial legal protection. Protecting rights of domestic workers involves a comprehensive solution that includes social change, reform of the law, enhanced enforcement, and social consciousness. Pakistan can take radical steps to protect its domestic workers' rights, dignity, and security and work towards a more equitable and just society by plugging the gaps in implementation and integrating the industry into the mainstream.

The law should act towards making the workplace safer for domestic workers by intervening early. This could involve compulsory registration of domestic workers, which would establish a formal record to assist in defining their rights and entitlements from the outset. Workers would be traceable with registration, and abuse would be detected earlier. It would also assist in the identification of those workers who would be underage or who have been forced into work on false promises. Early identification and intervention of such cases would avert many abuses from taking root. One of the critical parts of proactive law enforcement is ensuring that strong and easily accessible mechanisms for reporting abuse and exploitation are available to workers. The law should also consider subjecting employers who fail to respect laws of equal pay, working conditions, and basic human rights to harsh penalties. Not only should the law sanction violators of the offenses, but it should also institute tough deterrents able to discourage employers from committing the abuse of their employees in the first place.

References

- Azeem, Muhammad, and Hiba Akbar. "Labor Conditions and Resistance under Chinese Investment in Pakistan." *Comp. Lab. L. & Pol'y J.* 43 (2022): 391.
- Barrech, Sadia, Muhammad Din, and Allauddin Allauddin. "Sociological Analysis of Domestic Child Labor." *Pakistan Journal of Gender Studies* 19, no. 1 (2019): 149-162.



- Blackett, Adelle. "Regulatory Innovation on Decent Work for Domestic Workers in the Light of International Labor Organization Convention No. 189." *Int'l J. Comp. Lab. L. & Indus. Rel.* 34 (2018): 141.
- Dharejo, Nazia, Mehtab Begum Siddiqui, and Zareen Atta Memon. "Legal and Illegal Informal Workers in Pakistan's Sindh Province." *Pakistan Journal of International Affairs* 6, no. 4 (2023).
- Dashti, Asghar, Muneera Moulabuksh, and Mohammad Ali. "Role of NGO's in South Asia: A Case Study of Pakistan." *Pakistan Journal of International Affairs* 4, no. 2 (2021).
- Gilani, Sayed Raza Shah, Shehla Zahoor, and Muhammad Arshad Iqbal. "Child Labor in Pakistan: Causes, Consequences and Prevention." *Pakistan Social Sciences Review* 6, no. 2 (2022): 197-208.
- Ghani, Fauzia, and Bushra Ghani. "Role of NGOs in the Social Development of Pakistan: A Case Study of USAID." *Pakistan Vision* 21, no. 2 (2020): 181.
- Hameed, Usman. "Rights of Contractual Employees under the Existing Service Laws of Pakistan." *Journal of Peace, Development and Communication* 6, no. 04 (2022).
- Iqbal, Asad, Zhou Xuan, and Peng Xianbing. "Labor Standards, Labor Policy, and Compliance Mechanisms: A Case Study in Pakistan." *The Critical Review of Social Sciences Studies* 3, no. 2 (2025): 1057-1070.
- Irvine, Krin, David A. Hoffman, and Tess Wilkinson-Ryan. "Law and Psychology Grows up, Goes Online, and Replicates." *Journal of Empirical Legal Studies* 15, no. 2 (2018): 320-355.
- Kara, Siddharth. *Bonded Labor: Tackling the System of Slavery in South Asia*. Columbia University Press, 2014.
- Khan, Maria, and Ayesha Ahmed. "The Protection against Harassment of Women at the Workplace Act 2010: A Legislative Review." *LUMS LJ* 3 (2016): 91.
- Lanjwani, Bisharat Ali, Aslam Pervez Memon, and Kiran Sami. "Impact of 18th Constitutional Amendment on Labour Laws Applicable on Brick Kiln Industry." *International Research Journal of Arts & Humanities (IRJAH)* 49, no. 49 (2021).
- Marchetti, Sabrina, Daniela Cherubini, and Giulia Garofalo Geymonat. *Global Domestic Workers*. Bristol University Press, 2021.
- Malik, Javed Mahmood. "Challenging Illiteracy: A Human Capital Approach." *Global Educational Studies Review* 4 (2020): 71-76.
- Mukhtar, Sohaib. "Social Transformation of Pakistan under the Constitution of 1973." *Social Transformations in Contemporary Society. Lithuania. Mykolas Romeris University* 4 (2016): 47-59.
- Nawaz, Shandana, and Aisha Azhar. "Domestic Labor Legislation in Pakistan: Motives for Resistance." *UCP Management Review (UCPMR)* 1, no. 1 (2017): 1-33.
- Qamar, Naima, and Siraat Younas. "Challenge to the Industrial Relations Act 2012: Two High Courts Respond." *LUMS LJ* 4 (2017): 166.
- Rahman, Misbah, Muhammad Saleem Rahpoto, and Ghulam Muhammad Mangnejo. "Women Empowerment and Micro Finance Programs: A Case Study of District Khairpur." *Review of Economics and Development Studies* 6, no. 1 (2020): 107-116.



- Shah, Syed Qasim, and Suhaimi Mhd Sarif. "Navigating Labor Protection: A Comprehensive Study of Employment Laws in Pakistan." *International Journal of Public Administration, Management and Economic Development* 8, no. 2 (2023).
- Shahid, Ayesha. "Child Domestic Workers in Pakistan: Challenges, Legislative Interventions, and Finding A Way Forward." In *The Asian Yearbook of Human Rights and Humanitarian Law*, pp. 185-207. Brill Nijhoff, 2022.
- Shafeeq, Nadia, and Farah Naz. "Doing the Dirty Work: The Experiences of Female Domestic Workers in Pakistan." *Journal of Development and Social Sciences* 3, no. 2 (2022): 171-182.
- Sajid, Muhammad. "Examining the Legal and Administrative Framework of the Rights of Domestic Workers in Pakistan: Examining the Legal and Administrative Framework." *FGEI International Journal of Multidisciplinary Research (FIJMR)* 1, no. 2 (2022): 44-52.
- ul Rehman, Nabeel. "Role of Small-Scale Industries and Policies in Development: A Comparison between Pakistan and Japan." *ISSRA Papers* 14 (2022): 85-98.
- Warraich, Khuram Shahzad. "Domestic Servitude in Pakistan: A Qualitative Study." *CEERAT Journal of Society and Development* 1, no. 1 (2024): 33-40.
- Zulfiqar, Ghazal Mir, and Maheen Khan. "NGO-Led Organizing and Pakistan's Homeworkers: A Materialist Feminist Analysis of Collective Agency." *Journal of Business Ethics* 162 (2020): 1-14.
- Zulfiqar, Ghazal Mir. "Dirt, Foreignness, and Surveillance: The Shifting Relations of Domestic Work in Pakistan." *Organization* 26, no. 3 (2019): 321-336.