



THE INDUSTRIAL RELATIONS ACT, 2012



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SCHEDULE I.

SCHEDULE II.

INDUSTRIAL RELATIONS ACT, 2012

ACT NO. X OF 2012

An Act to consolidate and rationalize the law relating to formation of trade unions, and improvement of relations between employers and workmen in the Islamabad Capital Territory and in trans-provincial establishments and industry

[14th March, 2012]

WHEREAS, the Constitution of the Islamic Republic of Pakistan recognizes the freedom of association as a fundamental right of the citizens;

AND WHEREAS the Islamic Republic of Pakistan has ratified ILO Convention No.87 on Freedom of Association and Convention No.98 on Right to Organize and Collective Bargaining;

AND WHEREAS it is expedient to consolidate and rationalize the law in Islamabad Capital Territory and at trans-provincial level, relating to formation of trade unions and federations or trade unions, determining the collective bargaining agents, regulation of relations between employers and workers, the avoidance and settlement of any differences or disputes arising between them or matters connected therewith and ancillary thereto;

It is hereby enacted as follows:—

CHAPTER-I

PRELIMINARY

1. Short title, extent, application and commencement.—(1) This Act may be called the Industrial Relations Act, 2012.

(2) Subject to sub-section (3), it extends to the whole of Pakistan.

(3) It shall apply to all persons employed in any establishment or industry, in the Islamabad Capital Territory or carrying on business in more than one province, but shall not apply to any person employed—

(a) in the Police or any of the Defence Services of Pakistan or any services or installations exclusively connected with the Armed Forces of Pakistan including an Ordnance Factory maintained by the Federal Government;

(b) in the administration of the State other than those employed as workmen;

- (c) as a member of the Security Staff of the Pakistan International Airlines Corporation or drawing wages in pay group not lower than Group V in the establishment of that Corporation as the Federal Government may, in the public interest or in the interest of security of the Airlines, by notification in the official Gazette, specify in this behalf;
- (d) by the Pakistan Security Printing Corporation or the Security Papers Limited; and (e) by an establishment or institution for the treatment or care of sick, infirm, destitute or mentally unfit persons excluding those run on commercial basis.

(4) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (i) "arbitrator" means a person appointed as such under Section 40;
 - (ii) "award" means the determination by the Commission or Arbitrator of any industrial dispute or any matter relating thereto and includes an interim award;
 - (iii) "Bench" and "Full Bench" mean a Bench and Full Bench of the Commission;
 - (iv) "collective bargaining agent" in relation to an establishment, group of establishments or industry, means the trade union of the workmen which under Section 19, is the agent of workmen in the establishment or, as the case may be, industry, in the matter of collective bargaining;
 - (v) "collective bargaining unit" means those workers or class of workers of an employer in one or more establishment falling within the same class of industry whose terms and conditions of employment are, or could appropriately be, the subject of collective bargaining together;
 - (vi) "Commission" means the Industrial Relations Commission constituted under Section 53;
 - (vii) "conciliation proceedings" means any proceedings before a conciliator;
 - (viii) "Conciliator" means a person appointed as such under Section 36;
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