

Resolution No. 6

PAKISTAN - KESK

The 17th ITUC-AP Regional General Council Meeting in Nadi, Fiji, 31 July - 2 August 2019:

- NOTES** that complaint No. 2902 with the ILO Committee on Freedom of Association on Karachi Electricity Supply Corporation (KESC) is pending since over eight years. The complaint carries on allegations of the refusal of the KESC management to implement a Tripartite Agreement dated 26 July 2011. The management instead ordered to open fire on peacefully protesting workers with one dead and injuring nine and filing fabricated criminal cases against 30 office bearers of KESC Labour Union. The lack of proper action by the Government of Pakistan has been reported and none of the terminated office bearers has been reinstated;
- FURTHER NOTES** that Industrial Relations Act in Pakistan under section 19(2) has a mandatory provision for secret ballot to determine the Collective Bargaining Agent to be held in 30 days. The statutory body, the National Industrial Relations Commission (NIRC), has miserably failed to perform its statutory role stipulated in the above article of the Act. The Government of Pakistan Ministry of Overseas Pakistanis and Human Resource Development (OP&HRD) in reply to the ILO Committee on Freedom of Association (CFA) vide dated 2 October 2018 has committed that an authorised election officer has been appointed at Karachi to start election proceedings to hold secret ballot within thirty days so that the newly elected CBA union is able to engage with the management new social dialogue to solve the long pending issues. But the authorised election officer even failed to get authenticated employees list from the KESC Management in the last nine months. The Government has failed to implement the ILO Governing Body (March 2019) decisions. The NIRC has totally failed to implement the recommendation of CFA, particularly during the last two years. These are blatant violations of ILO Conventions 87 & 98 by the Government, its statutory departments, the NIRC and KESC management;
- RECALLS** that Pakistan has ratified ILO Conventions 87 & 98 on Freedom of Association and Collective Bargaining. Pakistan is also beneficiary of GSP Plus by European Union with the condition that the fundamental conventions 87 and 98 will be honored. Pakistan is also getting IMF and World Bank grants and aid packages where right of unionism and collective bargaining cannot be denied to KESC Labour Union in accordance with Pakistan Industrial Relations Law;
- DEMANDS** that Government of Pakistan should immediately honour its commitments to hold secret ballot by NIRC in the case of KESC and fulfill its further commitments before the ILO CFA in the last eight years;
- EXTENDS** full support to the KESC Labour Union in their fight for legitimate rights to be determined through secret ballot by NIRC. Further decides to monitor implementation of the recommendation of the CFA with further lodging complaint to European Union and IFC/World Bank to invoke jurisdiction of GSP and grants to Pakistan on non-compliance of fundamental rights of workers of the KESC under ILO Conventions 87 and 98.