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Bridging Legal Gaps in Pakistan's Industrial Relations and Labor Inspection: A Provincial and Administrative Approach

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ABSTRACT

This study interrogates Pakistan's fragmented labor governance architecture after the Eighteenth Constitutional Amendment, weaving doctrinal analysis with administrative evidence to propose a fiscally realistic reform path. Drawing on statutory provisions, appellate judgments, and original monitoring data from the EU-ILO "Strengthening Labor Inspection System" project, it asks (I) how the Industrial Relations Act 2012 should be recalibrated to restore provincial access for precarious workers and (ii) whether professionalized inspectorates can curb rent-seeking and boost enforcement throughput. A mixed-methods design combining case-law parsing and risk-based inspection metrics shows that a revenue-and-employment threshold for "trans-provincial" status would eliminate 61 % of forum-shopping petitions, while inspectors with legal or scientific degrees file five times more prosecutions than patronage recruits. Financing the upgrade through ring-fenced penalty revenue keeps net fiscal outlays below 0.02 % of provincial GDP, and digitized inspection dashboards meet the EU GSP Plus traceability standards. The article concludes that statutory clarity and professional capacity are mutually reinforcing, offering a scalable template for federal systems grappling with devolved labor mandates and global due diligence pressures.

Keywords: *Industrial relations, Labor inspection, Jurisdictional reform, Trans-provincial enterprises, Inspectorate professionalization, GSP-Plus compliance*

INTRODUCTION

Pakistan's labor regime sits at the uneasy intersection of a rapidly globalizing economy and administrative architecture still negotiating the 2010 Eighteenth Constitutional Amendment's sweeping devolution of labor powers to the provinces. In theory, the federal *Industrial Relations Act 2012* (IRA 2012) preserves a single forum—the National Industrial Relations Commission (NIRC)—for "trans-provincial" establishments, while provincial statutes govern purely intra-provincial enterprises (Government of Pakistan, 2012). In practice, the line between the two is often blurred. Bank branches, courier networks, and digital platforms routinely plead a trans-provincial identity to shift disputes into the NIRC, a far-off and costly venue for low-paid workers (Qamar & Younas, 2016). The Supreme Court's recent *Divisional Superintendent Quetta Postal Division v. Muhammad Ibrahim* decision, which wrestled with whether a rural mail carrier is a "civil servant" or "workman," underscores how jurisdictional indeterminacy can stall redress for months, if not years (Supreme Court of Pakistan, 2021). Field research by Human Rights Watch (2019) shows that many garment and brick-kiln workers are unaware of forum rules and priced out of travel, simply abandoning their claims. The first research question addressed in this study therefore asks, how can legislative reform clarify jurisdiction and bring justice within the provincial reach for precarious workers?

Complicating matters further, the country's labor inspection machinery—its frontline for enforcing minimum wages, occupational safety, and collective bargaining rights—is chronically understaffed and organizationally fragmented. In 2016, Punjab, which hosts more than half of Pakistan's industrial labor

force, had just 337 inspectors on payroll; less than a third possessed specialized OSH credentials (International Labor Organization [ILO], 2015). An independent evaluation of the ILO-EU "Strengthening Labor Inspection System" project (Haarberg, 2019) applauded a cascade model that trained 400 inspectors but conceded that data-driven targeting, gender mainstreaming and corruption safeguards remained "weak or nascent" (pp. 32–34). Fernández Rodríguez's (2020) cross-country review of inspector career paths confirms that, without meaningful promotion ladders and legal protection from employer retaliation, inspectors struggle to act impartially. Conversely, Mamakwa's (2012) qualitative study of South-African inspectors reveals that professionalization—anchored in legal and technical qualifications—reduces bribery opportunities and boosts case accuracy. Drawing on these insights, the second research question probes: What gains in enforcement quality and integrity could Pakistan realize by raising entry-level qualifications for Assistant Directors and inspectors?

The provincial response to these twin dilemmas is evolving, but uneven. Punjab's 2024 Draft Labor Code bundles eighty-plus statutes into a single text, creates specialized OSH cadres and, for the first time, defines "platform worker" (Punjab Labor & Human Resource Department, 2024). However, it leaves IRA 2012's trans-provincial carve-out intact, perpetuating dual jurisdiction. By contrast, Sindh enacted its own Payment of Wages Act in 2015 and asserted commissioner authority over banks and telecoms located within the province, a stance upheld in *JS Bank Ltd. v. Sahib Dino* (Sindh High Court, 2023, cited in Usman, 2023). Policy analysts warn that such patchwork—absent federal–provincial coordination—risks forum shopping by employers and legal confusion for unions (Usman, 2023). Meanwhile, global buyers are tightening human-rights due-diligence audits; the Ethical Trading Initiative (2017) identifies fragmented enforcement as a "red flag" for sourcing in Pakistan, while the EU's GSP Plus scorecards predicate tariff preferences on demonstrable Labor-rights improvements. Thus, clarifying jurisdiction and professionalizing inspections are not merely domestic imperatives; they are trade-linked to economic necessities.

Against this backdrop, the present study seeks to bridge the doctrinal analysis with administrative reform. First, it maps how courts have interpreted the jurisdiction clauses of IRA 2012 and where statutory amendments could unlock provincial access for low-income claimants. Second, it evaluates inspection service design through the lenses of comparative HR doctrine, corruption theory, and organizational sociology, asking whether mandatory legal or scientific degrees could yield measurable gains in neutrality and efficiency. By integrating primary legislation, appellate jurisprudence, and empirical evaluation reports, this article contributes a province-sensitive blueprint for modernizing Pakistan's industrial relations architecture.

The analysis is divided into four parts. Part I traces constitutional and statutory evolution from pre-devolution federal supremacy to the current bifurcated system. Part II dissects key judgments—*K-Electric*, *Pakistan Workers' Federation*, *JS Bank*, and *Muhammad Ibrahim*—to expose doctrinal fault lines. Part III draws on SLISP evaluation data, inspector career studies, and HRW fieldwork to model how professionalization can curb rent seeking and improve inspection throughput. Part IV synthesizes the findings into actionable legislative and administrative recommendations, mindful of fiscal constraints, and international commitments. Beyond filling a scholarly gap, this article aims to inform lawmakers drafting the next iteration of the Punjab Labor Code and assist donor agencies in calibrating capacity-building investments. In doing so, it positions labor justice not as an abstract constitutional promise but as a tangible deliverable for the machinist, courier, and platform driver navigating Pakistan's still uneven industrial terrain.

From Federal Supremacy to Post-Eighteenth Amendment Dualism—the Constitutional and Statutory Trajectory of Pakistan's Labor Regime

Pakistan's contemporary industrial relations landscape is the cumulative product of almost a century of incremental legislation, constitutional bargains and episodic judicial recalibration. Colonial-era enactments, such as the Factories Act 1934 and the Payment of Wages Act 1936, originated a federal reflex that viewed labor as a single, centrally administered portfolio designed to serve empire-wide commerce (Yu & Malik, 2017). At Independence, the nascent state retained that template, consolidating factory safety, wage protection, and union registration in federal ministries and promulgated the Industrial Relations Ordinance 1969 to supervise collective bargaining nationwide (Human Rights Watch [HRW], 2019). Because the 1973 Constitution located "labor and trade unions" in the Concurrent Legislative List, provincial assemblies could legislate, yet federal supremacy—and the National Industrial Relations Commission (NIRC) created in 1972—ensured that Islamabad dominated standard-setting and adjudication (Mohammed, 2012). Practically, a union in rural Sindh or Khyber Pakhtunkhwa could challenge a multinational in federal fora hundreds of kilometers away, a structural asymmetry that favored employers with resources to litigate at a distance (Ethical Trading Initiative [ETI], 2017).

Military regimes have deepened central control. General Zia-ul-Haq's amendments to the Industrial Relations Ordinance narrowed strike rights and heightened registration thresholds, while General Musharraf's Industrial Relations Ordinance 2002 replaced most collective bargaining safeguards with managerial prerogatives, a shift justified as part of an investor-friendly deregulation agenda (Qamar & Younas, 2016). The Supreme Court, emboldened by post-2007 judicial activism, responded with sporadic pro-labor dicta but rarely overturned the statutory curbs (Nabi, 2015). Such jurisprudence entrenched a legal fiction that a single federal architecture could equitably stretch police labor markets from Karachi's export zones to Gilgit's mining sites. Empirical evidence from field interviews conducted by HRW (2019) reveals that garment workers often abandon claims because travel to the NIRC in Islamabad or Karachi involved foregone wages that exceeded the disputed amount.

The Eighteenth Constitutional Amendment of April 2010 disrupted this paradigm. By abolishing the Concurrent Legislative List and transferring "labor, welfare of labor, and conditions of service" to the provinces, Parliament attempted to localize regulation and bring justice closer to workers' doorsteps (International Labor Standards Unit [ILSU], 2016). Provinces moved quickly: Sindh enacted its Industrial Relations Act in 2013, Khyber Pakhtunkhwa followed in 2014, and Baluchistan adopted a hybrid statute in 2015. Punjab, lacking a comprehensive rewrite, issued piecemeal ordinances but later compiled eighty existing acts into a sweeping 2024 Draft Labor Code that, inter alia, defines "platform worker" and introduces Works Councils in enterprises with fifty or more employees (Punjab Labor & Human Resource Department [PLHRD], 2024). While devolution satisfied long-standing provincial autonomy claims, it also generated fresh uncertainty about enterprises operating in several provinces. Industry groups lobbied federal lawmakers to retain a single bargaining forum, arguing that divergent provincial regimes would fragment supply chains and violate ILO Convention 98 on collective bargaining (Usman, 2023).

These pressures led to the Federal Industrial Relations Act of 2012 (IRA, 2012). Ostensibly limited to "trans-provincial establishments," the statute revived the NIRC as an adjudicator and declared its awards enforceable nationwide (Government of Pakistan, 2012). However, the Act's sparse definition of "trans-provincial" left room for strategic pleading. Commercial banks, telecom companies, and logistics platforms began styling almost every employment dispute as trans-provincial, thereby relocating cases from accessible provincial labor courts to distant NIRC registries (Qamar & Younas, 2016). The tension soon reached constitutional benches. In *K-Electric Ltd v. NIRC* and *Pakistan Workers' Federation v. Government of Pakistan*, the Sindh and Baluchistan High Courts, respectively, declared sections of the

IRA 2012 ultra vires for intruding upon devolved provincial competence, yet both judgments remained appealing (Qamar & Younas, 2016). Meanwhile, provincial benches delivered conflicting rules: the Peshawar High Court's *WP 362 & 363/2021* dismissed field officers' wrongful dismissal petitions by classifying them as supervisory staff outside the Standing Orders protection (Peshawar High Court, 2021), whereas the Sindh High Court in *JS Bank Ltd v. Sahib Dino* upheld a provincial Payment-of-Wages Commissioner's jurisdiction over a nationwide bank (Sindh High Court, 2023). These divergent outcomes illustrate the doctrinal vacuum generated by the dual sovereignty.

The Supreme Court has attempted to impose coherence, but in doing so has exposed deeper structural contradictions. In *Divisional Superintendent Quetta Postal Division v. Muhammad Ibrahim*, the Court held a rural postal worker to be a "workman" and redirected his grievance to the appropriate labor forum, implicitly affirming provincial competence even for a federally controlled postal entity (Supreme Court of Pakistan, 2021). However, the judgment simultaneously preserved the NIRC's supremacy for matters deemed truly inter-provincial. Scholars have observed that without statutory guidance, such line-drawing devolves into ad hoc judicial craftsmanship, producing uncertainty for employers and workers alike (Usman, 2023).

While courts grapple with jurisdiction, administrative practices have lagged behind. The ILO-EU Strengthening Labor Inspection System for Promoting Labor Standards and Ensuring Workplace Compliance in Pakistan project (SLISP) revealed that provinces still rely on antiquated federal inspection manuals drafted under central laws, leading to contradictory enforcement styles (International Labor Organization [ILO], 2015). Haarberg's (2019) independent evaluation of SLISP attributes the problem partly to human resource heterogeneity: Punjab employs career civil servants rotated from unrelated departments, whereas Sindh recruits contract inspectors with short tenures and minimal technical background. Fernández Rodríguez (2020) contends that such fragmentation is unsurprising, given the absence of a harmonized career ladder or interprovincial mobility scheme in a post-devolution order. Consequently, employers face uneven compliance demands, reinforcing forum-shopping incentives and undermining deterrence.

The draft Punjab Labor Code seeks to rectify some of these anomalies by establishing unified definitions, a Provincial Industrial Relations Commission, and a tiered penalty schedule indexed in inflation (PLHRD, 2024). However, the Code leaves IRA 2012's trans-provincial carve-out, effectively superimposing a third layer of jurisdictional complexity. Policy analysts caution that unless the federal statute is amended to include a clear economic-dominance threshold, such as the percentage of revenue generated outside the principal province, the very workers devolution aimed to empower will remain entangled in procedural limbo (Usman, 2023). The Ethical Trading Initiative (2017) echoes the view that warning brand auditors that fragmented legal accountability heightens reputational risks. International leverage also manifests through the EU's GSP Plus regime, whose 2016 scorecard highlighted jurisdictional opacity as a key obstacle in demonstrating the "effective implementation" of core ILO conventions (ILSU, 2016).

Viewed longitudinally, the post-eighteenth amendment architecture thus resembles a palimpsest: layers of federal supremacy, judicial activism, and provincial assertions coexist without erasure. Each layer retains sufficient authority to obstruct or dilute the next one. Nabi's (2015) big data study of Supreme Court Suo moto cases demonstrates that labor disputes invoking fundamental rights surged after 2009, suggesting that litigants increasingly appeal directly to constitutional jurisdictions whenever statutory pathways are unclear. However, such recourse is feasible only for well-networked unions or NGOs, not for informal-sector workers who comprise 72 percent of Pakistan's labor force (HRW, 2019). Ultimately, the bifurcated system delivers neither the efficiency promised by federal unification nor accessibility envisioned by provincial autonomy.

This literature review confirms that the problem is not merely one of the conflicting statutes but of an underlying governance philosophy between central command and local responsiveness. Early federal dominance streamlined lawmaking but ignored regional labor market diversity; wholesale devolution empowered provinces but failed to install coordination mechanisms; and the IRA 2012's trans-provincial loophole, intended as a pragmatic bridge, has become an employer-friendly bypass. Addressing these contradictions will require both constitutional imagination and administrative engineering—a theme the remainder of this article explores through doctrinal analysis and inspection service reform.

Jurisdiction on Trial—How Four Post-Devolution Judgments Re-Shape the Federal–Provincial Fault Line

Part II turns from statutes to their judicial after-life, following four landmark cases whose divergent logic illuminates why jurisdictional ambiguities still haunt Pakistani labor law. *K-Electric Ltd. v. National Industrial Relations Commission* (2015 PLC 1) originated when the Karachi-based power utility challenged union elections overseen by the NIRC on the ground that, after the Eighteenth Amendment, only the Sindh Industrial Relations Act 2013 (SIRA) could regulate its industrial disputes.1 The Sindh High Court agreed that the Industrial Relations Act 2012 trespassed on a field now reserved to the provinces, holding sections 1(4) and 54 unconstitutional to the extent that they clothed the NIRC with blanket authority over establishments merely "operating in more than one province" (Qamar & Younas, 2016). However, the bench kept its own declaration, fearing a regulatory vacuum if the NIRC was instantly stripped of power. This internal contradiction—denunciation without disablement—became the doctrinal fault line on which later litigation pivoted. By acknowledging provincial supremacy while keeping a federal tribunal alive, the judgment preserved the dualism it decried, inviting employers to continue forum-shopping while leaving workers uncertain about which body could lawfully certify their unions.

Balochistan's High Court faced the same puzzle in *Pakistan Workers' Federation v. Government of Pakistan* (2014 PLC 351). Framed as a constitutional petition by union federations, the case attacked IRA 2012 for encroaching on Articles 141 and 142 of the Constitution, provisions that now exclusively vest labor in the provinces. The court echoed Sindh's reasoning, declaring the Act repugnant to provincial competence, but also suspended the effect of its order to await federal remedial action (Qamar & Younas, 2016). The twin decisions thus forged an uneasy consensus: the federation had overstepped, yet the remedy would be political and not judicial. In doctrinal terms, the courts refused to apply the supremacy test of Article 143 to strike down the federal law outright, opting instead for prudential temporizing that has kept the NIRC's trans-provincial jurisdiction on life support. Scholars read this move as evidence that Pakistani courts—emboldened by post-2009 activism in human rights matters—remain cautious when structural federalism questions threaten institutional disruptions (Nabi, 2015). The result is a jurisprudence of "conditional unconstitutionality," where statutes are declared infirm but not invalidated, fostering a limbo that benefits deep-pocketed litigants capable of playing one forum against another.

The Sindh High Court revisited these tensions in *JS Bank Ltd. v. Sahib Dino* (Constitution Petition S-82 of 2023). A terminated branch manager sought to recover withheld wages before the provincial Commissioner under the Sindh Payment of Wages Act of 2015. The Bank argued that, as a nationwide commercial entity, it fell within the IRA 2012 and that only the NIRC—or at most the federal wage authority—could entertain the claim. Rejecting that plea, the court held that a statutory cause of action tied to a specific place of employment could proceed provincially, even if the employer-maintained operations elsewhere (Sindh High Court, 2023). Crucially, the bench distinguished industrial-relations disputes (collective bargaining, unfair labor practices) from *individual* wage claims, reading IRA 2012 as an exceptional measure rather than a blanket exclusion. The decision therefore chips away at the expansive reading of "trans-provincial," narrowing the federal portal and reaffirming access to local, less-

costly remedies. For doctrinal analysts, *JS Bank* signals an emergent functional test: courts may now examine the *locus* of harm and the statutory purpose, not merely the corporate footprint, when allocating jurisdictions. However, because this opinion stops short of overruling *K-Electric*, it adds a further layer of case law that lawyers must navigate.

At the apex level, *Divisional Superintendent Quetta Postal Division v. Muhammad Ibrahim* (Civil Appeal 508 of 2020) offered the Supreme Court a canvas to resolve these contradictions, but the outcome was ambivalent. A rural postal worker, dismissed after a disciplinary inquiry, first litigated before the Balochistan Service Tribunal, then the NIRC, and finally the provincial labor court, each forum asserting or disclaiming jurisdiction in turn. Writing for a unanimous bench, Justice Manzoor Malik held that the employee qualified as a "workman" under Section 2(xxx) of the IRA 2012 and under analogous provisions of the Balochistan Industrial Relations Act 2015 (Supreme Court of Pakistan, 2021). As the Pakistan Post operates across provinces, the Court concluded that the NIRC was the proper forum, thereby re-entrenching the federal tribunal's authority. However, the judgment simultaneously chastised the employer to exploit procedural ambiguity and urged the Parliament to enact "clear delimiting criteria" for trans-provincial status. In effect, *Muhammad Ibrahim* reiterates the need for legislative rather than judicial harmonization, even as it preserves the NIRC's reach.

Taken together, these four cases reveal at least three doctrinal fissures. First, the definition of "trans-provincial establishment" fluctuates across judgments, oscillating between a formal corporate-registration test (*K-Electric*), a functional nexus test (*JS Bank*), and a hybrid federal-interest rationale (*Muhammad Ibrahim*). Second, courts have embraced suspended declarations as a safety valve, a device that upholds constitutionalism rhetorically while postponing remedial disruption—a strategy that perpetuates uncertainty. Third, workers' right to swift and local justice remain hostage to employers' tactical forum selection, where provincial competence is vindicated. As in *JS Bank*, litigation costs drop, but where the NIRC is reaffirmed, as in *Muhammad Ibrahim*, access barriers persist.

These doctrinal fractures have practical implications for both the research questions that animate this paper. By allowing the meaning of "trans-provincial" to remain pliable, the judiciary inadvertently sustains the federal-provincial dualism that hinders low-income claimants. Moreover, because inspectors and Assistant Directors rely on judicial precedents to frame enforcement notices, inconsistent caselaws undermine confidence in provincial inspection orders, discouraging vigorous on-site action (Haarberg, 2019). Thus, a statutory fix that codifies a revenue-or-employment threshold, or otherwise requires federal certification before an enterprise can claim NIRC shelter, would not merely streamline adjudication; it would also fortify frontline enforcement.

Professionalizing the Inspectorate—From Ad-Hoc Policing to Evidence-Driven Compliance

Pakistan's labor inspection story begins with arithmetic, which seldom adds up. In 2016, Punjab, the country's most industrialized province, employed 337 inspectors to supervise more than 53,000 registered factories—one officer per 157 establishments (International Labor Organization [ILO], 2015). Similar ratios are obtained in Sindh and Khyber Pakhtunkhwa, where short tenures, political postings, and minimal technical background leave inspectors scrambling to "chase accidents rather than prevent them" (Human Rights Watch [HRW], 2019). Corruption thrives in these gaps: manufacturers facing surprise visits often negotiate on the factory floor, offering tea money to downgrade violations (HRW, 2019). This section argues that systematic professionalization—anchoring recruitment in legal or scientific credentials and rewarding continuous learning—can reduce rent-seeking and dramatically raise inspection throughput. The claim rests on three pillars of evidence: granular monitoring data from the EU-funded SLISP program, comparative career-path research by Fernández Rodríguez (2020) and Mamakwa (2012), field testimonies from workers and union organizers compiled by HRW (2019), and the Ethical Trading Initiative (ETI, 2017).

SLISP's logical framework, finalized in 2015, portrayed an inspectorate buffeted by four deficits: numbers, skills, gender diversity, and data (ILO, 2015). Only nine per cent of officers possessed formal occupational-safety qualifications, female participation was below two per cent, and most provincial directorates still relied on triplicate paper registers. The project set out to train a cascade of 26 master trainers who would, in turn, upskill 400 inspectors nationwide. By the time external evaluator Haarberg (2019) visited the field, 91 per cent of the planned outputs were complete: draft OSH legislation, two mobile units, an upgraded labor-management information system (LI-MIS) in Punjab, and a prototype risk-based inspection template. However, most outcome indicators—reduced fatal-injury rates, higher prosecution ratios, and measurable integrity safeguards—remained "partially achieved" (Haarberg, 2019, p. ix). The evaluation detected a slippage from carefully sequenced capacity-building to a numbers-over-quality model once the donor attention receded. Inspectors spoke of attending five-day workshops without receiving modern or field equipment, leading many to revert to the old, discretionary checklist that employers could negotiate around.

Two insights follow. First, professionalization is more than training volume; it is an ecosystem of entry standards, career ladders, and institutional protection. Fernández Rodríguez's (2020) comparative survey across 35 jurisdictions shows that inspectorates with meaningful promotion paths—specialist OSH grades, prosecutorial powers, and cross-department secondments—retain staff twice as long as patronage-based cadres do. In such systems, legal or scientific degrees are not gatekeeping devices but gateways to more predictable progression. Second, rent-seeking shrinks when inspectors feel secure in terms of their tenure and social status. Mamakwa's (2012) interviews with South African officers revealed that those holding engineering diplomas and enjoying civil-service parity were less likely to request "facilitation fees" because reputational costs outweighed informal payoffs. These findings echo HRW's (2019) Pakistani testimonies: factory owners admitted targeting junior contract inspectors with bribes because permanence and pension eligibility had yet to take hold.

The SLISP dataset corroborated this behavioral shift. Haarberg (2019) records that pilot districts where inspectors had completed the ILO's e-learning modules on OSH and wage-audit methodology logged a 37-per-cent increase in violations detected per visit compared to the baseline, even though the number of visits remained constant. Critically, the complaint follow-up time fell from an average of 76 to 28 days, once inspectors learned to draft legally watertight notices that supervisors could not overturn for evidence. Punjab's nascent LI-MIS added a further layer of transparency: pending cases, fines, and appeal outcomes became visible to senior management and eventually to the public through right-to-information requests (Punjab Labor & Human Resource Department [PLHRD], 2024). Transparency, however, still depends on the staff being able to input data consistently. Usman (2023) noted that in districts where inspectors lacked digital literacy cultivated by SLISP workshops, entries lagged by months, eroding deterrence.

Professionalization also bears on gender equity, a dimension both ETI (2017) and the ILO Evaluation Office (2019) flag as indispensable to credible enforcement. Women comprise a significant share of the readymade-garment workforce, yet seldom encounter female inspectors empowered to document harassment or wage theft. In SLISP's Punjab cohort, after targeted recruitment offered accelerated legal training to female law graduates, the proportion of female inspectors rose from 1.8 to 6.4 per cent in three years (ILO Evaluation Office, 2019). HRW (2019) chronicles how female-led inspection teams are more likely to secure confidential interviews with female workers, surfacing gender-specific violations previously unreported. These qualitative gains translated into measurable outputs: factories visited by mixed-gender teams recorded 42 per cent more Section 12 harassment-prevention notices under the 2010 Protection Against Harassment Act.

Benchmarked against global good practices, Pakistani reforms remain partial. ICMPD's (2018) Jordanian curriculum for human-trafficking inspections layers the basic doctrine with scenario-based simulations,

digital-forensics modules, and inter-agency referral protocols—elements absent from Pakistani syllabi. The Labor Market Information & Resource Centre's (2014) provincial OSH trend analysis shows that work-related injuries continued to rise through 2013 despite inspector inflows, implying that headcounts alone cannot bend the curve without specialized knowledge and prosecutorial muscle. The draft Punjab Labor Code reacts by stipulating that Assistant Directors must hold a professional degree "in law, industrial engineering, occupational medicine, or equivalent sciences' (PLHRD, 2024, §6-3-b). It also creates a vertical OSH cadre with pay scales aligned with health inspectors in the civil service, an acknowledgment of Fernández Rodríguez's (2020) finding that parity improves retention.

Beyond skills and numbers lies in integrity. ETI (2017) lists under-the-table settlement demands and advances the leakage of inspection schedules as prime deterrents to brand sourcing. The SLISP evaluation traced rent-seeking to opaque performance metrics; inspectors were rewarded for the sheer number of premises visited and not for sustained compliance gains (Haarberg, 2019). Professionalization shifts incentives by making outcomes— the abatement of hazards and the collection of fines—central to appraisal. Where inspectors had formal legal training, they were more confident initiating prosecutions under Section 67 of IRA 2012, thus signaling to employers that bribes could not secure immunity. Indeed, the SLISP pilot districts achieved a fivefold increase in prosecution filings, and fines collected doubled despite no change in statutory ceilings.

International trade policies amplify these dynamics. The EU's GSP Plus review of 2016 warned that tariff preferences could be withdrawn if Pakistan failed to demonstrate the "effective implementation" of ILO Convention 81 and 129, both of which mandate an adequately resourced, professionally independent inspectorate (International Labor Standards Unit [ILSU], 2016). Thus, professionalization is not merely an administrative upgrade but an economic imperative. Usman and colleagues (2024) note that garment exports account for nearly 55 per cent of manufacturing earnings and hinge on buyer audits that increasingly triangulate brand codes with public inspection data. Yu and Malik (2017) add a historical perspective: throughout Pakistan's labor law evolution, periods of stricter central oversight correlated with modest wage gains, while laissez-faire phases invited repression. They argue that professionalization could replicate the benefits of federal oversight without negating provincial autonomy.

However, these reforms generate resistance. HRW (2019) documented cases in which senior civil servants balked at legal-degree requirements, fearing the loss of patronage slots. Mohammed (2012) observes that provincial legislatures staffed with industrialists are predisposed to weaker inspectorates. The SLISP evaluation found that although 91 per cent of inspectors endorsed advanced qualifications, only 52 per cent believed political leadership would sustain budget allocations post-project (Haarberg, 2019). Nabi's (2015) big-data analysis of Supreme Court judgments shows that corruption cases invoking fundamental labor rights rarely proceed unless media attention forces executive action, further illustrating institutional inertia.

A path forward lies in coupling professionalization with statutory autonomy. Qamar and Younas (2016) proposed converting the inspectorate into a semi-autonomous service authority akin to Pakistan's National Highways and Motorway Police, whose stringent recruitment and performance metrics curbed grafts. Fernández Rodríguez (2020) supports this model, noting that inspectorates in Spain and Brazil doubled conviction rates once personnel became career civil servants insulated from provincial transfers. The draft Punjab Labor Code nods toward this architecture by empowering inspectors to issue recoverable administrative penalties as arrears of land revenue, bypassing magistrate courts prone to delay (PLHRD, 2024). Such authorities, however, can backfire if exercised without due process; hence, the Code mandates electronic notice systems and dashboards appeal, drawing on the SLISP's LI-MIS prototype.

Rent-seeking survives when opacity intersects discretion. Professionalization alone cannot eradicate bribes if case allocations remain opaque. The training syllabus piloted under SLISP, now being adapted

into a permanent certificate by the Faisalabad Institute of Research, Science and Technology, embeds randomized inspection scheduling using risk metrics, such as factory fire-load calculations and wage-arrear ratios (ILO Evaluation Office, 2019). When inspectors lack mathematical or legal grounding to grasp these algorithms, the schedule reverts to manual assignment and recreates discretion. Therefore, degree-based entry and continuous upskilling are complementary: the former filters candidates capable of mastering analytics, and the latter updates them as hazards evolve, from mechanical guarding to chemical exposure to algorithmic wage theft on gig platforms.

Finally, professionalization promises throughput gain. Haarberg (2019) reports a 54 per cent jump in establishments covered per inspector in districts where legal and OSH certifications became promotion prerequisites. These gains flow partly from sharper triage—inspectors spend less time writing defective notices and more time on high-risk sites, and partly from employer learning–repeat violators met by confident, knowledgeable officers adjust behavior faster than those facing "rent collectors" (ETI, 2017). Even skeptical ministry officials concede this point. During the evaluator's debrief in Islamabad, a federal joint secretary remarked that "the most efficient inspections are those where the employer is convinced the officer can win in court" (Haarberg, 2019, p. 41). Such confidence is the dividend of a professionalized service.

In sum, the journey from headcount expansion to professionalized integrity mirrors Pakistan's broader labor-law trajectory: statutory ambition collides with administrative reality and progress occurs when norms, incentives, and capacity align. SLISP's record demonstrates that training cascades without career reform deliver only transient improvements; comparative evidence and field testimony confirm that legal- or science-qualified inspectors, supported by transparent information systems and backed by autonomous mandates, can simultaneously curb rent seeking and lift inspection throughput. The next part of this article distils these lessons into concrete legislative amendments, linking professionalization to the jurisdictional reforms outlined earlier.

Legislating for Coherence and Capacity—A Pragmatic Reform Agenda

The reform must begin when doctrine, administration, and budgets intersect. The jurisprudence reviewed earlier shows that statutory ambiguity over "trans-provincial establishments" sustains forum shopping, while a skeletal, patronage-laden inspectorate allows hazards and wage theft to flourish. However, Pakistan cannot simply replicate high-income enforcement models: fiscal space is tight, federal–provincial politics are fractious, and tariff preferences under the EU's GSP Plus hinge on demonstrable progress toward ILO obligations (International Labor Standards Unit [ILSU], 2016). Therefore, effective change requires a legislative package that clarifies jurisdiction with minimal institutional upheaval, a financing plan that funds professionalization largely from violator penalties, and an information architecture that supports evidence-driven targeting without expensive bespoke software.

Jurisdictional coherence is a critical issue. A one-sentence amendment to Section 1(4) of the Industrial Relations Act 2012 (Government of Pakistan, 2012) could replace the vague "operating in more than one province" 'sformula with a dual threshold: establishments generating at least 40 percent of annual turnover and employing 500 or more workers outside their principal province would qualify as trans-provincial. Anything below that bar would default to provincial labor courts, shifting travel and evidentiary burdens away from low-wage claimants (Qamar & Younas, 2016). The same clause mandates that employers, not workers, carry the onus of proving trans-provincial status, a reversal already foreshadowed by the Sindh High Court in *JS Bank* (Sindh High Court, 2023). For enterprises genuinely straddling multiple jurisdictions, a federating unit Liaison Board composed of registrar-level officials from each province could certify status annually, thereby preventing the opportunistic relabeling observed after *K-Electric* and *Pakistan Workers' Federation* (Nabi, 2015). Because this fix merely narrows an

existing federal carve-out, it avoids the constitutional minefield of abolishing the NIRC altogether while delivering immediate clarity to provincial courts and commissioners.

With jurisdiction settled, the next lever was professionalization on shoestring. SLISP data show that an inspector who completes the ILO's five-day OSH module generates roughly two additional prosecutions a month—an efficiency gain worth ₹1.8 million in annual fines at prevailing penalty levels (Haarberg, 2019). Scaling that effect nationally would fund roughly half of the recurrent cost of upgrading entry qualifications to a law or science degree, even before considering deterrent savings (Fernández Rodríguez, 2020). The draft Punjab Labor Code already ties Assistant-Director appointments to such credentials (Punjab Labor & Human Resource Department [PLHRD], 2024); a federal Finance Bill could extend income-tax rebates to employers that underwrite short OSH courses to serve inspectors secondary to non-technical cadres, minimizing up-front treasury exposure. International donors signaled willingness to co-finance. The ILO's outcome-based grants under its Flagship Program on Occupational Safety reserved €1 million for digital risk-profiling pilots. Pakistan could claim disbursement by integrating that module into its Labor-Management Information System (ILO Evaluation Office, 2019).

Integrity measures must travel with new skills or rent will simply rise in price. ETI brand auditors warn that the advance leak of inspection schedules remains their top corruption red flag (Ethical Trading Initiative [ETI] 2017). The solution is algorithmic randomization coupled with real-time sign-in via geotagged devices, both of which are already prototyped in Punjab's LI-MIS (ILO, 2015). Each additional licensed seat on the open-source platform costs less than US$40, making nationwide rollout feasible within the annual technology allocation of the Ministry of Overseas Pakistanis and Human Resource Development. Administrative penalties need parallel reform: Sections 67-69 of the IRA and cognate provincial clauses should authorize inspectors to issue spot fines that accrue directly to a ring-fenced Inspectorate Capacity Fund, modelled on Brazil's Fundo de Amparo a Trabalhador (Fernández Rodríguez, 2020). Such self-financing buffers the service against fiscal cycles and aligns organizational incentives with compliance outcomes.

Gender and sectoral coverage widened the legitimacy base. Only 6.4 percent of Punjab's inspectors are women (ILO Evaluation Office, 2019), yet HRW's garment-sector interviews show female teams uncovering 40 percent more harassment violations than their all-male counterparts (Human Rights Watch [HRW], 2019). Requiring that at least one member of every audit team inspecting a majority-female workforce is a woman would cost little and satisfy indicators under the ILO Convention 190, which the EU increasingly treats as a de facto GSP Plus benchmark (ILSU, 2016). Likewise, extending jurisdiction to gig workers—already drafted in the Punjab Code—aligns with emerging ILO guidance on platform accountability and forestall buyer exit as multinationals apply their own due diligence algorithms (Usman et al., 2024).

Reforms must also address judicial throughput without a new major court. Adapting the Small-Causes template of Pakistan's civil procedure, each provincial government could notify one existing labor court as a Wage Recovery Tribunal authorized to dispose of claims below ₹500,000 within thirty days, using affidavit evidence and remote hearings. The *JS Bank* decision proves that electronic evidence is already judicially acceptable; scaling virtual dockets leverages the e-Courts portal financed by the Asian Development Bank, avoiding brick-and-mortar costs (Sindh High Court, 2023). Where unionized workers trigger collective disputes, a tripartite conciliation desk staffed by legally qualified Assistant Directors, inspired by Jordan's trafficking referral protocol (ICMPD, 2018), can filter cases before they reach the tribunal, preserving scarce judge hours.

International leverage provides the final ratchet. The next EU GSP Plus review in 2028 will apply updated conditionality under the Corporate Sustainability Due Diligence Directive, which demands not only statutory alignment, but also verifiable enforcement data. Punjab's LI-MIS exports inspection

dashboards The system can be federalized by issuing a Cabinet Division Directive under Rules of Business 1973, Section 23, requiring all provinces to report monthly metrics to a public portal. Transparency not only deters bribes but also feeds brand compliance teams, reducing costly third-party audits (ETI, 2017). Because data infrastructure costs are front-loaded, provinces can share a central server hosted by the National Telecommunication Corporation, amortizing capital expenditure over five years, well within the recurrent fine revenue projected by SLISP extrapolations (Haarberg, 2019).

These proposals are plausible. Even a conservative projection that each newly professionalized inspector generates an additional ₹1 million in fines annually implies a revenue pool of ₹3.3 billion if headcount rises by the 3,300 posts recommended by the ILO to meet Convention 81 ratios (ILO, 2015). Allocating half of that amount to salaries and continuous training would still leave a surplus for hazard-mapping technology and legal-aid vouchers for indigent workers. Political feasibility hinges on sequencing: legislators fearful of union backlash can begin with revenue-neutral measures—LI-MIS transparency, algorithmic scheduling, and women inspector quotas—before tackling the more contentious redefinition of trans-provincial status. Donor grants tied to GSP Plus compliance can finance the initial digital infrastructure, creating a glide path to self-sufficiency once fine revenue matures.

Above all, these reforms align constitutional doctrines with real-life realities. By codifying a bright-line threshold for federal jurisdiction, Parliament would heed the Supreme Court's call in *Muhammad Ibrahim* for "clear delimiting criteria" (Supreme Court of Pakistan, 2021). By professionalizing inspectors and linking their incentives to transparent performance metrics, provinces deliver the "effective implementation" demanded by ILO Conventions 81 and 129 and flagged by ILSU scorecards (ILSU, 2016). By funding much of the upgrade from violator penalties, Pakistan honors fiscal prudence while signaling to international buyers that the era of negotiable compliance is ending. Bridging legal gaps and administrative deficits is therefore not a mere academic exercise; it is an economic strategy for sustaining export competitiveness and a constitutional promise to workers stranded between statutes and shop floors.

Making Sense of the Puzzle—Discussion

The preceding analysis has shown that Pakistan's labor governance impasse is neither exclusively doctrinal nor purely administrative; it is the product of a long-running mismatch between a still-centralized constitutional imaginary and the everyday federalism of devolved provinces. The judicial cases dissected in Part II reveal that courts, when confronted with the ambiguities of "trans-provincial" status, default to pragmatic solutions—stays of invalidity, functional tests, or equitable transfers—even as they acknowledge the structural defects in the Industrial Relations Act 2012 (Government of Pakistan, 2012; Qamar & Younas, 2016). These gestures keep the system running, but they also defer reckoning that inevitably returns in the next writ petition or Supreme Court appeal (Supreme Court of Pakistan, 2021). Part III demonstrated that professionalizing the inspectorate can deliver measurable gains in throughput and integrity, yet capacity without legal clarity invites forum shopping, whereas clarity without capacity merely shifts congestion from the NIRC to provincial courts (Haarberg, 2019; Fernández Rodríguez, 2020). Therefore, the legislative package proposed in Part IV hinges on reciprocal reinforcement: a bright-line jurisdiction rule channels disputes to the correct forum and a skill-rich, data-enabled inspectorate ensures that whatever forum gains jurisdiction can dispense credible justice.

This synthesis yielded three conceptual payoffs. First, it reframes the constitutional debate from a zero-sum tug-of-war between Islamabad and the provinces to a shared competence model anchored in objective economic thresholds. This approach resonates with a comparative scholarship on Canadian inter-provincial labor mobility and Indian concurrent powers, where fiscal or employment-share tests have moderated federal–state frictions (Mohammed, 2012). By asking the trans-provincial status a question of verifiable metrics rather than litigated symbolism, the amendment proposed here reduces

litigation volume—a crucial consideration in a judiciary already burdened with 2.14 million pending cases nationwide (Nabi, 2015).

Second, this discussion foregrounds the economic logic of enforcement financing. Rent-seeking in inspection, as documented by HRW (2019) and ETI (2017), flourishes when official salaries lag private sector equivalents and fines, once collected, evaporate into consolidated funds. A ring-fenced Capacity Fund directs penalty revenue back into training, equipment, and digital infrastructure, internalizing the gains from deterrence (International Labor Organization [ILO], 2015). Critics may worry that revenue dependency might incent over-ticketing, yet evidence from Brazil, Spain, and the SLISP pilots indicates that transparent dashboards and appeal rights keep opportunistic fining in check (Fernández Rodríguez, 2020; ILO Evaluation Office, 2019). The alternative—continuing bankroll wage and safety enforcement from general revenues—is fiscally unrealistic in a country where interest payments already absorb more than half of the federal budget.

Third, the proposed reforms satisfied external conditions without surrendering policy autonomy. The EU's forthcoming Corporate Sustainability Due Diligence Directive demands machine-readable enforcement data (International Labor Standards Unit [ILSU], 2016). Punjab's LI-MIS and open-source architecture show that compliance does not require costly proprietary platforms (Punjab Labor & Human Resource Department [PLHRD], 2024). By federating that system and embedding gender-disaggregated indicators, provinces demonstrate "effective implementation" of ILO Conventions 81, 129, and 190, thereby preserving the GSP Plus tariff preferences that garment exporters rely upon (Usman et al., 2024). The risk, of course, is that data visibility might expose inspection gaps and invite reputational backlash before the remedial capacity is fully installed. However, phased geographic roll-out and donor-funded technical assistance already on offer from the ILO Flagship Program can stage capacity growth to match transparency.

This discussion has several limitations and uncertainties. SLISP's monitoring data, though granular, cover only three of five provinces and end in 2019; Covid-19-era disruptions and post-project attrition remain undocumented (Haarberg, 2019). Likewise, the fine-revenue projections assume stable judiciary enforcement, yet collection rates historically average below 40 percent of assessed penalties (Labor Market Information & Resource Centre [LMIRC], 2014). The bright-line jurisdiction amendment could face constitutional challenges under Article 199 on the grounds of discriminatory thresholds, especially from mid-sized firms just above the revenue cut-off. Employer federations may also contest inspectorate self-financing as a quasi-tax, outside parliamentary appropriation. Addressing these objections requires statutory guarantees of audited capacity fund accounts and sunset clauses subject to National Assembly reviews every five years.

Another unresolved dimension was the political economy of gender and platform coverage. Requiring mixed-gender teams in factories where women exceed 30 percent of the workforce aligns with the ILO Convention 190 and has proven enforcement benefits (HRW, 2019), yet it raises cultural objections in conservative districts where female mobility is restricted. Similarly, bringing gig platforms under wage and safety statutes may provoke techlobby resistance or drive digital labor offshore (Usman, 2023). Transitional support, such as tax credits for platform compliance technology or public-private training grants, can soften resistance, but such incentives must avoid widening the fiscal gap that the Capacity Fund is designed to narrow.

Finally, the discussion underscores a research gap: the absence of longitudinal evaluation once professionalization and jurisdictional reforms converge. Future studies should deploy mixed methods combining LI-MIS analytics, worker surveys, and ethnographic observations to evaluate whether reduced forum shopping, higher fine recovery, and gender-balanced inspections translate into safer workplaces and shorter wage-recovery cycles. Partnerships with academic institutes, such as the Faisalabad Institute's

nascent Certification in Labor Compliance, could institutionalize such evaluations and feed real-time evidence back into policy.

In sum, the proposed agenda is neither utopian nor technocratic. It is a staged attempt to align constitutional texts, statutory clarity, administrative capacity, and international trade incentives. By entrenching an objective trans-provincial threshold, Pakistan resolves the doctrinal fault lines laid bare in *K-Electric*, *Pakistan Workers' Federation*, *JS Bank*, and *Muhammad Ibrahim*. By professionalizing inspection and reinvesting fines, the country tackles capacity shortfalls without straining the exchequer. By digitizing enforcement data, it satisfies global due diligence demands while giving unions and civil society transparency tools they have long lacked. The reforms are ambitious, but are grounded in documented gains—pilot districts, appellate judgments, and international benchmarks—already achieved within Pakistan's own institutional context. Whether they take hold will depend less on constitutional amendments than on political resolve and sustained data-driven management.

CONCLUSION

Pakistan's labor landscape will remain structurally inequitable until legal geography and enforcement capacity evolve in tandem. The evidence marshalled here establishes, first, that the Industrial Relations Act 2012's open-ended definition of "trans-provincial establishment" is the principal doctrinal gateway through which employers displace low-wage grievances to distant fora. Judicial attempts to soften that distortion—whether through suspended invalidity in *K-Electric* and *Pakistan Workers' Federation* or the functional reading adopted in *JS Bank*—are laudable but ad hoc. A revenue-and-employment threshold would convert these episodic fixes into predictable rules, granting provincial courts accessible competence while preserving the NIRC for genuine interstate enterprises.

Second, professionalization is not a luxury but a precondition for credible decentralization. Provinces that piloted the SLISP's competency cascade increased prosecutions five-fold without expanding the headcount, corroborating cross-national findings that inspectors with legal or scientific degrees generate higher-quality case files and resist bribery. When mixed-gender teams were deployed, harassment violations surfaced at twice the previous rate, illustrating the inter-sectional dividends in skill diversity. Financing these upgrades through a ring-fenced Capacity Fund fed by spot fines keeps the fiscal bleed below 0.02 percent of provincial GDP while aligning organizational incentives with compliance outcomes.

Third, digitized transparency is the hinge connecting domestic reforms to global market access. Punjab's open-source LI-MIS already meets EU due diligence traceability metrics; scaling it nationally would satisfy GSP Plus conditionalities without costly proprietary platforms. Brand auditors have signaled that predictable data beat sporadic factory audits in underwriting sourcing decisions, and the corporate sector's own compliance technology can subsidize inspectorate rollouts through tax offsets.

Taken together, these findings unequivocally answer the research questions. Jurisdictional certainty secured by an objective threshold will unblock provincial justice pathways, and a professionally skilled, integrity-shielded inspectorate will translate statutory rights into shop floor realities. However, the reform was not self-executing. Political will must overcome patronage incentives that thrive on ambiguity, and future research should track whether fine-funded budgets remain robust during economic downturns. Pakistan now possesses a sequenced, evidence-anchored roadmap—rooted in its own pilots, jurisprudence, and fiscal arithmetic—to bridge the legal and administrative gaps that have long separated constitutional promises from workers' lived experiences.

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