



## **KHYBER PAKHTUNKHWA**

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GOVERNMENT OF KHYBER PAKHTUNKHWA LABOUR DEPARTMENT.

### **NOTIFICATION**

Dated Peshawar, the 14<sup>th</sup> February, 2021.

No. Ro/2D/8-10/2021-22/L-R/1840---In exercise of the power conferred by section 22 the Khyber Pakhtunkhwa Home Based Workers (Welfare and Protection) Act, 2021 (Khyber Pakhtunkhwa Act No. XV of 2021), the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

### **THE KHYBER PAKHTUNKHWA HOME BASED WORKERS RULES, 2021.**

#### **CHAPTER-I PRELIMINARY**

1. **Short title and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Home Based Workers Rules, 2021.

(2) These rules shall come into force at once.

2. **Definitions.**---(1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Khyber Pakhtunkhwa Home Based Workers Act, 2021 (Khyber Pakhtunkhwa Act No. XV of 2021); and

(b) "Inspector" means an officer to authorize under sub-section (1) of section 12 of the Act to act as an Inspector.

(2) Words and expressions used but not defined in these rules shall be deemed to have the same meaning as assigned to them in the Act.

3. **Register to be maintained by the employer.** --- (1) The employer shall maintain a register containing the details of all documents of home based workers rendering any kind of work for the employer. The employer shall provide one copy of such register to the home based worker and one to be kept at the place of work.

(2) The register shall be available all the time for the inspection of Inspectors during working hours.

(3) The register shall contained of,-

- (a) name, address, sex and age of the home based worker and in case of working in a group, the name, address, sex and age of every person in the group of home based workers;
- (b) name of employer or where employment is made through an agent or sub-contractor, the name of such agent or sub-contractors;
- (c) the rate of wages and the method of calculation;
- (d) type, quantity and value of work;
- (e) schedule of work and completion date of each installment of work; and
- (f) signature of the employer and home based worker or his thumb impression, as the case may be.

(4) The employer shall maintain all other relevant documents relating to the acceptance of work to be carried out at home.

## CHAPTER-II CANCELLATION AND WORK ASSIGNMENT

4. **Cancellation of letter of appointment by the employer.**--- The employer shall not cancel the letter of appointment with the home based worker except-

- (a) when the work assigned, has not been completed within the scheduled time due to the fault of the home based worker; or
- (b) where the home based worker do not adopt the safe work practices or the safe working conditions provided by the employer.

**5. Extension of scheduled time.**---(1) In case where it is reasonably expected by the home based worker, that the work would not be completed within scheduled time, the home based worker shall inform the employer forthwith in order to agree on the extension of time for delivery of work to the employer.

(2) In case the employer does not agree to extend the time for delivery of work and where the employer would suffer damage from the late delivery of work without the fault of the employer, the employer may terminate the employment and assign someone else to carry out the work.

**6. Claim damages in case of cancellation or termination.**--- The cancellation or termination of letter of appointment, under these rules, shall not bar the right of any of the parties to claim damages from the party, who is liable for the cause of such cancellation or termination.

**7. Home based worker unable to carry on with work.**--- In case where the essence of the employment lies in the knowledge and personal ability of the home based worker and such home based worker has died or become un-capable due to the act of God or man to carry on the work without his fault, the employment shall be terminated. The part of work which has been carried out is of benefit to the employer, the employer shall accept it and pay wages in proportion of the work that has carried out.

### **CHAPTER-III**

### **SAFETY IN THE PERFORMANCE OF WORK**

**8. Prohibition of engagement of pregnant women.**--- The employer shall not assign any work to pregnant women, which is hazardous to the health and safety of pregnant women.

**9. Prohibited work.**--- The employer shall not engage a home based worker to carry out the following works, namely:

- (a) works involving hazardous materials pursuant to the law governing hazardous materials;
- (b) works that are to be carried out with the use of tools or machines vibration of which may be hazardous to the persons performing the works;

- (c) works involving extreme heat or coldness which may be hazardous; and
- (d) other works which may affect health, safety or quality of the environment.

**10. Prohibition to supply hazardous material.**— Where under letter of appointment, the supply of material for an assigned work is the responsibility of the employer, he shall not procure or deliver raw materials, equipment or other inputs used for the performance of work that are hazardous to home based workers, residents of the house, business visitors including neighbouring communities and environment.

**11. Warning Notice.**—(1) The employer shall give warning notice informing home based workers of the danger which may have arisen from the use of raw materials, equipment or other inputs used for the performance of work as well as protective and remedial measures against such danger and provide home based workers with sufficient equipment suitable to the nature of works for the protection and safety of work performance.

(2) Home based worker shall use the protective and safety equipments for the performance of works provided by the employer and shall, upon completion of the assign work, return what remain of the protective and safety equipment to the employer.

#### CHAPTER-IV

#### BENEFITS AND ENTITLEMENT TO HOME BASED WORKERS

**12. Expenses responsibility.**— The employer shall be responsible for medical expenses, rehabilitation expenses, and funeral expenses in case where the home based worker met with danger, was ill, disabled or met with death due to the use of raw materials, equipment or other inputs used for the performance of work procured or delivered by the employer or the failure of the employer to provide protective and safety equipment for the performance of works or, in case of accident, at the place of work.

(2) The provision of sub-rule (1) shall not apply to the danger, illness, disability arising from the willful act or gross negligence of the home based worker himself.

**13. Payment time of wages.**— The employer shall pay wages to the home based worker at the time of delivery of the work performed or as specified in the letter of appointment: provided that payment of wages shall not be over seven days of the date of delivery by the home based worker of the work performed.

**14. Payment place of wages.**— The employer shall pay wages to the home based worker at the home based worker's work place: provided that if payment is to be made at any other place or in any other mode, the consent of the home based worker shall have to be obtained.

**15. Violation.**— In case of violation of the provisions contained in rules 13 and 14 of these rules, the home based worker may file a petition to the Authority under the Khyber Pakhtunkhwa Payment of Wages Act, 2010.

**16. Petition.**— Upon a petition in being filed, the Authority shall make an investigation into facts and issue an order within thirty days of the date of receipt of the petition. After having investigated by the Authority it appears that the home based worker or his employer is entitled to receive any kind of money, the Authority shall order the employer to make such payment to the home based worker within thirty days of the date of issuing of the order while simultaneously inform the home based worker entitled to receive the money.

(2) In case where the Authority is of the opinion that the home based worker has no right to receive money from the employer, the Authority shall issue an order to that effect and inform the home based worker and the employer thereof in writing.

**17. Order.**— After the Authority has issued an order under rule 16 and the home based worker or the employer aggrieved from the order may referred to the Labour Court within thirty days of communication of such order.

(2) In case where the home based worker or the employer fails to refer the case to the Labour Court within specified time, the order shall be final.

**18. Powers of Inspector.**—(1) In the discharge of duty provided under these rules, the Inspector shall have the following powers, namely:

- (a) to enter the establishment or office of employer or place of work of home based workers during working hours to inspect the working conditions of home based workers and make inquiry about facts, to take photographs, to make copies of documents relating to works or to pay wages;
- (b) to collect samples of raw materials or products for the analysis of safety in the performance of work to carry out other actions to obtain facts in connection with the compliance with the Act and to do that the Inspector shall obtain the consent of the employer or home based worker or approval of the Director General or the person assigned by the Director General;
- (c) to send letter of summons to any person requiring the person to appear and give statements or to send documents or materials for use in its deliberation as deemed necessary; and
- (d) to issue written orders requiring an employer or home based worker to comply properly with the Act.

(2) In carrying out inspection of the establishment or office of the employer or place of the work of the home based worker, the Director General or the person authorized by him, may arrange for a doctor, social worker or expert to enter into the said place in order to express an opinion or render assistance to the Inspector in execution of the Act and these rules.

**19. Penalties.**—(1) An employer, who fails to comply with or contravenes any provisions of the Act or these rules, as the case may be, shall, on conviction, be punishable with fine which for the first offence may extend to five thousand rupees, and for a second or subsequent offence with fine which may extend to ten thousand rupees.

(2) Any employer or any such person who willfully obstructs an Inspector in the exercise of any power in compliance of the Act or these rules, as the case may be, or fails to produce on demand thereunder any evidence, statement or other document, shall be punishable with fine which may extend to ten thousand rupees.

SECRETARY TO  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
LABOUR DEPARTMENT