



KHYBER PAKHTUNKHWA

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA LABOUR DEPARTMENT

NOTIFICATION

Dated Peshawar, the 03rd March, 2022.

No.Ro/LD/8-10/2021-22/L&R/V-II/2326.— In exercise of the powers conferred by section 19 of the Khyber Pakhtunkhwa Minimum Wages Act, 2013 (Khyber Pakhtunkhwa Act No. XII of 2013), the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA MINIMUM WAGES RULES, 2022.

Part-I **Preliminary**

1. **Short title and commencement.**—(1) These rules may be called the Khyber Pakhtunkhwa Minimum Wages Rules, 2022.

(2) They shall come into force at once.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

(a) “Act” means the Khyber Pakhtunkhwa Minimum Wages Act, 2013 (Khyber Pakhtunkhwa Act No. XII of 2013);

(b) “Committee” means a Committee appointed under sub-section (6) of section 3 of the Act;

(c) “Form” means a Form appended to these rules;

- (d) "independent member" means the member of the Board appointed by Government under sub-section (2) of section 3 of the Act; and
- (e) "Inspector" means an Inspector appointed under section 10 of the Act.

(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.

Part-II

Minimum Wages Board

3. Term of office.---(1) The term of office of the Chairman and other members shall be three years from the date on which their appointment is notified in the official Gazette. The Chairman and members shall be eligible for re-appointment.

(2) Notwithstanding the expiry of their term of office, the Chairman and the members shall continue to hold office till the notification of appointment of their successors in the official Gazette.

4. Resignation and removal.---(1) A member may resign his office by notice in writing to Government, and his seat shall fall vacant from the date of the acceptance of resignation.

(2) If a member absents himself from three consecutive meetings of the Board without leave of absence from the Chairman, he shall cease to be a member.

(3) For any explicit reason, the continuance in office of a member is deemed to be not in the public interest, Government may remove such member from membership of the Board.

5. Filling of vacancy.---(1) Any vacancy in the Board shall be filled by Government in a manner not affecting the representative's interest in the Board.

(2) A member appointed to fill a casual vacancy shall hold office only for the unexpired portion of the terms of office of his predecessor.

(3) If any member intends to leave Country, he shall intimate to the Chairman the date of his departure from and the date of his expected return to Country.

(4) If any member intends to be absent from Country for a period exceeding six months, the Chairman shall inform Government with a view to the appointment, if necessary, of a substitute member for such period.

6. Fees and allowances.--- Members, other than the Chairman, advisers or experts, shall receive such allowances as the Department may determine and notify from time to time.

7. Meetings of the Board.---(1) Meetings of the Board shall be convened by notice in writing given to each member by the Chairman, indicating such time and place of meeting as the Chairman may direct.

(2) Meetings shall be convened as and when to be considered necessary by the Chairman or on the written request of any member representing the employers and the workers.

(3) Every meeting of the Board shall be presided over by the Chairman and in his absence, by the independent member.

(4) The quorum for a meeting of the Board shall consist of at least the independent member, one representative of the employers and one representative of the workers:

Provided that if the representatives, either of the employers or of the workers, fail to attend three consecutive meetings of the Board, the attendance of any three members shall constitute the quorum for subsequent meetings.

(5) The proceedings of the Board shall not be invalidated because of a vacancy in its membership.

8. Minutes of the meeting.---(1) The minutes of each meeting of the Board shall show the names of the members present and shall be recorded in such form as may be directed by the Chairman and a copy thereof shall be communicated to each member as soon after the meeting as possible.

(2) The minutes of each meeting shall be confirmed at the next meeting and signed by the presiding at the meeting.

9. Decisions of the Board.---(1) Decisions of the Board shall be according to the views of the majority of the members present at the meeting, and in the event of equality of votes the person presiding at the meeting shall have second or casting vote.

(2) Votes shall ordinarily be by show of hands, but if the presiding so decides, the decision on any matter may be taken by secret vote which shall be held in such manner as the person presiding at the meeting may decide.

10. Committees of the Board.---(1) The Board may appoint Committees and may refer any matter to any such Committee for investigation, report and recommendations within the ambit of the Board, including matters relating to the recommendations for minimum rates of wages under sub-section (1) of section 6 of the Act for any locality or for any section of an industry.

(2) A Committee, appointed under sub-rule (1), shall consist of at least one member representing employers, one member representing workers, and the Independent member, shall be the Chairman of the Committee.

(3) The Committee shall have the same powers for purposes of investigation as conferred upon the Board under section 15 of the Act.

(4) The Chairman and the members of a Committee shall not receive allowances other than those admissible to the members of the Board.

11. Co-opt members.---(1) The Chairman himself or on the request of member representing employers or the workers may co-opt any expert or adviser to attend any meeting of the Board and to take part in its deliberations, but such person shall not have the right to vote.

(2) The expenses of advisers to the members other than the Chairman and the independent member, shall be borne by the respective parties.

12. Secretary of the Board.---(1) The Research and Statistical Officer shall be a Secretary of the Board, who shall,-

- (a) convene meetings of the Board with the approval of the Chairman;
- (b) keep the records of the proceedings of the meetings;
- (c) carrying out the decisions taken; and
- (d) such other duties and functions, as the Chairman may assign to him.

(3) The Secretary of the Board shall not be entitled to vote at any meeting of the Board.

13. Contract of employment.---(1) If a contract between a worker to whom minimum rate of wage applies and his employer provides for the payment of a wage lower than the minimum rate of wage fixed under the Act, the contract shall have effect as if for that lower wage there were substituted the minimum rate fixed under the Act.

(2) Any contract, whether made before or after the commencement of the Act, whereby a worker purports either to relinquish or reduce his right to a minimum rate of wage or any privilege or concession accruing to him under the Act shall be null and void in so far as it purports to reduce the minimum rate of wage fixed under the Act.

14. Display of the minimum rate of wages.---(1) All employers for whose workers minimum rate of wages have been fixed under the Act, shall display in a conspicuous place preferably at or near the main entrance of the factory, commercial establishment and industrial establishment, a notice, in English or Urdu and in the language of majority of the persons employed therein, giving the minimum rates of wages fixed.

(2) In respect of home based workers, the notice under sub-rule (1) shall be displayed on a place, usually used for giving work to them.

Part-III

Inspection

15. Inspectors.--- (1) In the performance of his duties under the Act, the Inspectors shall have the following powers, namely:

- (a) to enter at any time any premises which any employer of workers to whom minimum rates of wages fixed under the Act apply, carries on his business and to require the production for examination of any register, wage books, records or payments made to home or based workers by persons giving work and any other records or documents relating to the calculation or payment of wages, and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of the Act; and
- (b) to examine, as he thinks fit, with respect to any matter under the Act, any person whom he has reasonable cause to believe to be or to have been a worker to whom minimum rate of wage applies or was applicable or the employer of any such person or a servant or agent of the employer employed in the employer's business, and to require every such person to be so examined and sign a declaration of truth of the matters in respect of which he is so examined.

(2) No person shall be appointed to be an Inspector, or shall continue to hold office, who is or becomes directly or indirectly interested, commercial establishment and industrial establishment or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

Part-IV

Miscellaneous

16. Register and record.---(1) Every employer shall maintain at the place of employment in respect of any commercial establishment or industrial establishment, as the case may be, for which minimum rates of wages have been fixed under the Act, a minimum wage register in **Form-A**.

(2) Every employer shall issue to every worker employed in any commercial establishment or industrial establishment, as the case may be, in respect of which minimum rates of wages have been fixed under the provisions of the Act, a wage slip in **Form-B**.

(3) Every employer shall obtain the signature or the thumb-impression of every worker on the wages register and the counter foil.

(4) Entries in the wage register and wages slips shall be authenticated by the employer or a person authorized by him in this behalf.

(5) The registers and records required to be kept under this rule as required for the effective application of the Act shall be preserved by the employer for at least three years after the last entry made therein.

17. Application for claims.--- Where a worker claims that he has been paid less than the minimum rate of wages applicable to him, the worker himself or any legal practitioner or any officer of a registered trade union authorized in writing to take action on his behalf or any Inspector or any other authorized official may submit the claim before the Authority and in the manner as provided under the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (Khyber Pakhtunkhwa Act No. IX of 2013) and these rules.

18. Repeal.--- The West Pakistan Minimum Wages Rules, 1962 are hereby repealed to the extent of the Province of Khyber Pakhtunkhwa.

FORM-A
[see rule 16(1)]

Minimum Wages Register

1. Name of commercial establishment or industrial establishment:
2. Address
3. Wage period

Sr. No.	Name of the Worker	Father's Name	Token or Ticket No.	Department	Category Designation	Rate of wage (if paid on piece rate the rate at which paid)	Cost of Living Allowance	Dearness Allowance	Adhoc Relief	Minimum rate of wages payable (Total of Columns 7, 8, 9 & 10)	No. of days the worker attended	No. of hours overtime worked	Amount of overtime wages earned	Gross wages payable	Amount of any deductions giving reasons for which deductions	Actual wages paid	Date of payment	Signature / thumb-impression of the of the Worker
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

Certificate: It is certified that the rates of wages and of the over-time work done by the workers have been fixed and paid without any discrimination on the basis of religion, political affiliation, sect, colour, caste, creed or ethnic background to the best of our knowledge and principle of equal remuneration for men and women workers for work of equal value has been maintained.

Signature (Employer)

FORM-B
[see rule 16(2)]

Wage Slip

1. Name of commercial establishment or industrial establishment:
.....
2. Address
3. Wage period

Name of the Worker	Father's Name	Department	Token or Ticker No.	Minimum rates of wages payable (in Rs.)	Amount of over-time wages earned (in Rs.)	Gross wages payable (in Rs.)	Deduction, if any (in Rs.)	Actual wage paid (in Rs.)	Date of Payment
1	2	3	4	5	6	7	8	9	10

Signature of the Employer
or a person on his behalf

Signature / Thumb Impression
of the Worker

Secretary
Government of the Khyber Pakhtunkhwa Labour
Department.