



# **KEYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, WEDNESDAY, 18<sup>th</sup> MAY, 2022.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA LABOUR DEPARTMENT

## **NOTIFICATION**

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

No.Ro/L.D/8-10/2021-22/1842.—. In exercise of the powers conferred by section 34 of the Khyber Pakhtunkhwa Shops and Establishments Act, 2015 (Khyber Pakhtunkhwa Act No. XX of 2015), the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

### **THE KHYBER PAKHTUNKHWA SHOPS AND ESTABLISHMENTS**

#### **RULES, 2021**

#### **CHAPTER-I**

#### **Preliminary**

1. **Short title and commencement.**—(1) These rules may be called the Khyber Pakhtunkhwa Shops and Establishments Rules, 2021.

(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 Shops and Establishments Act, 2015 (Khyber Pakhtunkhwa Act No. XX of 2015);
- (b) "Chief Inspector", "Deputy Chief Inspector" and "Inspector" mean respectively the Chief Inspector, Deputy Chief Inspector and Inspector appointed under section 26 of the Act;
- (c) "Department" means Labour Department of Government; and
- (d) "Form" means a Form appended to these rules.

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

**CHAPTER-II**  
**Weekly Holiday, Opening and Closing Hours**

3. **Weekly holiday.**---(1) In case, weekly holiday is allowed on any specific day in a week to all the workers, a notice in Form-I of the weekly holiday to be observed in the establishment shall be exhibited at a conspicuous place near the main entrance of the establishment and a copy thereof shall be intimated to the Chief Inspector, Deputy Chief Inspector or Inspector, as the case may be.

(2) The day observed as weekly holiday in respect of each worker, where it is not allowed on any specific day in a week to all the workers or otherwise, shall be reflected against each worker in the register of leaves maintained in Form-V.

(3) The opening and closing hours of an establishment shall be displayed at a conspicuous place near the main entrance of the establishment in Form-II.

**CHAPTER-III**  
**Employment, Working Hours and Wages**

4. **Register of employment, working hours and wages.**---Every employer shall maintain a register of employment, working hours and wages of all the employees in Form-III, for the purposes of the Act.

5. **Display of notice of wages period.**---The employer shall display, in a conspicuous place preferably at or near the main entrance of the establishment, a notice, in English or Urdu and in the language known to the majority of the persons employed therein, showing for not less than one month in advance, the wages period and the day on which wages are to be paid and a copy thereof shall be sent to the Chief Inspector, Deputy Chief Inspector or Inspector, as the case may be.

6. **Mode of payment.**---On the day mentioned under rule 5, the wages shall be paid as provided under section 6 of the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (Khyber Pakhtunkhwa Act No. IX of 2013) and the rules made there under.

7. **Verification of weighing machine.**---All weights, measures or weighing machines which are used in checking or ascertaining the wages of employees in an establishment, shall be verified at least biannually by an Inspector as appointed under the Weight and Measures Act 1976 who,-

- (a) may prohibit the use of any weight, measure or weighing machine which he finds incorrect; and

- (b) if considers that any action shall be taken under the Weight and Measures Act, 1976 in respect of such Weight and Measures or weighing machine, may seize the article in question and after recording his opinion send the seized article to the Competent Authority for such action as he may think fit.

#### **CHAPTER-IV**

##### **Procedure to be followed by Authority**

**8. Procedure of recovery.**---(1) The Authority shall follow the procedure, as laid down under the Khyber Pakhtunkhwa Payment of Wages Rules, 2018, for the recovery of amount as mentioned in sub-section (4) of section 15 of the Act.

(2) Application, under sub-section (1) of section 12 of the Act, shall be made in the forms prescribed and procedure laid down under the Khyber Pakhtunkhwa Payment of Wages Rules, 2018.

**9. Determination of Wages.**---(1) If, there is a controversy between the employer and a particular category of person employed with regard to rates of wages, the Authority, on the request of such person, may determine the rates of wages payable to him.

(2) No order for determination of rates of wages under sub-rule (1), shall be passed unless the respective employer has been given an opportunity of hearing.

(3) The order passed, under sub-rule (1), shall be effective to the extent of individual person employed and not be taken as declaration for all workers belonging to the said particular category.

#### **CHAPTER-V**

##### **Procedure to be followed in Appeal**

**10. Procedure of Appeal.**---(1) An appeal shall be preferred in the form of a memorandum, setting forth concisely the grounds of objection to the order dismissing either wholly or in part an application made under sub-section (1) of section 15 or a direction made under sub-section (2) or sub-section (3) of section 12, as the case may be, and shall be accompanied by: -

- (a) a certified copy of the said order or direction; and
- (b) a certificate of the Authority to the effect that the appellant has deposited with the Authority the amount payable under the order or direction appealed against.

(2) When an appeal is lodged, a notice shall be issued to the respondent

in Form-IV.

(3) The Court, after hearing the parties and after such further inquiry, if any, as it may deem necessary, may confirm, vary, or set aside the order or direction from which the appeal is preferred, and shall make an order accordingly.

**11. Finality of the direction of the Authority.**--- If no appeal is preferred before the Labour Court within the stipulated time of thirty days, the direction of the Authority shall be final from the date on which the limitation period of appeal is expired.

## CHAPTER-VI Leaves

**12. Annual leave.**---An employee, desiring to obtain annual leave, shall apply well in time to the employer who shall issue order on the application in accordance with his entitlement and shall convey such order in writing to him at least two days prior to the commencement of such leave.

**13. Casual leave.**---Ordinarily the prior sanction of the employer shall be obtained on an application for casual leave before such leave is availed of by an employee; provided that where the circumstances are such that it is not possible for the employee to obtain such prior sanction, he shall inform his employer, as soon as may be, practicable about the fact of his absence.

**14. Festival holidays.**---The employer shall display, in a conspicuous place preferably at or near the main entrance of the establishment, a notice, in English or Urdu and in the language known to the majority of the persons employed therein, showing the list of festival holidays to be observed in the establishment and a copy thereof shall be sent to the Chief Inspector, Deputy Chief Inspector or Inspector, as the case may be.

**15. Register of leaves.**---The employer shall, for the purpose of the Act and these rules, maintain a register of leaves as specified in **Form-V**.

## CHAPTER-VII Guarding of machinery

**16. Fencing and guarding of machinery.**--- All the machinery mechanically or electrically propelled in an establishment shall be guarded in the following manner, namely,-

- (a) the following parts of transmission machinery shall be securely fenced if in motion and within reach of the employees:
  - (i) all shafts, couplings, collars, clutches, toothed wheels, pulley driving straps, chains and ropes, except such as are, in the opinion of the Inspector, by construction or position equally safe to every person employed in the establishment as they would be securely fenced or guarded;

- (ii) all projecting set screws, keys, nuts or bolts on revolving parts, except such as are counter-sunk or otherwise made equally safe; and
- (iii) the underside of all heavy overhead main driving belts or ropes if there is any probability of persons having to pass under them;
- (b) the parts of machine tests shall be securely fenced i.e. back gears and change wheels of lathes, the back and level gearing of drilling machines, and the gear wheels of planning, shaping, allotting and milling machines which are within six feet of any spot on which any persons may have to stand or on which any person may have to pass in the course of his employment;
- (c) every platen machine and guillotine cutting machine in a printing work shall be fitted with an efficient finger guard;
- (d) all emery wheels and tool grinding machines shall be fitted with strong iron-hood guards and shall have a plate glass shield so fitted as to prevent flying particles from entering into the operators' eyes;
- (e) all circular saws of more than six inches in diameter shall be provided with a strong metal-hood guard with a riving knife at the back of the saw;
- (f) all hand saws shall be fitted with expanded metal cage guards enclosing the upper half of the machine. The saws under the table shall also be completely guarded;
- (g) all electrical circuits or parts of such circuits or any object electrically connected with them, whether commonly or occasionally in an electrified condition, which by reason of their position could cause injury to any person, shall be protected adequately, either by non-metallic fencing or insulation or by both, in such manner as to remove danger of injury:  

Provided that any conditions or combinations of conditions which are subject to any objection under any other law for the time being in force shall not be accepted in any case as adequate;
- (h) safety colored glasses shall be provided to the workers operating on welding plants; and
- (i) all the pumps, pipes, hoses, electrical wiring, saws and cutting machines, batteries and welding machines, air conditioning and refrigeration and other processes performed by using various types of machines should be properly guarded and maintained in safe working condition.

**CHAPTER-VIII**  
**Maintenance of record and registers**

17. **Production of record for inspection.**---The employer shall be responsible for the proper maintenance of attendance register in Form-VI and all other registers and records prescribed under these rules and shall produce or cause to be produced the same for inspection when so desired by the Chief Inspector, Deputy Inspector or Inspector, as the case may be.

**CHAPTER-IX**  
**Inspection**

18. **Duties of Inspector.**---(1) For ensuring due observance of the provisions of the Act and these rules, the Inspector shall inspect the establishments, within the area of his jurisdiction, the registers and other records required to be maintained by them, and may call for such other information from the employer of any such establishment, as he may deem necessary.

(2) The Inspector, during the course of inspection of an establishment, shall make sure that all the machines, wires, pipes and hoses, pumps and other equipments are properly guarded and are in safe and risk-free working condition and the workers are provided with all the necessary safety tools and kits for their safety and protection and that proper safety procedures are adopted.

(3) Every Inspector shall submit a weekly report to the Deputy Chief Inspector of his area in duplicate showing the names and particulars of the establishments so inspected, irregularities detected, the action proposed to be taken in Form-VII and such other information or particulars as may be directed by the Chief Inspector from time to time.

19. **Duties of Deputy Chief Inspector.**---(1) The Deputy Chief Inspector shall forward the duplicate copy of the Inspector's report submitted by the Inspector concerned, along with his observations, if any, to the Chief Inspector for his information.

(2) The Deputy Chief Inspector shall inspect the establishments already inspected by the Inspectors or otherwise for super inspection as directed by the Chief Inspector and shall submit a monthly report in Form-VIII to the Chief Inspector for his information.

20. **Inspection Book.**---(1) In every establishment, the employer shall maintain an Inspection Book in Form-IX.

(2) The Deputy Chief Inspector or the Inspector, as the case may be, shall record their observations while making inspection of the establishment in the inspection book immediately as soon as the inspection is completed.

**CHAPTER-X**  
**Miscellaneous**

**21. Lighting.**—(1) In every part of an establishment, where employees are working or passing thereby, shall be provided and maintained sufficient and suitable lights.

(2) Emergency lighting on special points in work rooms and passages, shall be maintained to function automatically in case of failure of ordinary lighting system.

**22. Drinking water.**—In every establishment, effective arrangements shall be made to provide and maintained at suitable points convenient for all employees, a sufficient supply of safe drinking water legibly marked as "Drinking Water".

**23. Spittoons.**—In every establishment, there shall be provided at convenient places, as deemed appropriate by the employer, a sufficient number of spittoons which shall be maintained in a clean and hygienic condition.

**24. Over crowding.**—(1) No work room in an establishment shall be over crowded to an extent injurious to the health of the employees working therein.

(2) Without prejudice to the generality of the provision of sub-rule (1), there shall be provided for every employee, employed in a work room at least three hundred cubic feet of space.

**Explanation:** For the purpose of this rule, no account shall be taken of a space, which is more than fourteen feet above the level of the floor of the room.

**25. Latrines and urinals.**—(1) In every establishment, sufficient latrines and urinals as provided under sub-rule (3), shall be provided conveniently suited and accessible to the employees at all time, while they are in the establishment.

(2) Latrines and urinals shall be provided separately for the male and female employees specifically marked as "For Male" and "For Female".

(3) Where there are less than twenty employees in each category of male and female, there shall be one latrine and one urinal for each category and in case of more than twenty employees, one latrine and one urinal for each twenty employees in each category.

(4) All such latrines and urinals shall be adequately lighted, ventilated and cleaned and provided with water flush connected with a water-borne sewerage system.

(5) Every latrine or urinal shall not be connected with any work room except through the open air or through an intervening ventilated space.

**26. Repeal.**— The Khyber Pakhtunkhwa West Pakistan Shops and Establishments Rules, 1969, are hereby repealed to extent of the Province of Khyber Pakhtunkhwa.

**FORM-I**  
[see rule 3(1)]

**Notice of weekly holiday**

1. Name of establishment:.....
2. Address: .....
3. Registration Certificate No. ....

Intimation is hereby given that with effect from. .... the establishment shall observe ..... day as weekly holiday for all the employees.

*(Signature of the Employer)*

  

---



**FORM -II**  
**[see rule 3(3)]**

- (a) Opening Time: .....
- (i) First Period: From: ..... To: .....
- (ii) Interval: From: .....To: .....
- (iii) Second Period: From: .....To: .....; and
- (b) Closing Time: .....

FORM-III  
[see rule 4]

Register of Employment, Working Hours and Wages

<p><b><u>Particulars of establishment</u></b></p> <p>1. Name of the establishment: .....</p> <p>2. Address: .....</p> <p>3. Name of Employer: .....</p> <p>4. Registration No. .....</p> <p>5. Year: .....</p> <p>6. Month: .....</p>	<p><b><u>Particulars of Employee</u></b></p> <p>1. Name of the Employee: .....</p> <p>2. Father's Name: .....</p> <p>3. Age: .....</p> <p>4. Date of Employment: .....</p> <p>5. Designation with Nature of Work: .....</p> <p>6. Nature of Employment: .....</p> <p>7. Rate of Wages: .....</p> <p>8. Mode of Payment of Wages: ..... (Time rate or piece rated)</p> <p>9. Wage Period: .....</p>
---	--

Hours of Work			Intervals for rest or meals		Hours Worked with the Employer	Overtime		Remunerations Due					Authorized Deductions	Advance paid			Balance	Amount Paid	Date of Payment
Date	From	To	From	To		From	To	Wages earned	Basic salary / wage	Overtime	Other allowances if any	Total		Date	Amount	Total			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

(Signature of the Employee)

(Signature of the Employer)

**FORM-IV  
[see rule 10(2)]**

**Notice to respondent for hearing of the Appeal under section 13 of the Act.**

Appeal arises from the decision / order / direction of the Authority for the  
..... Area,

Dated the .....day of ..... 20.....

**Respondent**

To

.....  
.....

Take notice that an appeal of which a copy is enclosed arises from the decision / order / direction dated ..... of the Authority for ..... Area in a Case No. ...., titled as ..... Versus. .... has been presented by ..... (and others), and registered in this Court, and that the ..... day of 20..... has been fixed by this court for the hearing of the appeal.

If no appearance is made on your behalf by yourself, or by someone by law authorized to act for you this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the court, this .....day of .....20...

**(Authorize Signatures)**

**Seal of the Judge  
Court**

-----

**FORM-V**  
[see rules 3(2) and 15]

**Register of leaves**

**Particulars of establishment**

1. Name of the establishment:  
.....
2. Address:  
.....
3. Name of Employer:  
.....
4. Registration No.  
.....
5. Year: .....
6. Month: .....

**Particulars of Employee**

1. Name of the Employee:  
.....
2. Father's Name:  
.....
3. Age: .....
4. Date of Employment:  
.....
5. Designation with Nature of Work:  
.....
6. Nature of Employment:  
.....
7. Rate of Wages:  
.....
8. Weekly Holiday:  
.....

Annual Leave							Causal Leave				Sick Leave				Leave Accumulated	Signature or thumb impression of employee	Remarks				
Date of Application	Date of Sanction	Leave applied		Balance	Leave accumulated	Amount paid in lieu of leave	Date of Application	Date of Sanction	Leave Sanctioned		Balance	Date of application	Date of Sanction	Leave Sanctioned				Balance			
1	2	From	To	5	6	7	8	9	From	To	11	12	13	14	From	To	17	18	19	20	

(Signature of the Employer)

-----

FORM-VI  
[see rule 17]

Attendance Register

Shift .....

Month \_\_\_\_\_/Year \_\_\_\_\_

Serial No.	Name of the worker Father's name	Designation	Attendance																															Signature of the manager
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	

**FORM-VII**  
[see rule 18(3)]

**Weekly Report by the Inspector**

1. Name of the Inspector: .....
2. District: .....
3. Area of Jurisdiction: .....
4. Weekly Report for week ending: .....

Sr No.	Name of Establish ment Inspected	Date of Inspect ion	Registra tion No.	No. of Employee s		Violations Detected		Acti on Tak en	No. of Prosecut ions lodged
				Ma le	Fem ale	Enact ment	Secti on		
1	2	3	4	5	6	7	8	9	10

(Signature of Inspector)

No. .... Dated: .....

Copy to:

The Deputy Chief Inspector ..... area

-----

**FORM-VIII**  
[see rule 19(2)]

**Monthly Report by the Deputy Chief Inspector**

1. Name of the Deputy Chief Inspector: .....
2. District: .....
3. Area of Jurisdiction: .....
4. Monthly Report for the month of: ..... Year .....

Sr. No.	Name of Establishment Inspected	Date of Inspection	Date of Inspection by the Inspector	Registration No.	No. of Employees		Violations Detected		Action Taken	Observations
					Male	Female	Enactment	Section		
1	2	3	4	5	6	7	8	9	10	11

(Signature of Deputy Chief Inspector)

No. .... Dated: .....

Copy to:

The Chief Inspector ..... area

-----

**FORM-IX**  
[see rule 20(1)]

**Inspection Book**

1. Name of the establishment: .....
2. Address: .....

<b>Sr. No.</b>	<b>Date of Inspection</b>	<b>Name and Designation of Inspecting Officer</b>	<b>Irregularities Noticed or otherwise findings</b>
1	2	3	4

(Signature of the Inspecting Officer)

-----

**SECRETARY TO  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA,  
LABOUR DEPARTMENT.**