

Regulating the Platform Economy in Pakistan

What are Digital Labour Platforms?

Digital labour platforms facilitate work using digital technologies to 'intermediate' between individual suppliers (platform workers and other businesses) and clients or directly engage workers to provide labour services. The work undertaken on these platforms is also commonly referred to as "platform work" or "gig work". This new form of work is also called gig economy or platform economy.

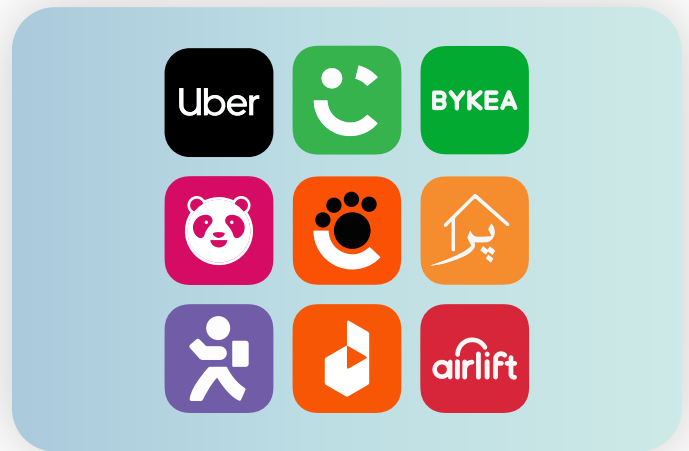
There are two main types of digital labour platforms that mediate work: (a) online web-based platforms, where tasks are performed online and remotely by workers and are allocated to a crowd (on microtask and competitive programming platforms) or individuals (on freelance and contest-based platforms). It includes software development, data entry, translation services, etc. Examples are Upwork, Fiverr, and Freelancer; (b) location-based platforms, where tasks are performed at a specified physical location by individuals such as taxi drivers and delivery workers. Activities include transportation, food delivery and home services.

The business model of these digital labour platforms is based on algorithm-based technologies allowing the efficient matching of supply and demand for labour or services. With their ease of entry, these platforms offer opportunities to people, especially the young, women, and those with limited skills, to make a living or earn additional income.



What is the current state of the platform economy in Pakistan?

There are more than a dozen digital labour platforms active in Pakistan. These include international companies (like Uber, Careem, Foodpanda) as well as small national (like Airlift, Jovi) or local (like Gharpar) start-ups. These platforms provide "on-location" services. Conservative estimates indicate that nearly 0.5 million workers are engaged through digital labour platforms in Pakistan. With the increase in digital connectivity and lack of employment opportunities elsewhere, the number of platforms and the corresponding number of workers shall increase in the coming years.



What are the major challenges this legislation aims to tackle?

The draft legislation aims to improve working conditions in the platform economy and, at the same time, support the opportunities, innovation and flexibility the platform economy offers.

The challenges facing the platform economy workers range from the misclassification of their employment status to a lack of transparency and predictability of their contractual arrangements, health and safety risks and inadequate access to social protection.

The legislation also deals with the jurisdictional challenge by requiring that digital labour platforms operate under the jurisdiction of local labour law.

The draft legislation aims to:

- Correctly determine the employment status of platform workers through a set of clear criteria, giving them access to existing labour and social rights, including the right to a minimum wage, working hours, overtime, paid annual leave, collective bargaining, health protection, occupational injury benefits, unemployment and sickness benefits, as well as old-age pensions;
- Provide more transparency, rights and accountability with regards to algorithmic management on digital labour platforms by helping workers better understand the task allocation and price-setting mechanism, and enabling them for bringing disputes against the platforms.



What are the main elements of the legislation?

The draft legislation provides a list of criteria to determine whether a digital labour platform exercises control over a person and whether the person should be presumed to be a worker. If platforms fulfil at least two of the following five criteria, these are considered employers:

- Determining the level of remuneration or setting upper limits;
- Supervising the performance of work through electronic means;
- Restricting the freedom to choose one's working hours or periods of absence, to accept or to refuse tasks or to use subcontractors or substitutes;
- Setting specific binding rules with regard to appearance, conduct towards the recipient of the service or performance of the work;
- Restricting the possibility to build a client base or to perform work for any third party.

The draft legislation establishes certain rights for platform workers who are subject to algorithmic management. Platform worker and their representatives are provided with the necessary information about how their work and assignments are allocated, and accounts are rated or terminated or deactivated.

What is algorithmic management, and what are the rights proposed in current legislation?

Algorithmic management refers to information technology-driven automated monitoring and decision-making systems. This replaces the functions of traditional managers in businesses, e.g., in allocation of tasks, monitoring and evaluation of the work performed, provision of incentives or imposition of sanctions. The digital labour platforms use algorithms to organise and manage platform workers through their applications or websites. The platform workers lack information about how the algorithms work and decisions are taken. The legislation aims to:

- **Increase transparency:** Platform workers will have the right to be informed by digital labour platforms about the automated monitoring and decision-making systems in use and how they affect their working conditions.
- **Protect personal data:** Digital labour platforms will not collect or process any personal data that is not directly related to the work performed (data about worker's physical or psychological well-being of the worker). They will also not be allowed to collect data while the person is not logged into the relevant app or the website.



What will be the impact of the proposal on businesses?

The legislation will also benefit digital labour platforms by bringing legal certainty for their business across the country and supporting their sustainable growth. Most of these are trans provincial entities, working in more than one province. However, considering the fact that labour legislation is a provincial subject after the 18th Constitutional Amendment, the draft legislation is recommended only for the Islamabad Capital Territory which can be referred to as framework legislation, to be used by the provincial legislatures as a model to follow.

What would platform workers get on enactment of this legislation?

1. Right to employment contract in Urdu
2. Right to a minimum wage (general or sector specific)
3. Premium wages for working overtime, night hours, unsocial hours, during inclement weather, and on public holidays
4. Right to paid annual leave
5. Protection from discrimination and harassment at work
6. Right to various social protection benefits under EOBI and ESSI
 - a. Old age pensions
 - b. Employment injury benefits
 - c. Sickness benefits
7. Right to occupational safety and health
8. Right to freedom of association and collective bargaining
9. Access to Works Councils





Islamabad Capital Territory Platform Workers Protection Bill, 2022

A Bill

to provide for the regulation of working conditions and protection of the rights of persons performing platform work, mediated through the digital labour platforms

WHEREAS it is expedient to formulate a law for ensuring basic labour protections for the platform workers, bringing them into the coverage of social protection and devising a mechanism for settlement of disputes between platform workers and digital labour platforms and matters ancillary thereto.

It is hereby enacted as follows:

1. Short title, extent and commencement

- (1) This Act shall be called the **Islamabad Capital Territory Platform Workers Protection Act, 2022**.
- (2) It extends to the whole of the Islamabad Capital Territory.
- (3) It shall apply to all digital labour platforms providing on-location services, regardless of where the digital labour platform is registered or incorporated.
- (4) It shall come into force at once.

2. Definitions

In this Act, unless there is anything repugnant in the subject or context:

- (i) "Active hours" means the hours that a platform worker is logged in to the platform application and includes the working and waiting hours;
- (ii) "contractor" means a person, natural or legal, who agrees to carry out an assignment for an economic gain for themselves or for the benefit of the digital labour platform and includes any sub-contractor or intermediary between the digital labour platform, contractor and the platform worker;
- (iii) "contribution" means the sum of money payable to the Islamabad Capital Territory Employees Social Security Institution (IESSI) as determined and prescribed by the Governing Body of the IESSI in respect of platform workers as envisaged under special social protection schemes prepared by IESSI and Employees Old-Age Benefits Institution (EOBI);
- (iv) "child" means a person who has not attained the age of eighteen years;
- (v) "department" means the Islamabad Capital Territory Labour Department;
- (vi) "dependents" means a wife or a needy husband, dependent parents and any unmarried child under the age of eighteen years in case of son and twenty-one years or marriage whichever is earlier in case of daughter dependent upon the insured person and a disabled child for life or recovery whichever is earlier;
- (vii) "Digital labour platform" means any natural or legal person providing a commercial service which meets all of the following requirements:
 - (a). it is provided, at least in part, through a website or a mobile application;
 - (b). it is provided at the request of a recipient of the service, in exchange for payment;
 - (c). it involves, as a necessary and essential component, the organization of work performed by individuals at a certain location.
- (viii) "disablement" means a condition caused by an employment injury during the course of employment or engagement for work which, as certified by a medical practitioner authorized for the purpose as shall be provided in the rules, has permanently reduced

or is likely to reduce permanently an insured person's earning capacity. The disablement shall be "minor" where the loss of earning capacity is less than twenty per centum, "partial" where the loss of earnings capacity ranges from twenty-one per centum to sixty-six per centum and "total" where the loss of earning capacity is in excess of sixty-six per centum;

- (ix) "discrimination" means any distinction, exclusion or preference made on grounds such as sex, religion, gender, caste, ethnic background, race, colour, creed, sect, age, language, marital status, pregnancy and maternity, disability, trade union membership, gender identity, political opinion, residence, and place of birth, which has the effect of nullifying or impairing equality of opportunity or treatment in the world of work;
- (x) "dispute" means any dispute or conflict between a platform worker and a digital labour platform concerning rights provided under this Act;
- (xi) "employer" in relation to a digital labour platform means any person or body of persons, whether incorporated or not, who or which enters into an arrangement to provide work either directly or indirectly or through any contractor, sub-contractor or intermediary any platform worker under an agreement of employment or service agreement, whether written or oral, implied or express and shall include any agent, manager or representative provided that at least two of the following conditions are met:
 - (a). The digital labour platform effectively determines or sets the limits for the level of remuneration;
 - (b). The digital labour platform requires the person performing platform work to respect specific binding rules with regard to appearance, and/or conduct towards the recipient of the service or performance of the work;
 - (c). The digital labour platform supervises the performance of work or verifies the quality of the results of the work, including by electronic means or customer reviews;
 - (d). The digital labour platform effectively restricts the platform worker, including through sanctions, in organising work, in particular, the discretion to choose the working hours or periods of absence, to accept or to refuse tasks or to use subcontractors or substitutes; and
 - (e). The digital labour platform effectively restricts platform workers from building a client base or performing work for any third party.
- (xii) "employment injury" means a personal injury to a platform worker caused by accident or by such occupational diseases as may be specified in the rules, arising out of and in the course of employment;
- (xiii) "Government" means the Islamabad Capital Territory Administration;
- (xiv) "harassment" unwanted verbal or non-verbal conduct that is not of a sexual nature but which is related to the education, language abilities, colour, caste, domicile, religion, creed, political opinion, age, gender, sex, race, socio-economic status or disability of a worker with the purpose or effect of violating the dignity of such worker or of creating an intimidating, hostile, degrading, humiliating or uncomfortable environment for such a worker.
- (xv) "intermediary" means a person or a legal entity or a body corporate who contracts on behalf of the digital labour platform with a sub-contractor for an economic profit all or part of a job to which the subcontractor has agreed to perform, for the benefit of the digital labour platform;
- (xvi) "insured person" means a platform worker who is registered with EOBI and/or IESSI under special social protection schemes for platform workers;

- (xvii) "invalidity" means a condition, other than that caused by an employment injury, as a result of which an insured person is permanently incapacitated to such an extent as to earn from their usual or other occupation more than one-third of the normal rates of earning in their usual occupation;
- (xviii) "platform work" means a work arrangement outside of a traditional employer-employee relationship in which organizations or individuals use a digital labour platform to access other organizations or individuals to solve specific problems or to provide specific services, including but not limited to ride-hailing, delivery, domestic and care services or any such other activities which may be notified by the Government from time to time, in exchange for payment;
- (xix) "Platform worker" means a person who performs work or participates in a work arrangement through a digital labour platform and earns income from such activities while performing work at a certain location;
- (xx) "prescribed" means prescribed by rules made under this Act;
- (xxi) "rules" means the rules made under this Act;
- (xxii) "sexual harassment" means any unwelcome sexual advance, request for sexual favours, stalking or cyberstalking or other verbal, visual or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish a platform worker for refusal to comply to such a request or is made a condition for employment;
- (xxiii) "sub-contractor" means a person, natural or legal, who contracts with a primary contractor to perform, for an economic profit all or part of a job to which the primary contractor has agreed to perform, for the benefit of the digital labour platform
- (xxiv) "victimization" means any act or omission by the digital labour platform or a person acting on behalf of the platform that affects, to the platform worker's detriment, of such platform worker with respect to any term or condition of their employment
- (xxv) "wages" means remuneration payable in cash, payable through banking instruments to a platform worker, not being less than the minimum rates of wages declared under the Minimum Wages Ordinance, 1961 (XXXIX of 1961) without taking account of deductions for any purposes, under a contract of service or contract for service, expressed or implied and shall be deemed to include any dearness allowance or other addition in respect of the costs of living;
- (xxvi) "Workplace" means the place of work or any place where services are rendered or performed by platform workers, including but not limited to ride hailing and delivery vehicles, private homes, and other places where the activities are carried out and includes any situation that is linked to work.

3. Establishment of Platform Workers Protection Council

The Government shall establish and notify a Platform Workers Protection Council under the administrative control of Islamabad Capital Territory Labour Department and chairpersonship of the head thereof. It shall comprise not more than fifteen members with representation from the Ministry of Interior, Ministry of OP&HRD, Ministry of Information Technology and Telecommunication, Islamabad Traffic Police, National Commission on the Status of Women, digital labour platforms, platform workers' representatives, independent experts, and civil society organizations working on protection of the rights of platform workers.

4. Functions of Platform Workers Protection Council

- (1) In addition to the functions entrusted to it by the other provisions of this Act or by the rules, the Council shall monitor and oversee the: -

- (i). identification and mapping of platform workers by the Islamabad Capital Territory Labour Department in different economic sectors and geographical areas of Islamabad Capital Territory;
 - (ii). registration of platform workers and digital labour platforms by the Islamabad Capital Territory Labour Department in the manner prescribed by rules;
 - (iii). registration of digital labour platforms;
 - (iv). maintenance of record of registration of platform workers by platforms in the manner prescribed by rules; and
 - (v). provision of information to the platform workers and digital labour platforms concerning rights and responsibilities under this Act.
- (2) The Council shall coordinate with concerned institutions and authorities to facilitate:
- (i). in the initiation of special social protection schemes by IESSI and EOBI;
 - (ii). in fixation of minimum wage for different categories of platform workers by the Minimum Wage Board established under the minimum wages law in force in Islamabad Capital Territory.

5. Right to Employment Contract

- (1) Every engagement of a platform worker shall be subject to the issuance of an employment contract in the prescribed manner, both in English and Urdu, showing the terms and conditions of their employment, including nature of work, name and addresses of all the parties to the contract who shall be subject to the local legal jurisdiction under the local labour laws. The contract shall be accessible to the platform workers at all times in the mobile application of the digital labour platform. The contents of the employment contract shall be verbally explained to the worker in plain local language.
- (2) The contract shall specify wages, method of calculation and periodicity of payments, terms and conditions relating to termination, including deactivation or penalties, and whether the contract is temporary or permanent.
- (3) Arbitration clauses that place unreasonable burdens on platform workers or have the effect of nullifying the enforcement of platform workers' rights, as guaranteed under this Act, shall be null and void.
- (4) The digital labour platform shall notify workers of the proposed changes to the contract in a reasonable timeframe. The changes shall take effect only once these have been communicated to the Works Council and its advice has been taken into account. Contract changes that reverse existing accrued benefits and reasonable expectations on which workers have relied shall be null and void.
- (5) The contract shall not include clauses which exclude liability for negligence or unreasonably exempt the platform from any liability, nor clauses that prevent workers from effectively seeking redress for grievances arising from the working relationship.
- (6) The provisions on extension and termination of employment contracts for platform workers shall be prescribed under rules.
- (7) No child under the age of eighteen years shall be allowed to work in platform work in any capacity.

6. Right to Equal Treatment

- (1) A digital labour platform shall ensure that no platform worker is subjected to **direct or indirect** discrimination, harassment or sexual harassment.
- (2) A digital labour platform shall protect workers against discrimination by customers or users by disallowing requirements by customers or users which would have the effect of discriminating directly or indirectly against workers on any of the grounds mentioned in subsection (1).

- (3) Where persons from a disadvantaged group are significantly under-represented among its workers, the platform shall seek to identify and remove barriers to access by persons from that group, in consultation with the Works Council.

7. Right to Social Protection.

- (1) The platform workers shall be registered with the IESSI and EOBI. The benefits for the platform workers shall include old-age benefits, old-age grant, survivors' benefits, invalidity benefits as are provided under the Employees Old-Age Benefits Act, 1976 (xiv of 1976) or the law in force in the Islamabad Capital Territory and sickness benefits and medical care during sickness and medical care of dependents, injury benefits, disablement pension and survivor's pension as are provided under the Provincial Employees Social Security Ordinance, 1965 (W.P. Ordinance x of 1965) or the law in force in the Islamabad Capital Territory and the special rules made thereunder for platform workers, leading to the launch of separate social security schemes for platform workers.
- (2) The level of benefits, contribution rates and qualifying conditions shall be determined under EOBI and special IESSI schemes for platform workers.

8. Right to Freedom of Association

Platform workers shall have the right to form and join organizations or unions of their own choice and the right to collective bargaining, as provided under the Industrial Relations Act 2012.

9. Works Council

- (1) Every digital labour platform having work arrangement with 100 or more platform workers shall constitute, in the prescribed manner, a work council consisting of equal representatives of the platform and the platform workers.
- (2) The Works Council shall function for securing and preserving good labour management relations and shall look after the following matters:
 - (i). laying down the principles of remuneration and introduction of new remuneration methods;
 - (ii). settlement of differences and disputes through bilateral negotiations;
 - (iii). measures for facilitating good and harmonious working conditions in the establishment;
 - (iv). vocation training.
- (3) The management shall not take any decision in the following matters without the consultation in writing with the workers' representatives:
 - (i). framing of service rules and policy about the discipline of workers;
 - (ii). in-service training of workers;
 - (iii). regulation of daily working hours and breaks;
 - (iv). setting premium rates for work during unsocial hours, night hours and inclement weather;
- (4) The digital labour platform shall provide information to the Works Council regarding parameters, rules and instructions on which the algorithms or artificial intelligence

systems are based that may affect working conditions, access and maintenance of employment, including profiling of platform workers.

The workers' representatives may, on their own initiative, give advice in writing concerning the matters specified in sub-section (2) and, where they do so, the management shall convene a meeting of the Council within two weeks of the receipt of the advice to discuss its merits.

- (5) The management shall give reply to the workers' representatives within six weeks of the receipt of their advice given under sub-section (2) or sub-section (3), and any such advice shall not be rejected except by the person holding the highest position in the management of the establishment.
- (6) The Works Council may call for reasonable information about the working of the platform from its management, and the management shall supply the information called for by the Council.
- (7) The Works Council shall meet at such intervals as may be prescribed.

10. Working hours and holidays

- (1) No platform worker shall be required to work for more than eight hours in a span of twenty-four hours. The weekly working hours shall not exceed forty-eight hours per week.
- (2) The maximum active hours of work for platform workers in a week shall not exceed fifty-six hours. For working hours beyond 48 hours per week, the digital labour platform shall pay wages at least at the rate of one and one-quarter time (125%) the ordinary rate. For platform workers working during the night hours (09:00 pm to 05:00 am), the digital labour platform shall pay wages at least at the rate of one and one-tenth (110%) of the ordinary rate. For platform workers working during inclement weather, the digital labour platform shall pay wages at the rate of at least 105% of the ordinary rate. For platform workers working on gazetted holidays, the digital labour platform shall pay wages at the rate of at least 130% of the ordinary rate.
- (3) Every platform worker shall be entitled to a holiday of at least twenty-four consecutive hours in a seven-day period.
- (4) Every platform worker shall be allowed annual leave in a prescribed manner with average wages for a period of fourteen calendar days after having worked through the digital labour platform for 2496 hours.
- (5) Every platform worker shall be entitled to sick leave in a prescribed manner with average wages for a total period of eight days in a year on a pro-rata basis.
- (6) No child under the age of eighteen years shall be allowed to work in platform work in any capacity.

11. Wages

- (1) A platform worker shall be paid such wages within such period of time as may be specified in the employment contract, but such wages shall in no case be less than the minimum wages specified by the Government under the minimum wage legislation, applicable in the Islamabad Capital Territory. The digital labour platform shall determine separate hourly rates under active hours, for actual working and waiting hours, **provided** that the hourly rate for waiting hours shall not be less than three-fifths of the hourly minimum wage rate, applicable in the Islamabad Capital Territory.

Provided further that the actual wages earned for active hours shall not be less than the applicable minimum wages.

- (2) The digital labour platform shall pay wages to the platform worker at regular intervals of not more than a fortnight.
- (3) All wages shall be paid to the platform workers in a prescribed manner.
- (4) No digital labour platform shall pay to a platform worker, wages payable, at the rates less favourable than those at which wage is paid to the platform workers of the opposite sex performing the same work or work of a similar nature or of equal value.
- (5) There shall be no deduction from the wages of a platform worker except in the following cases:
 - (i). payment of tax or contribution in the amount to be paid by the platform worker;
 - (ii). compensation for loss to the digital labour platform due to the platform worker's willful act or gross negligence, with written consent to be obtained from the platform worker;
 - (iii). other payments as specified by law or rules;
 - (iv). The deduction under sub-section 5(b) and 5(c) of section 11 shall not be more than 15% of the wages the platform worker is entitled to receive during each wage-period.
- (6) The deduction for payment of income tax or contribution by platform workers to social protection schemes shall be in line with the rates notified by the respective institutions.

12. Digital labour platform's responsibilities with regard to occupational safety and health.

- (1) Every digital labour platform shall:
 - (i). take all possible and reasonably practicable measures to ensure the safety and health of the employees at the workplace;
 - (ii). ensure systematic and effective identification of the existing and new hazards at the workplace on a regular basis;
 - (iii). inform the platform workers in an understandable manner and in an accessible written form, before any work commences, the hazards associated with their work, risks involved, and the preventative and protective measures that need to be taken;
 - (iv). provide such information, instructions and training, as is necessary to ensure occupational health and safety of workers;
 - (v). provide adequate protective clothing and protective equipment as may be approved by the Government to the platform workers, without any cost to them, if hazards cannot otherwise be eliminated or controlled, in order to prevent every risk of harm and of adverse effects on health;
 - (vi). maintain in the general register particulars of all accidents including dangerous occurrences, commuting accidents and suspected cases of occupational diseases at the workplace and submit the extracts thereof to the Government;
- (2) Occupational safety and health measures shall not involve any expenditure for the workers.
- (3) The digital labour platforms engaged in food delivery shall agree with the food service establishments, including restaurants and cafés however excluding private homes, to allow the use of toilet facility on the premises of such food service establishments by the platform workers when they are there to pick up such establishment's food or beverage for consumer delivery. The rules shall further prescribe the use of toilet facilities by platform workers.

13. Duties of Platform Workers

(1) Every platform worker shall ensure:

- (i). reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at the workplace without willfully doing anything to endanger themselves or other persons;
- (ii). proper use of any protective clothing and protective equipment;
- (iii). their escape from the place of imminent and serious danger and report forthwith to the digital labour platform of such situation

Provided that a platform worker who has removed themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health shall not be penalized.

14. Transparency regarding automated monitoring and decision-making systems

(1) The digital labour platforms must inform platform workers of:

- (i). automated monitoring systems which are used to monitor, supervise or evaluate the work performance of platform workers through electronic means;
- (ii). automated decision-making systems which are used to take or support decisions that significantly affect those platform workers' working conditions, in particular their access to work assignments, their earnings, their occupational safety and health, their working time, their promotion and their contractual status, including the restriction, suspension or termination of their account.

(2) Digital labour platforms shall provide the information referred to in subsection 1 in the form of a document that may be in electronic format. The information shall be presented in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

(3) Digital labour platforms shall make the information referred to in subsection 2 available to platform workers' representatives, inspectors, Dispute Resolution Committee and National Industrial Relations Commission upon their request.

15. Data Protection

- (1) Digital labour platforms shall not process any personal data concerning platform workers that are not intrinsically connected to, and strictly necessary for, the performance of the contract between the platform worker and the digital labour platform. In particular, the digital labour platform shall not:
 - (i). process any personal data on the emotional or psychological state of the platform worker;
 - (ii). process any personal data relating to the health of the platform worker, except in cases as prescribed in rules;
 - (iii). process any personal data in relation to private conversations, including exchanges with platform workers' representatives;
 - (iv). collect any personal data while the platform worker is not offering or performing platform work.
- (2) The digital labour platform shall allow portability of transaction and reputation data for platform workers, as prescribed in rules.

16. Dispute resolution committee

- (1) The Government may, by notification in the Official Gazette, appoint a tripartite-plus Dispute Resolution Committee, as prescribed under rules, headed by the Director Labour, to hear and decide for any specified area, all claims, complaints and disputes arising out of and in connection with enforcement under this Act:
- (2) Where an action contrary to the provisions of this Act deprives a person of their due right under this Act, such person themselves, or any legal practitioner or any official of a registered trade union or association authorized in writing to act on their behalf, or any Inspector under this Act or of any heirs of an employed person who has died, may apply to such committee for direction:

Provided that every such application shall be presented within ninety days from the date on which the violation occurred or from the date on which the payment was due to be made, as the case may be.

- (3) The parties shall be given full opportunity to defend their case.

17. Appeal

Any party aggrieved by the decision of the dispute resolution committee may, within thirty days of such a decision, file an appeal to the National Industrial Relations Commission established under the Industrial Relations Act, 2012 and the decision of Commission on such appeal shall be final.

18. Powers of the dispute resolution committees

- (1) Every dispute resolution committee shall, while holding an enquiry regarding a dispute or complaint under this Act or the rules made thereunder, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (*Act V of 1908*), in respect of the following matters, namely:
 - (i). enforcing the attendance of any person and examining them on oath;
 - (ii). compelling the production of documents and material objects;
 - (iii). issuing commissions for the examination of witnesses; and
 - (iv). such other matters as may be prescribed.

19. Penalties

- (1) A digital labour platform who fails to comply with or contravenes any provisions of the Act shall be punished with a fine which for the first offence may extend to one hundred thousand rupees but shall not be less than fifty thousand rupees and for a second or subsequent offence with fine which may extend to one hundred and fifty thousand rupees but shall not be less than one hundred thousand rupees.
- (2) Any digital labour platform or any such person who willfully obstructs a labour inspector in the exercise of any power in compliance of this Act, or fails to produce on demand thereunder any evidence, statement or other documents, shall be punished with a fine which may extend to one hundred and fifty thousand rupees but shall not be less than one hundred thousand rupees.

20. Labour inspectors

- (1) The Government may notify labour inspectors of the respective areas of jurisdiction for the purposes of ensuring compliance with the provisions of this Act.
- (2) An Inspector notified under sub-section (1) shall be deemed to be a public servant within the meaning of the Pakistan Penal Code, 1860 (Act XLV of 1860).

21. Functions and powers of labour inspectors

- (1) The Inspector appointed under section 20 shall, for the purpose of the execution of this Act, have the powers described in their certificate of appointment, as may be prescribed.
- (2) No person shall intentionally delay or obstruct the Inspector in the exercise of his powers referred to under sub-section (1), and he shall be liable to comply with the provisions of this Act, rules, regulations or bye-laws and produce any register, certificate, notice or document under his custody, and he shall not prevent or attempt to conceal or prevent, any person from appearing before or being examined by such Inspector in the execution of his duties under this Act.

22. Power to make rules

- (1) The Government may make rules for carrying out the purpose of this Act.

23. Maintenance of record

- (1) Every digital labour platform shall keep such records and shall submit to the ICT Labour Department, at such times, in such form and containing such particulars relating to persons employed by the digital labour platform, as may be prescribed in the rules.

24. Prohibition on Victimization

- (1) The digital labour platform shall not victimize a platform worker for:
 - (i). performing any duty or exercising any right under the relevant statutory provisions;
 - (ii). making a complaint or representation as regards any rights granted under this Act; and
 - (iii). giving evidence in proceedings in respect of the enforcement of the relevant statutory provisions.

25. Indemnity

No suit, prosecution or other proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or rules made thereunder.

26. Removal of difficulties

If any difficulty arises in giving effect to any provision of this Act, the Government may, by notification in the Official Gazette, make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purposes of removing the difficulty.