No Contracts, no Rights:

How the Fashion Industry Avoids Paying Minimum Wages in Pakistan

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Executive Summary

Brands and Retailers do not Prevent well-known Labour Rights Violations in the Pakistani Textile Industry.

Most workers in Pakistani garment factories are cheated out of their rightful wages: The vast majority does not receive written contracts, pay slips or wages that would enable them to feed their families. Moreover, factories in Pakistan often hire only a small proportion of the workers directly. Many workers are hired through third parties who act as intermediaries between the textile factories and the workers. Often, these workers do not even receive the legal minimum wage nominally and are not registered and insured in the social security system. This so-called contracting system is a way to flexibly get rid of workers if necessary and makes it difficult to trace labour rights violations and the affiliation of workers to factories. These practices are well known to anyone working in the Pakistani garment industry, including brands and retailers who produce in Pakistan. However, companies have ignored these obvious labour rights violations for decades.

There is a growing worldwide movement to legally require companies to respect human rights. As one of the first of its kind, the German mandatory human rights due diligence law (Lieferkettensorgfaltspflichtengesetz; LkSG) entered into force on January 1st 2023. This law requires companies to protect the human rights of workers in their value chains. Amongst these rights is the payment of an adequate wage, i.e. at least the national minimum wage of the respective country.

To assess how companies that are covered by the new German law[1] implement their new due diligence obligations, a survey was conducted amongst workers in Pakistan who produce for such brands and retailers. For this, more than 350 garment workers in different factories in Sindh province were interviewed over a period of six months between January and June 2023. The results of the study indicate that so far no effective measures have been taken by brands and retailers to prevent the withholding of an adequate (living) wage in the surveyed factories.

Of the over 350 workers interviewed, 97% of the respondents did not have a written employment contract, and 80% did not even receive a pay slip. 29% of the workers reported being employed through third parties. In the factories where employment through third parties was reported particularly frequently, this was also accompanied by particularly serious violations of labour law, including withholding of appropriate wages: Approximately 28% of workers did not even nominally receive the legal minimum wage for ”unskilled workers” of 25,000 PKR per month. In 94% of these cases, no trade union was active and 84% of those not receiving the legal minimum wage were either employed through third parties or received piecework wages.

Even among the workers who reported receiving the minimum wage for unskilled workers of 25,000 PKR per month, 49% did not receive overtime pay. This indicates that in practice they did not receive the minimum wage in relation to the number of hours worked. Many more of them stated that they had received skills training or were working in positions that qualified them as ”semi-skilled”, ”skilled” or even ”highly skilled” workers, which would entitle them to a higher minimum wage than 25,000 PKR under Pakistani labor law. Even based on very conservative calculations of the local living wage in Karachi, only a fraction, if any, of the workers received such a wage.[2]

This study provides a revealing insight into employment practices and working conditions in Pakistan’s textile industry. The results of this survey confirm the severity of issues that have been known about the Pakistani textile industry for years while also showing that so far, brands and retailers have not acted upon the well-known violations that rights holders are facing. ◆

[1] Companies with 3,000 or more employees in Germany in 2023 and more than 1,000 employees from 2024 onwards.

[2] Living wage estimates for Pakistan vary based on methodology, but the Asia Floor Wage Alliance put a family decent basic income at 67.200 PKR7 in 2022 and the Global Living Wage Coalition put it at 49.677 to 52.749 PKR for 2022 (not taking into account the sky-rocketing inflation and cost of living in 2023).

350 workers were interviewed

Almost **100%** did not receive a living wage

97% did not have a written employment contract

85% were either not covered by social security or did not know if they were

84% were either not covered by pension insurance or did not know if they were

80% did not receive a pay slip

29% were employed through third parties

At least **28%** did not receive the legal minimum wage for unskilled workers

of those 28%

94% said no trade union was active

84% were either employed through third parties or received piecework wages

Many workers are facing food insecurity due to rising food prices and low wages. | Photo: Sina Marx

Pakistan as a Production Country

The garment industry is the second largest industrial employer in Pakistan and employs around 15 million people, approximately 38% of the manufacturing labour force. The country's minimum wage varies by region and by gender - but all of these figures fall far short of the estimated living wage.

By 2021-2022, the sector was estimated by the Association of Textile and Spinning Mills (APTMA) to be worth around $21 billion. The provinces of Sindh and Punjab manufacture the bulk of Pakistan's garment and textile exports. China, the US and the EU are the main recipients of these products.

However, Pakistan is facing several ongoing crises that are also affecting the industry. The devastating 2022 floods as well as the high cost of fuel and electricity and the depreciation of its currency (almost 25% against the dollar in the last year), the inflation rate (which reached 38% in August 2023) and the related increase in food prices all add to the deep economic crisis and to the devastation of the average Pakistani family. Recent studies show that 99% of workers interviewed said they had been hit hard by inflation and that this had made their economic conditions even more precarious.[1]

The 2022 ITUC Global Rights Index – which rates countries on a scale from 1 (best) to 5 (worst) on the degree of respect for workers' rights – rates Pakistan as 5-, indicating workers have no guarantee of internationally recognised labour rights and no improvement in conditions for years.[2] ◆

Minimum Wages in Sindh, Pakistan

In summer 2021 workers in Pakistan's Sindh province, a key garment-producing hub, won a major victory in the form of a 40% increase to the minimum wage for unskilled workers, from 17,500 Pakistani Rupee (PKR) to 25,000 PKR (approximately 116 Euros) per month. This Wage Board win came after nearly a year of negotiations and protests. It represents a key step forward for workers' rights in Pakistan. The wage increase was first announced on 9th July 2021 by the Sindh provincial government, however the order was stalled due to objections from employers who lodged an appeal with the Supreme Court, expressing fears that they would not be able to cover the increased costs. As workers struggled to survive on poverty wages, facing high inflation and a steep rise in the cost of living, global clothing brands sourcing from the region were slow to act in defense of workers' rights. The Clean Clothes Campaign (CCC) reached out to major brands sourcing from Pakistan, yet brands refused to issue a public statement in support of the new wage and failed to publicly reassure suppliers they would adjust their payments to factor in the higher wage costs. This lack of action came despite claims from brands that they support workers' rights and previous commitments to work towards a living wage in their value chains.

Wages in Sindh have been far too low for decades. This process has once again proven how difficult it is to fight for a higher wage for the workers in the sector, not because of unwillingness from the government but because employers and buyers are unwilling to raise wages. A 40% increase to the legal minimum wage is a rare step in garment producing countries, however it remains only half of what experts estimate a living wage to be in Pakistan. The research for this report was conducted in the first half of 2023, when the minimum wage for unskilled workers was 25.000 PKR. However, as of November 2023, the minimum wages have been revised in Sindh (and the rest of Pakistan) with effect from 1 July 2023. The minimum wage has increased from PKR 25,000 to PKR 32,000 per month for unskilled works[4].

The statutory minimum wage per month for semi-skilled, skilled and highly skilled workers in the ready-made garments industry in Sindh was already increased in April 2023 with retroactive effect from January 1, 2023 and thus amounted to between 33,280 PKR and 42,860 PKR (depending on the type of job) during the survey period.

With inflation at its highest level since 1974, according to the latest figures released by the Pakistan Bureau of Statistics in March 2023, poverty wages have the greatest impact on the most vulnerable, which makes it even more important that wages are paid according to the law. However, while the new minimum wage was a big success on paper, only a very small number of workers actually receive the legal minimum wage. This is mainly due to the lack of brands and employers working towards the adoption of proper wages and formal contracts, as demonstrated in this report. ◆

Sindh Province in Southern Pakistan

[4] https://efp.org.pk/wp-content/uploads/2023/11/Sindh-Notification-of-Minimum-Wages-Rs.-32000.pdf

The Non-Payment of Wages in Pakistan`s Garment Industry

Earlier reports on the Pakistani garment industry have repeatedly documented a range of violations in Pakistan's garment factories. They include a failure to pay minimum wages and pensions as well as the suppression of independent labour unions [2]. These practices are well known to anyone working in or on the Pakistani garment industry, including brands and retailers who produce in Pakistan who have ignored the obvious labour rights violations for decades.

Despite the legal obligation amongst brands and retailers under the LkSG (Sec 2 Para 2 Nr. 8 LkSG), to protect the right to an adequate wage, these conditions are confirmed by the present survey:

"A devastating 97% of the surveyed workers said that they had no written contract or appointment letter."

Out of these, 35% received piece-rate payments and 31% were employed through third-party contractors, a very widespread practice in the Pakistani textile industry. These contractors act as intermediaries between the textile factories and the workers who produce the goods, often recruiting and managing the workforce themselves.

There are several reasons why textile factories in Pakistan may use third-party contractors, including:

1. **Cost savings:** Third-party contractors can recruit workers at a lower cost than the factories themselves, as they have established networks and can negotiate better rates for labour. Also, employers save on bonuses, social security, gratuity etc. when reducing the number of permanent workers.

2. **Productivity:** Often, contractors agree on a piece-rate with the factory and the workers, i.e. compensation based on the number of items produced. Under this system, workers are paid a fixed rate for each piece of garment they complete, rather than receiving an hourly or monthly wage. Piece-rate work is a common practice in the garment industry, as it incentivizes workers to produce more pieces in a shorter period of time.

3. **Flexibility:** Using third-party contractors provides factories with greater flexibility in managing their workforce, as they can easily scale up or down production as needed which again saves costs.

4. **Reduced liability:** Factories use third-party contractors in order to reduce their liability for labour violations or accidents, as the contractors are the ones responsible for workers` wages, benefits, and safety.

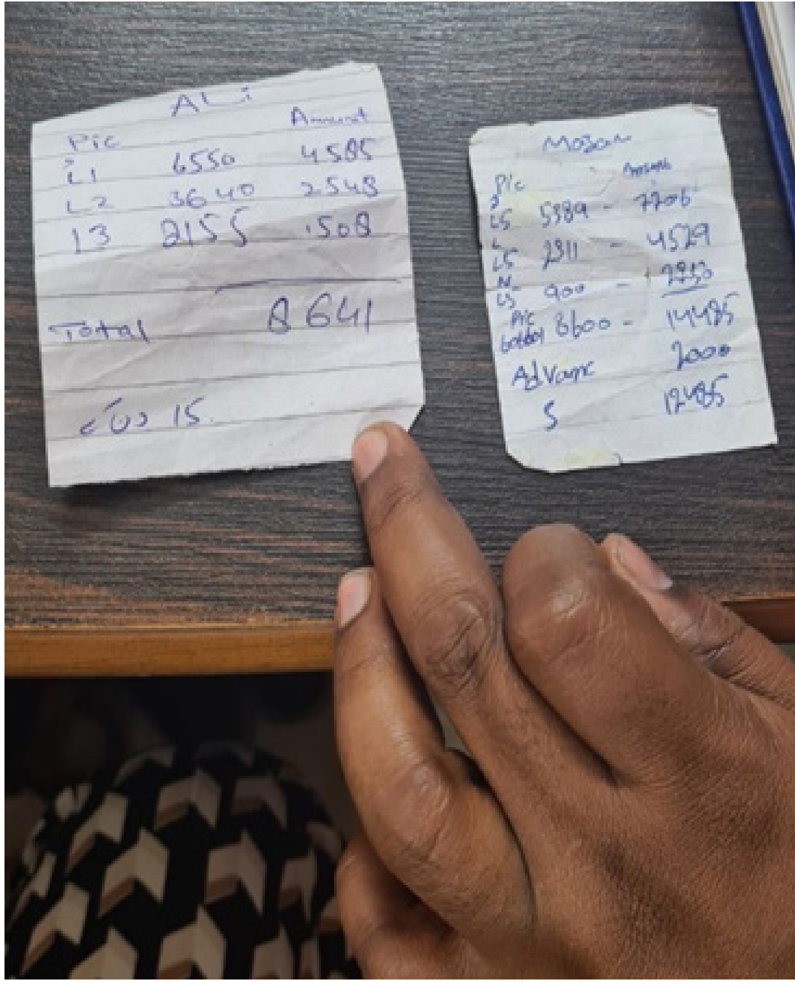
The financial advantages for the employers that come with the lack of contracts and the prevalence of third-party contractors in the industry lead to a number of severe problems for workers, including:

1. **Non-payment of minimum wages:** According to Pakistani labour law, the regular working day consists of 8 hours of work for a standard week of 6 days, or 26 working days per month. For this (i.e. for 26 working days per month of 8 hours each), the minimum wage in Sindh province during the survey period in the first half of 2023 was 25,000 PKR for unskilled

workers and between 33,280 and 42,860 PKR for semi-skilled, skilled or highly skilled workers. Through the contracting system however, while workers may still receive 25.000 a month, they have to work more to reach this since most are neither paid for sick days or holidays, most do not receive the legal wage for overtime, many work on a piece-rate basis and most are not registered with social security. Many workers report that factory management marks the attendance of the workers themselves and does not keep track of overtime, i.e. signing out everybody after nine hours to keep OT off the record. In truth, workers work longer hours. Wages are deducted if someone is unwell even for a day. Piece-rate work in particular often forces workers to work long hours and skip breaks in order to meet production targets and earn enough money to support themselves and their families, as employers often set unreasonably high production targets or pay rates that are too low to support a decent standard of living. Workers may be pressured to work overtime or to work without pay in order to meet production goals.

2. **Uncertainty about job security:**
   Without a contract, workers do not have a clear understanding of their employment status or the terms of their employment. Workers report that they are hired and fired on a daily basis depending on the needs of the factory.

3. **Lack of legal protection and freedom of association:**
   Workers without contracts have none of the legal protections that are typically provided in an employment agreement, such as minimum wage and benefits, overtime pay, and protection from discrimination and harassment. Since they do not have any documented connection to the factory it is almost impossible for workers to resolve disputes with their employers, to complain (e.g. with the Labour Department) or to seek legal recourse if their rights are violated. Since third-party contractors operate as intermediaries between workers and the textile factories they supply, workers' bargaining power and ability to negotiate for better wages and working conditions is completely restrained.



Example of a "pay slip" provided by a contractor | Photo: Sina Marx

These practices remain a reality for the vast majority of workers and an open secret that is ignored by Pakistani authorities, brands and auditors alike. Unions and labour rights organisations have called for greater transparency, accountability and for stronger regulations to protect these workers' rights for many years. The contracting system as well as the lack of contracts and pay slips make it difficult to trace labour rights violations or the affiliation of workers to factories (just as the intransparency in the value chain makes it difficult to link supplier factories to buyers). When looking at the LkSG, this lack of transparency makes it almost impossible for workers in the textile sector as rightsholders to identify the perpetrators of the rights violations they are facing. ◆

Freedom of Association

While domestic labour laws theoretically safeguard freedom of association in Pakistan, there have been countless reported instances of restrictions and intimidation against attempts to organise and form trade unions in Pakistan [2].

Factory owners and managers employ tactics such as keeping workers on short-term contracts, hindering their involvement in unions, and resisting granting permanent employment status despite extended service. They dismiss or harass union representatives to thwart the formation of independent unions and often endorse fake ”yellow” unions with selected or non-existent members. Factory owners, as alleged by union leaders, often resort to bribing workers to withdraw their demands, exemplifying a broader pattern of suppressing workers’ voices. Meeting legal requirements for union registration, especially having one-fifth of the total workforce as union members, becomes exceptionally challenging under these circumstances.

In instances where workers successfully unionise, owners resort to bribes, threats, and even violence to intimidate and quash their efforts. A poignant example is the tragic case of labour leader Mustansar Randhawa, shot in 2010, leading to arrests and life imprisonment for six union leaders. In 2012, a dozen union leaders faced charges under anti-terrorism laws, enduring arrests and beatings. Such incidents highlight the perilous environment for those advocating for workers’ rights. Furthermore, in 2017, activists reported threats from security agencies for exposing abuses and promoting adherence to labour laws. According to survey respondents, the intimidation of trade unionists is ongoing as of now.

The recent killing of a union leader in Bangladesh underlines that the current reliance on social audits and certifications in ensuring freedom of association in the garment industry has failed. This is why we support Human Rights Watch and other civil society organisations who - as a reaction to the killing - urge brands to go beyond social audits by creating monitoring and grievance redress systems together with independent labour unions. ◆

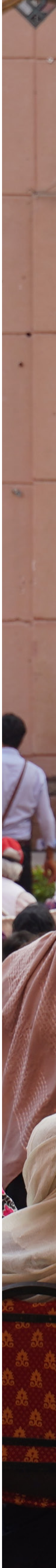


Photo: Sina Marx

Survey Results

A study was conducted between January and June 2023 among a sample of 357 workers who work in factories that produce for international brands and retailers. The buyers include several companies that are covered by the LkSG since January 2023. The survey conducted by NTUF followed the workers-driven research model, in which affected workers are trained to conduct the interviews themselves. Even though the results of these interviews are only exemplary in nature, they provide a revealing insight into the generally prevailing working conditions in the textile industry in Karachi. The results of the survey highlight the following labour rights violations:

» **Absence of Written Contracts:**
Alarmingly, 97% of workers reported not having a written contract or letter of employment.
Among them, 33% were employed through third-party arrangements, and 35% received piecework wages.

» **Non-Payment of Minimum Wages:**
At least 28% of workers did not receive the legal minimum wage for unskilled workers of 25.000 PKR per month, and in 89% of these cases, no trade union was active.
Furthermore, 86% of those not receiving the legal minimum wage were either employed through third parties or received piecework wages.

49% of workers who reported receiving the minimum wage for unskilled workers of 25,000 PKR per month did not receive overtime pay and were therefore de facto not paid their due wage. Many of them also carried out skilled work and were therefore even entitled to a higher minimum wage.

» **Lack of Pay Slips:**
An overwhelming 80% of workers stated that they did not receive pay slips, making it difficult to track their earnings so that the number of workers who do not receive the minimum wage can be estimated to be much higher than the 28% stated above.

Photo: NTUF

» **Lack of Social Security and Pension:**
A staggering 64% of respondents were not covered by social security, while only 15% had pension coverage. In 21% of cases, workers either did not know whether or not they were covered by social security. Of those employed through third parties, only 2% were socially insured, and in 86% of cases without social insurance, there was no active union presence.

» **Lack of Paid Overtime:**
A significant 41% of workers reported working overtime, with 56% of those working overtime not paid. In 94% of cases of unpaid overtime, no unions were active.

» **Lack of Paid Vacation:**
A concerning 43% of workers reported not receiving paid vacation days, with 85% of these cases lacking union representation. In 56% of cases without vacation days, workers were employed through third-party arrangements.

» **Union Busting:**
An alarming 73% of respondents reported the absence of active trade unions.

» **Private Security Concerns:**
Private security companies were active in 77% of cases, and in 36% of these instances, workers expressed fear of these companies. In 68% of cases with active private security companies, there was no union presence.

» **Fear of Reporting Violations:**
A significant 54% expressed fear of contacting their employers about workplace violations. ◆

Obligation of Brands and Retailers Under the LkSG to Contribute to the Payment of Adequate Wages

The LkSG explicitly identifies a number of human rights risks, the realisation of which companies should avoid, minimise or end by exercising human rights due diligence. Included within Section 2 (2) No. 8 LkSG is the withholding of an adequate living wage (at least minimum wage as laid down by the applicable law and otherwise to be determined according to the law of the place of employment)[5]

Further, the LkSG specifies eight concrete obligations, graduated along the value chain, which companies must observe[6]:

» The establishment of a risk management system in which the individual due diligence measures (see following bullet points) are appropriately and effectively designed, and its anchoring in the relevant business processes (Section 4 LkSG). A person responsible for monitoring the system must also be appointed.

» The analysis of human rights risks, including the possibility of prioritising risks (Sections 5 and 9 (3) LkSG). The risk analysis is only to be carried out regularly in the company's own business area and for direct suppliers. Indirect suppliers are only to be included on an ad hoc basis if either a significant change in the risk situation in the value chain is to be expected or if the company has actual indications that make human rights or environmental violations at indirect suppliers appear possible.

» The issuance of a policy statement by the

[5]In our opinion, the term "at a minimum" in the text of the Act should be interpreted as requiring that companies are obligated to pay a wage in excess of the minimum wage if the latter is inadequate, i.e., does not provide workers with what they need to meet their basic living expenses, see https://lieferkettengesetz.de/wp-content/uploads/2021/11/Initiative-Lieferkettengesetz_FAQ-English.pdf.

[6]In the explanatory memorandum to the LkSG, the legislator has consciously referenced the UN Guiding Principles on Business and Human Rights. In our understanding the obligations are therefore to be interpreted and understood in accordance with these principles. The various OECD guidelines on responsible business conduct can give orientation too, as the competent authority also repeatedly refers to them in its information materials.

Trade unionists call for higher minimum wages at the International Women's Day rally in Karachi, 2023 | Photo: HBWWF

company's management in which the company describes the procedures by which it implements the due diligence obligations, including the specification of prioritised risks and the formulation of expectations for suppliers (Section 6 (2) LkSG).

» In the event that risks are identified: implementation of **preventive measures** in the company's own business area and vis-à-vis direct suppliers (Section 6 (1), (3), (4) LkSG. With regard to direct suppliers, this includes training, contractual obligations and monitoring mechanisms. Appropriate preventive measures must also be taken with regard to indirect suppliers on an ad hoc basis if the company has actual indications that make human rights or environmental violations at indirect suppliers appear possible (Section 9 (3) LkSG).

» When violations occur or are imminent: carrying out **remedial action** in the company's own business area and as regards its direct suppliers (Section 7 LkSG) as well as taking reasonable efforts to remedy as regards indirect suppliers deeper in the value chain – provided there are actual indications that make human rights or environmental violations at indirect suppliers appear possible (Section 9 (3) LkSG)[7]. Withdrawal or termination of the business relationship is expressly only to be considered in the case of particularly serious violations, if no remedy can be brought about by means of a minimization concept and no further measures, including increasing the ability to exert influence, are promising (ultima ratio).

» The establishment of a **complaints procedure** with written rules of procedure that is also accessible at indirect suppliers so that affected parties have a communication channel in the event of possible risks and violations (Sections 8 and 9 (1) LkSG).

» The internal **documentation** of the measures taken to fulfil the due diligence obligations - these must be kept for seven years and can be inspected by the supervisory authority (Section 10 (1) LkSG).

» **Public reporting** within four months of the end of a financial year on identified risks, measures taken and their evaluation of effectiveness (Section 10 (2) LkSG).[8] ◆

[7]Unlike the UNGPs and the OECD Due Diligence Guidance for Responsible Business Conduct, the LkSG does not contain an explicit obligation to participate in the redress of damages that have already occurred. However, according to our interpretation of the LkSG, it is not excluded that in individual cases individual redress (e.g. payment of withheld wages) may be part of the appropriate remedial action required of the respective company under the LkSG.

[8]However, the German control authority has announced that it will give the companies more time for their first report and will therefore verify the existence of the reports for the first time by the deadline of June 1, 2024.

Demands

From a civil society perspective, companies that are sourcing from Pakistani textile factories and that fall within the scope of the LkSG need to exercise their due diligence with regards to the payment of wages and respect of labour rights. Adequate remedial and preventive measures under the human rights due dilgeinceobligations of the LkSG would require companies to take the following steps:

1. Compensate workers: calculate any outstanding wages since 1 January, 2023 in affected factories[9] and establish a mechanism to pay what workers are owed including social benefits.

2. Ensure that Pakistani labour regulations are complied with, in particular ensuring that:

   - employees are paid the legal minimum wage,

   - employees all receive a written employment contract,

   - regular working hours of 8 hours per day in a six-day week are, in general, not exceeded, and if so, the statutory over-time pay of 240 PKR per hour is paid,

   - there is paid sick leave and paid vacation,

   - employees are registered for pension funds and social security and suppliers pay their insurance contribution,

   - employees that have been employed for a continuous period of at least 90 days in one year receive a bonus if the employer made a profit that y)ear.

3. Amend purchasing practices to ensure that prices are sufficient to pay for adequate wages, ring-fencing labour costs.

Steps towards these demands:

1. Provide a realistic cost breakdown for the production of orders that reflects how pricing affects workers' wages directly.

2. Calculate how much they need to pay in order to make sure workers are paid

   a. the legal minimum wage and
   b. living wage.

3. Ensure contracts with suppliers include clauses that explicitly require compliance with labour laws, including minimum wage laws and registration with social benefit agencies, requiring suppliers to disclose wage information and payroll records.

4. Partner with trusted, independent labour

[9] Based on the applicable minimum wage for unskilled and skilled workers, which has again increased significantly with effect from July 1, 2023, plus any unpaid overtime and vacation days.

rights organisations and/or trade unions to monitor and advocate for wage compliance.

5. Commit to long-term relationships with suppliers to incentivize compliance.
6. Provide training and capacity-building programs with the support of a trusted labour rights organisation or union for management and workers to help them understand and implement wage and contract regulations.
7. Support suppliers in improving wage management systems.
8. Implement a system of incentives for suppliers who consistently meet wage compliance standards.
9. Encourage and support the establishment of independent factory unions that monitor wage payments.
10. Encourage and support the establishment of grievance mechanisms within supplier factories; ensure that workers have a safe channel to report wage-related issues without fear of reprisals.
11. Publish annual reports on value chain labour conditions and wage compliance efforts, including full transparency on wage levels in their supplier factories. ◆

Photo: NTUF

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[1] LBL (2023): HANGING ON BY A THREAD - Garment worker rights amidst rising costs and wage violations in Pakistan, URL: https://labourbehindthelabel.org/wp-content/uploads/2023/09/Hangingonbyathread-2023.pdf

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FEMNET e.V. is a non-profit women's rights organisation that campaigns for fair working conditions for women and girls in the global garment industry. Through campaigning and political engagement, educational and counselling services in Germany and solidarity work abroad, FEMNET supports workers on the ground and calls for long-term, structural changes along the textile value chain. To this end, FEMNET works closely with partner organisations in production countries such as Bangladesh and India and is a member of the Clean Clothes Campaign (CCC), the Corporate Accountability Network (CorA) and the Initiative Lieferkettengesetz.

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