



KHYBER PAKHTUNKHWA

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA LABOUR DEPARTMENT

NOTIFICATION

Dated Peshawar, the 14th February, 2021.

NO.Ro/LD/8.10/2221-22/L.&R/1841— In exercise of the powers conferred by section 19 of the Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015 (Khyber Pakhtunkhwa Act No. XIX of 2015), the Government of Khyber Pakhtunkhwa is pleased to published the following rules, for the information of persons likely to be effected thereby and notice is hereby given that the said rules, together with any objection with respect thereto, which may received by the Secretary to Government, Labour Department, within ___ days of the publication of this Notification in the official Gazette, shall be taken into consideration, after the expiry of the said period:

THE KHYBER PAKHTUNKHWA PROHIBITION OF EMPLOYMENT OF CHILDREN RULES, 2021.

PART-I Preliminary

1. **Short title and commencement.**—(1) These rules may be called the Khyber Pakhtunkhwa Prohibition of Employment of Children Rules, 2021.

(2) These rules 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 Prohibition of Employment of Children Act, 2015 (Khyber Pakhtunkhwa Act No. XIX of 2015);
- (b) “certifying surgeon” means a certifying surgeon appointed or authorized under section 13 of the Khyber Pakhtunkhwa Factories Act, 2013 (Khyber Pakhtunkhwa Act No. XVI of 2013);
- (c) “Chief Inspector” means the Chief Inspector,-
 - (i) appointed under sub-section (2) of section 11 of the Khyber Pakhtunkhwa Factories Act, 2013 (Khyber Pakhtunkhwa Act No. XVI of 2013); or
 - (ii) under clause (a) of sub-section (1) of section 26 of the Khyber Pakhtunkhwa Shops and Establishments Act, 2015 (Khyber Pakhtunkhwa Act No. XX of 2015);
- (d) “Coordination Committee” means the Khyber Pakhtunkhwa Coordination Committee, constituted under section 5 of the Act;

- (e) "Department" means Labour Department of Government;
- (f) "Director Labour" means Head of the Directorate of Labour, Khyber Pakhtunkhwa; and
- (g) "Form" means a Form appended to these rules.

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

PART-II

Prohibition of Employment of Children

3. **Determination of light work.**—(1) The Department, on the recommendations of the Coordination Committee, may by notification in the official Gazette, determine and recognize the skill oriented works to be light work, for engagement of a child not below the age of 12 years.

(2) The occupier shall communicate in writing to the Inspector, the nature of recognized skills to be imparted to any child, who have been engaged in the light work.

(3) In case of employment in a private undertaking, the timings of two hours of work by the child shall be so arranged that it shall start after the school hours, notified by the Elementary and Secondary Education Department, and end before the sunset; provided that the working hours shall not exceed two hours in any case.

(4) The occupier shall maintain a register as provided in **Form-A** in respect of any child not below the age of twelve (12) years engaged by him in the light work, and such children shall mark their attendance in the register maintained for the purpose as provided in **Form A**.

(5) If any dispute arises between the Inspector and an occupier, as to the determination of a work on which a child not below the age of twelve (12) years has been engaged to a light work, the matter shall be referred by the Inspector or the occupier, as the case may be, to the Director Labour, who shall decide the matter after hearing both the parties and his decision in this respect shall be final.

PART-III

Coordination Committee

4. **Constitution of Coordination Committee.**— (1) The Coordination Committee shall consist of,-

- (a) Secretary to Government, Labour Department; Chairman
- (b) one representative each from the Industry Department, Social Welfare Department and Elementary and Secondary Education Department, not below the rank of Deputy Secretary; Members
- (c) one representative of the Employers Association; Member
- (d) one representative of the Workers Association; Member
- (e) one representative from civil society organizations; and Member
- (f) Director Labour. Member-cum-Secretary

(2) Members at clauses (c), (d) and (e) of sub-rule (1), shall be nominated by Department, from amongst the organizations of employers, workers and civil society, on the recommendations of the Directorate of Labour, Khyber Pakhtunkhwa.

(3) The members at clauses (c),(d) and (e) of sub-rule (1), shall hold office for a period of two years:

Provided that an outgoing member may continue his office till the appointment of his successor.

(4) A member, may tender his resignation addressed to the Secretary of the Department or may be removed, if he,-

- (a) is convicted by an offence, which is in opinion of the Department involves in moral turpitude;
- (b) is absent from three consecutive meetings of the Coordination Committee without leave of absence from the Chairperson; or
- (c) due to certain personal reasons is unable to continue.

(5) A person appointed as member to fill a casual vacancy shall hold office for the unexpired period of the term of his predecessor.

5. Meeting and disposal of business.—(1) The Coordination Committee shall meet at such places, time and intervals as may be approved by the Chairperson, but not later than once in three months.

(2) No business shall be transacted in a meeting of the Coordination Committee, unless at least four members are present including one representative each of the employers and the workers.

(3) Every matter, which the Coordination Committee is required to take into consideration, shall be sent to all the members well in time, prior to the holding of meeting by the Secretary of the Coordination Committee.

(4) All the meetings of the Coordination Committee shall be chaired by the Chairperson and in his absence by the member, nominated by him. The decision of the Coordination Committee shall be expressed in terms of the opinion of majority members present and voting in a meeting and in the event of equality votes, the Chairperson or the member presiding over the meeting shall have the casting vote.

(5) The minutes of meeting of the Coordination Committee shall be recorded in writing and signed by the Chairperson or the member presiding over the meeting, as the case may be, and shall be circulated to all the members by the Secretary of the Coordination Committee, who shall also be responsible to keep the record of such meetings.

6. Functions of the Coordination Committee.—(1) The Coordination Committee shall,-

- (a) recommend to Government for inclusion or exclusion of any occupation or process from the Schedule;
- (b) recommend to Government the ways and means for effective enforcement of the Act;
- (c) propose to the Department any programme for sustainable eradication of child labour in the Province;
- (d) propose any change in the minimum age for the purpose of employment in the Province;

- (c) recommend to the Department the skills oriented works to be recognized as light work for engagement of a child not below the age of twelve (12) years; and
- (f) advise the Department on any matter referred to it for its opinion, by the Government or by the employer's bodies, workers' organizations or the civil society organizations.

PART-IV

Regulation of Conditions of Work

7. Notice of engagement and period of work.—(1) The occupier shall communicate a notice of engagement on work as provided in **Form-B**, and a notice of period of work in respect of adolescent and child as provided in **Form-C**, to the Inspector and a copy thereof to the Chief Inspector:

- (a) in respect of the existing establishments within thirty days from the commencement of these rules; and
- (b) in respect of the new establishments within fifteen days from the commencement of these rules.

(2) The notice of period of work, under sub-rule (1), shall be displayed in bold letters in English as well as in vernacular language at the main entrance of the establishment.

8. Certificate of fitness.—(1) A certifying surgeon shall, on the application of any child or adolescent, who wishes to work in an establishment on which the provisions of Act are applicable, or, of the parent or guardian of such person, or occupier of the establishment in which such a person wishes to work, examine such person to ascertain his age and fitness to work.

(2) A certifying surgeon, after examination, may grant to such person, a certificate of fitness and age to work in an establishment as a child worker as provided in **Form-D**, if he is satisfied that such child has completed his twelfth year of age but has not yet reached his fourteenth year of age and a certificate of fitness to work in an establishment as an adolescent if he is satisfied that such person has completed his fourteenth year of age, but has not completed his eighteenth year of age.

(3) Any dispute about the age of a child or adolescent employed or permitted to work in an establishment, shall be decided on the basis of registration certificate as provided in **Form-A** and **Form-F**, issued by the National Database and Registration Authority or the birth certificate issued by the competent authority, but, in the absence of such a document, the Inspector shall refer the matter to certifying surgeon for determination of the age and his decision as provided in **Form-E** shall be conclusive proof of age of the child or adolescent and the fee to the certifying surgeon shall be paid by the occupier.

9. Register of adolescent and child workers.—(1) The occupier shall maintain the register of adolescent and child workers as provided in **Form-F**.

(2) The register shall always be available, and if it is not produced on demand made by the Inspector of area, the occupier shall be responsible for its non-production, whether he was present in the establishment at the time of demand or otherwise.

10. Working hours for adolescent.—(1) The period of work of an adolescent on each day shall be so arranged that inclusive of the interval for rest of sub-section (2) of section 7 of the Act, it shall not be exceed seven hours including the time spent on waiting for work.

(2) The period work of an adolescent on each day shall be so fixed that no period shall exceed three hours and that no adolescent shall work for more than three hours before he had an interval of at least one hour for rest.

(3) The adolescent shall mark their attendance in a register maintained for the purpose as provided in Form-G.

PART-V
Health and Safety

11. Cleanliness in the place of work and its freedom from nuisance.— In every establishment, where adolescent or child are engaged on work,-

- (a) no rubbish, filth or debris shall be allowed to accumulate or to remain in any part, in such position that effluvia there from arises;
- (b) all drains carrying waste or sullage water shall be constructed in mason or other impermeable material and shall be regularly flushed at least once a day and where possible connected with some suitable drainage line;
- (c) the floor of the surrounding rooms and compound shall be maintained in a strictly drained and clean condition; and
- (d) proper arrangements shall be made for maintaining in a reasonable clean and drained condition all working and bathing places and the place where drinking water is distributed to the workers.

12. Ventilation and temperature.—In every establishment, where adolescent or child are engaged on work,-

- (a) proper ventilation in work places shall be provided so as to admit a continuous supply of fresh air and cool air; and
- (b) where injurious, poisonous or asphyxiating gases, dust or other impurities are evolved from any process carried on, all practicable measures to the satisfaction of Inspector shall be taken against inhalation of such gases, dust or other impurities.

13. Lighting.— In every establishment, where adolescent for child are engaged on work and as long as present on workplace,-

- (a) the latrines, passages, stairs, hoists, grounds and all other parts in so far as the entrance of the said places is not closed, shall be lighted in such a manner to ensure full safety in passing through remaining in the same; and
- (b) luminance in any part of the work area must not below 300 Lux.

14. Drinking water.—(1) In every establishment, the arrangement of clean and safe drinking water for the adolescent and child shall be provided free of charge.

(2) The Inspector may, order in writing, require the occupier to obtain reports, at such time or at such intervals as may be specified in the order regarding the fitness or otherwise for the purpose of drinking water supplied to adolescent and child from a competent health authority.

(3) The Inspector may, if he thinks fit, himself take a sample of water supplied to adolescent and child in any establishment and direct the occupier to obtain a report thereon and the occupier shall thereupon obtain a report on such sample and supply a copy of such report to the Inspector through registered post, within fifteen days of the directions given to him in this behalf.

15. Latrines, urinals and washing area.— The latrines, urinals washing area required for adolescent and child workers, shall be located in accessible places within the precincts of the establishment and each such latrine and urinals shall be significantly separated from any adjoining latrines or urinal to be used by the adult workers and shall be marked as “for use of adolescent and child workers”.

16. Precautions against fire.—(1) In every establishment, where adolescent or child are engaged on work, shall be provided with,-

- (a) ample supply of water maintained at a sufficient pressure to reach all parts together with the masonry hose-pipe and hydrants for making effective use of the water during work time; and
- (b) fire-buckets and chemical fire-extinguishers at the rate prescribed in the rules made under the Khyber Pakhtunkhwa Factories Act, 2013 (Khyber Pakhtunkhwa Act No. XVI of 2013).

17. Fencing of machinery.—(1) In every establishment, where adolescent or child are engaged on work,-

- (a) all shafts, couplings, collars, clutches, toothed wheels, pulleys, driving straps, chains projecting set screws, keys, nuts and belts on revolving parts, except such as are in the opinion of Inspector by construction or position equally safe for every worker, shall be securely fenced if in motion and within reach of an adolescent or child;
- (b) the underside of all heavy overhead main driving belts or ropes if there is any probability of persons having to pass under them shall be securely fenced;
- (c) in addition to list of occupations and processes mentioned in the Schedule provided in the Act, no adolescent or child shall be allowed to work on the following operations of machines when in motion:
 - (i) lathe, shaping, salting and milling machine;
 - (ii) platen machine and relating cutting machine;
 - (iii) every wheel or tool grinding machine;
 - (iv) operation of hoist;
 - (v) operation of band saw or circular saw;
 - (vi) blow loom of textile mills;
 - (vii) cotton openers, combined openers, sketchers, lathe machines, hard waste breakers and carding machine; and
 - (viii) welding plant;
- (d) all electrical circuits or part 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 a manner as to remove danger of injury;
- (e) where electric energy is used for lighting or power purpose, instructions issue in Urdu and the vernacular of the area for the restoration of persons suffering from electric shock shall be affixed in a conspicuous place;

- (f) all open tanks and vessels containing either chemical or substances dangerous to human life or safety and all pits, gutters or tanks and excavations two feet or more in depth within the precincts shall be securely fenced; and
- (g) no adolescent or child shall be allowed to engaged in oiling or adjusting belts or any work whatsoever within reach of the unfenced transmission machinery.

18. **First aid.**---(1) Every establishment, where adolescent or child are engaged on work shall maintain in good working condition a first-aid box containing necessary appliances.

(2) The first-aid appliances shall be placed under the charge of a responsible person who knows how to use them and shall be kept in a readily accessible place so as to immediately available during working hours.

(3) The words "FIRST AID" shall be clearly painted on the box or other receptacle containing such appliances.

(4) Every adolescent or child sustaining an injury, whether during working or not shall be administered "FIRST AID".

19. **Notice of accident.**--- Notice of accident, as provided in **Form-II** (first accident report), resulting in death or such injury that there is no reasonable hope that the injured adolescent or child shall be able to return to work within forty eight hours shall be sent by telephonic or special messenger, within twenty four hours of the occurrence, to the Chief Inspector or Inspector and by registered post to the Commissioner workmen's compensation, appointed under the Khyber Pakhtunkhwa Workmen's Compensation Act, 2013 (Khyber Pakhtunkhwa Act, No.XIX of 2013); provided that in case of telephonic or special messages, it shall be immediately confirmed by a written notice, as provided in **Form-II**.

20. **Excessive weight.**--- No adolescent or child shall be allowed to lift or carry any weight in excess of ten kilograms.

PART-VI **Powers of Inspector**

21. **Powers of Inspector.**---(1) An Inspector appointed under the Act may enter into any establishment, if he has reason to believe that adolescent or child are employed therein.

(2) The Inspector may take evidence on the spot or otherwise and make such inspection of the premises, register or other relevant record, as required under the Act.

(3) The Inspector may exercise such other powers of inspection as may be required for carrying out the purpose of the Act.

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

FORM-B
[rule 7(1)]

Notice of Engagement on Work

To

The Inspector of the area
.....

1. Name of the Establishment:
2. Location and Address with Telephone Nos:
.....
3. Name of the Occupier:
.....
4. Name of the person in actual management of the Establishment other than the Occupier:
.....
5. The nature of Occupation, or process carried on:
.....
6. Number of Child Workers to be engaged:
.....
7. Nature of light work against which child workers will be engaged.....
8. Number of Adolescents to be engaged:
.....
9. Nature of work against which adolescents will be engaged.....
10. Date of engagement onwork:.....

Dated:
Manager)

(Name &Signature of the Occupier /

Copy to:

The Chief Inspector

.....

FORM-C
[rule 7(1)]

Notice of Period of Work

To

The Inspector of the area
.....

1. Name of the Establishment:
2. Location and Address:
3. Name of the Occupier:
4. Name of the person in actual management of the Establishment other than the Occupier:
.....
5. The nature of Occupation, or process carried on:.....
6. Number of Child Workers engaged:
7. Number of Adolescents engaged:
8. Date of commencement of work:
9. Opening and closing hours of the establishment: From To
10. Weekly holiday given on

Dated:
Manager)

(Name & Signature of the Occupier /

Copy to:

The Chief Inspector

.....

Form-D
[rule 8(2)]

Certificate of Fitness and Age

Serial No.....

Dated:

Particulars of Adolescent / Child

1. Name:
2. Father's Name:
3. Father's CNIC
4. Sex:
5. Residence:

✓ It is hereby certified that I have personally examined the (name) s/d/o (father's name), who is employed or intends to work in the (name of the establishment). His / her age as nearly as can be ascertained from my examination is years and that he / she is fit for employment as adolescent / child in the establishment, where he is employed or intends to work.

His/Her Distinctive marks are: and his signature / thumb impression is given below: -

Thumb Impression and Signature
of Child / Adolescent

Signature
(Examining Surgeon)

Countersignature
(Certifying Surgeon)

Form-E
[rule 8(3)]

Certificate of Age

Serial No.....

Dated:

Particulars of Adolescent / Child

1. Name:
2. Father's Name:
3. Father's CNIC No.....
4. Sex:
5. Residence:
6. Name of the Establishment where employed:

It is hereby certified that I have personally examined the (name) s/d/o
..... (father's name), who is employed in the (name of
the establishment). His / her age as nearly as can be ascertained from my examination is
..... years.

His / Her Distinctive marks are: and his signature / thumb
impression is given below: -

Thumb Impression and Signature
of Child / Adolescent

Signature
(Examining Surgeon)

Countersignature
(Certifying Surgeon)

FORM-H
[rule 19(2)]
Notice of Accident

(To be submitted within twenty-four hours from the time of occurrence of the accident)

1. Name of the Establishment:
2. Address with Telephone No.:
3. Name and address of occupier:
4. Principal Product (s) service rendered.
 - i.
 - ii.
5. Date and Time of Accident:
6. Section / Department where accident occurred:
7. Brief description of cause of accident:
8. No. of persons effected:
9. Particulars of persons died (if any):

Sr. No.	Name	Father's Name	Date of Appointment	Age	Sex	Occupation	Address	
							Present	Permanent
1	2	3	4	5	6	7	8	9

10. Particulars of the injured persons:

Sr. No.	Name	Father's Name	Date of Appointment	Age	Sex	Occupation	Address		Nature of Injury
							Present	Permanent	
1	2	3	4	5	6	7	8	9	10

11. Name and address of the medical officer under whose treatment the injured person has been placed:
12. Date and time of dispatch of report:

Signature of Occupier

Copy to:

1. Chief Inspector
2. Inspector of the Area
3. Commissioner Workers Compensation of the area
