



Centre for Peace and
Development Initiatives

Legal Framework to Protect and Promote Right to Work of Persons with Disabilities



Contents

Legal Framework to Protect and Promote Right to Work of Persons with Disabilities	3
The ICT Rights of Persons with Disabilities Act, 2020	4
The Sindh Empowerment of Persons with Disabilities Act,2018	6
The Balochistan Persons with Disabilities Act, 2017	8
The Punjab empowerment of persons with disabilities act 2022	9
Khyber Pakhtunkhwa] Disabled Persons (Employment and Rehabilitation) Rules, 1991	11
Federal Public Service Commission (FPSC) Ordinance, 1977	14

Legal Framework to Protect and Promote Right to Work of Persons with Disabilities

Pakistan signed the UN Convention on the Rights of Persons with Disabilities on 25 September 2008 and ratified it in July 2011. It is important to understand aspects pertaining to the right to work of PWDs covered in this convention to gauge the effectiveness of the legal framework in Pakistan. Article 27 of this convention pertains to the promotion and realization of the right to work of persons with disabilities. It begins by asking the states parties to recognize the right to work of disabled persons. This recognition should include "the right to the opportunity to gain a living by work freely chosen or accepted in a labor market." Furthermore, the work environment should be open, inclusive, and accessible to disabled persons.

The article states that the states parties should take effective steps so that disabled persons are not discriminated against during "recruitment, hiring and employment, continuance of employment, career advancement, and safe and healthy working conditions." One of the provisions of this article pertains to "equal opportunities and equal remuneration for work of equal value." Furthermore, the article states that disabled persons should be protected, on an equal basis with others, against harassment at the workplace and that they should have equal access to the redress of grievances. The states parties are required to make sure that disabled persons have access to "general technical and vocational guidance programs, placement services, and vocational and continuing training." The states parties should be promoting employment opportunities for persons with disabilities. Furthermore, they should be given assistance in "finding, obtaining, maintaining, and returning to employment." Apart from this, the states parties should also promote opportunities for self-employment. The article not only requires the states parties to employ persons with disabilities in the public sector but also requires them to promote employment opportunities in the private sector through affirmative action and incentives. This article also requires the states to ensure that reasonable accommodations are provided to disabled persons in the workplace. The states parties are required to promote "vocational and professional rehabilitation, job retention, and return-to-work programs for persons with disabilities." The article asks the states to take steps to ensure that the disabled are protected against slavery and servitude.

In Pakistan, at the federal level, the ICT Rights of Persons with Disability Act, 2020, has provisions to protect and promote the right to work of PWDs. Similarly, the Punjab Empowerment of Persons with Disabilities Act 2022, the Balochistan Persons with Disabilities Act 2017, and the Sindh Empowerment of Persons with Disabilities Act 2018 have provisions pertaining to the protection and promotion of the right to work of PWDs. Khyber Pakhtunkhwa is the only province which has not repealed the disabled persons (Employment and Rehabilitation) Ordinance, 1981. Therefore, Khyber Pakhtunkhwa Disabled Persons (Employment and Rehabilitation) Rules, 1991 are applicable in the case of right to work of PWDs. Furthermore, the rules of the Federal Public Service Commission (FPSC) Ordinance, 1977 were amended in 2005, allowing PWDs to compete in CSS examinations for the first time.

The following framework presents legal provisions to protect and promote the right to work of PWDs in the laws enacted at the federal and provincial levels.

Sr. No.	Legal Framework	Tier	Provisions
1	The ICT Rights of Persons with Disabilities Act, 2020	Federal	<p>(10) Equity in the employment.</p> <p>(1) No person, institution, organization or entity, whether public or private, shall discriminate against a person on the ground of disability in the matters of employment, promotion, career development and enjoying fruits of his employment.</p> <p>(2) The employer shall ensure the provision of reasonable accommodation including necessary assistive aid and equipment which a person with disabilities would reasonably require to perform his duties.</p> <p>(3) The government shall reserve an employment quota as prescribed by the Federal Government to be periodically reviewed, at various levels for persons with disabilities in government departments, institutions, entities and corporate entities owned and managed by the government and the concerned department shall implement the allocated quota.</p> <p>(4) The government shall take necessary steps to encourage private enterprises to employ persons with disabilities through incentives for which the government shall prepare long term inclusion plans and allocate necessary resources.</p> <p>(5) The terms and conditions of employment shall not be less favorable for persons with disabilities as compared with those offered to other persons appointed against same or similar positions.</p> <p>(6) An establishment which does not employ persons with disabilities as recurred by sub-section (3) shall pay into the Fund each month the sum of money it would have paid as salary or wages to a person with disabilities had he been employed. In the event of non-payment or non-compliance, the matter shall be brought before an arbitration council to be established for the purpose by the Council.</p> <p>23. Registration of persons with disabilities.</p> <p>(1) Any person with disability desirous of being employed or otherwise rehabilitated may have his name registered in the register maintained by the Council or its designated office in such form and in such manner as may be prescribed by the Council.</p> <p>(2) The Council shall, if it thinks necessary, cause each person with disability registered under sub-section (1) to</p>

Sr. No.	Legal Framework	Tier	Provisions
			<p>be assessed as to the nature of his functional disability and also as to his aptitude and the nature of work he is fit to do by a medical officer authorized by it or by such assessing board as it may appoint having at least one medical officer and the medical officer or, as the case may be, the assessing board shall submit its report to the Council in such form as may be prescribed by the Council.</p> <p>(3) If the person with disability is considered by the Council fit to work, he shall be informed indicating the nature of work for which he may be employed or the trade or vocation in which he may be trained and an endorsement to that effect shall be made against his name in the register.</p> <p>(4) If the person with disability is not considered by the Council fit to work, he shall be informed accordingly for an endorsement to that effect being made against his name in the register and the Council shall take such measures for his rehabilitation as it thinks fit.</p> <p>(5) If a person is declared by the Council not to be a disabled person, his name shall be struck off from the register.</p> <p>24. Establishments to employ persons with disabilities.</p> <p>(1) Not less than one percent of the total number of persons employed by an establishment at any time shall be persons whose names have been registered with the Council or its designated office of the area in which such establishment is located and against whose names in the register maintained under section 23 an -endorsement exists to the effect that they are fit to work.</p> <p>(2) The persons with disabilities employed against any post in pursuance of s section (1) shall be entitled to the terms and conditions which are not less favorable than those of the other persons employed by the establishment against similar posts.</p> <p>(3) When calculating the percentage of the posts in an establishment for the purposes of employment of persons with disabilities, the fraction of 0.5 and above shall count as a whole- number.</p> <p>25. Establishment to pay to the Fund.</p> <p>An establishment which does not employ a person with disability as required by section 24 shall pay into the Fund</p>

Sr. No.	Legal Framework	Tier	Provisions
			each month the sum of money it would have paid as salary or wages to a disabled person had he been employee.
2	The Sindh Empowerment of Persons with Disabilities Act, 2018	Sindh	<p>11 Skills Development and Equity in Employment.</p> <p>(1) The Government shall formulate schemes and programs including provision of loans at concessional rates to facilitate and support employment of 'Persons with Disabilities' especially for their vocational training and self-employment.</p> <p>(2) The schemes and programs referred to in sub-section (1) shall provide for;</p> <ul style="list-style-type: none"> (a) inclusion of persons with disabilities in all mainstream formal and non-formal vocational and skill training schemes and programs; (b) ensuring that a person with disabilities has adequate support and facilities to avail specific training; (c) exclusive skill training programs for 'Persons with Disabilities' with active links with the market, for those with developmental, intellectual, multiple disabilities and autism; (d) loans at concessional rates including that of microcredit; (e) marketing of the products made by 'Persons with Disabilities'; and (f) maintenance of disaggregated data on the progress made in the skill training and self-employment by the 'Persons with Disabilities'. <p>(3) No Government establishment shall discriminate against any person with disabilities in any matter relating to employment: Provided that the Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this sub section.</p> <p>(4) No establishment, whether public or private, shall discriminate against a person on the ground of disabilities in the matters of employment, promotion, career development and enjoying fruits of his/her employment.</p> <p>(5)</p>

Sr. No.	Legal Framework	Tier	Provisions
			<p>(6) Every establishment shall ensure the provision of reasonable accommodation including necessary aid and equipment and appropriate barrier free environment which a Person with Disabilities would reasonably require to perform his/her duties.</p> <p>(7) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this section in the manner as may be prescribed by the Government.</p> <p>(8) Every establishment shall register a copy of the said policy with the Authority.</p> <p>(9) Every establishment shall maintain records of the 'Persons with Disabilities' in relation to the matter of employment, facilities provided and other necessary information in compliance with the provisions of this section in such form and manner as may be prescribed by the Authority. The record maintained under this sub section shall be open to inspection at all reasonable hours by such persons as may be authorized in this behalf by the Authority.</p> <p>(10) Authority shall establish a 'Special Employment Exchange and portal', to which every establishment shall furnish such information as maybe prescribed by the Government in relation to vacancies earmarked for "Persons with Disabilities" which have occurred and filled or are about to occur.</p> <p>(11) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of this section and shall inform the Authority, about the appointment of such officer. Any person aggrieved with the non-compliance of the provisions of this section, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.</p> <p>(12) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Authority, and every</p>

Sr. No.	Legal Framework	Tier	Provisions
			<p>complaint shall be inquired within two weeks of its registration. If the aggrieved person is not satisfied with the action taken on his/her complaint, he or she may approach the Authority.</p> <p>(13) The Government shall reserve a quota of five percent (5%) at various levels for the 'Persons with Disabilities' in the Government departments, institutions, entities, and corporate entities owned and managed by the Government. The Government shall through notification provide for such relaxation of upper age limit for employment of person with disabilities as it thinks fit.</p> <p>(14) The private establishments shall ensure that their workforce will have 5% 'Persons with Disabilities' and the Government will provide incentives through a long-term inclusion plans for which necessary resources will be allocated.</p> <p>(15) The terms and conditions of employment shall not be less favourable for 'Persons with Disabilities' as compared with those offered to other persons appointed against same or similar positions.</p> <p>(16) Establishment which does not employ 'Persons with Disabilities' as per requirement under sub section 13, shall pay into the 'fund' each month the sum of money it would have paid as salary or wages to a Person with Disabilities had s/he had been employed.</p> <p>Sub-sections 3)(f) of Section 12 of Adequate Standard of Living and Social Protection</p> <p>unemployment allowance to 'Persons with Disabilities' registered with Special Employment.</p>
3	The Balochistan Persons with Disabilities Act, 2017	Balochistan	<p>10 Equity in employment: (1) No person, institutions, organization or entity, whether public or private, shall discriminate a person on the ground of disability in respect of employment, promotion, career development and enjoying fruits of his employment.</p> <p>(2) The employer shall ensure the provision of reasonable accommodation including necessary aid and equipment which a Person with Disabilities would reasonably require to perform his duties.</p>

Sr. No.	Legal Framework	Tier	Provisions
			<p>(3) The government shall reserve a quota of five percent at various levels for the Persons with Disabilities in the government departments, institutions, entities, and corporate entities owned and managed by the government. The government shall also impress upon the provincial legislature and local bodies to include such measures in their laws and practices.</p> <p>(4) The government shall encourage private enterprises to employ Persons with Disabilities through incentives for which the government shall prepare long term inclusion plans and allocate necessary resources.</p> <p>(5) The terms and conditions of employment shall not be less favorable for Persons with Disabilities as compared with those offered to other persons appointed against same or similar positions.</p> <p>(6) An establishment Public and Private both which does not employ Persons with Disabilities as required by section 4 (sub-section 4) of this section shall pay twice in to the funds each month the sum of money it would have paid as salary or minimum wages notified by the Government to a Person with Disability had he been employed and the relevant entities / administrative head shall be responsible for enforcement and implementation.</p> <p>(7) Minimum wages to be fixed as notified by the government from time to time under Minimum Wages Act.</p> <p>(8) The provision of rules made for the employees of provincial government in respect of accommodation shall also apply to persons with disabilities.</p>
4	The Punjab empowerment of persons with disabilities act 2022	Punjab	<p>30 Registration of persons with disabilities.</p> <p>(1) Any Person with Disabilities desirous of being employed or otherwise facilitated or rehabilitated may be registered with the Unit of the respective district after getting Certificate from the Board in such form and in such manner as may be prescribed through regulations of the Council, and until such manner is prescribed, in such manner as the Council may direct.</p> <p>(2) The Unit shall record the particulars of every Person with Disabilities having obtained a Certificate from the Board, and shall indicate the nature of work according to his disability for which he may be employed, or the trade or vocation in which he may be trained, and an</p>

Sr. No.	Legal Framework	Tier	Provisions
			<p>endorsement to that effect shall be made against his name in the register.</p> <p>31 Establishments to employ persons with disabilities. (1) Not less than three percent of the total number of persons employed by an establishment at any time shall be persons with disabilities;</p> <p>(2) The recruitment against reserved posts under subsection (1) shall be made in accordance with the procedure, criteria and qualification as may be notified by the Council from time to time for each category of persons with disabilities: provided that persons with short-term or temporary disabilities shall remain unqualified for recruitment against the posts reserved under subsection (1). provided further that the reserved posts shall be divided equally amongst visually impaired persons, hearing impaired persons, persons with other physical disabilities, and intellectually impaired persons.</p> <p>(3) When calculating the percentage of the posts in an establishment for the purposes of employment of Persons with Disabilities, the fraction of 0.5 and above shall count as a whole number.</p> <p>(4) Such persons with disabilities whose names have been registered with the Unit and declared fit to work shall be employed by the establishments as per quota mentioned in subsection (1).</p> <p>(5) A person with a disability employed against any post in pursuance of subsection (1) shall be entitled to such terms and conditions as are not less favorable than those of the other persons employed by the an establishment against similar posts.</p> <p>32 Establishment to pay to the Fund. An establishment that does not employ persons with disabilities as required under section 31 shall, on a monthly basis, pay into the Fund, a sum of money not less than the Minimum Wages notified by the Government under the Punjab Minimum Wages Act, 2019, or a sum of money not less than what it would have paid as salary or wages to a 'Person with Disabilities' had he been employed, whichever is greater.</p> <p>33 Monitoring of establishments and collection of Fund. (1) The monitoring of establishments for employment of persons with disabilities and payment into the Fund, as required under Section 31 and 32 of this Act, shall be made with the assistance of The Punjab Employees Social</p>

Sr. No.	Legal Framework	Tier	Provisions
			<p>Security Institution (PESSI) as prescribed under rules notified by the Government.</p> <p>(7) In case an establishment fails to pay into the Fund, as required under section 32 of this Act, recovery of such payments shall be made in accordance with the provisions of The Provincial Employees' Social Security Ordinance, 1965 (Ordinance X of 1965), and the procedure provided in sections 66, 67 and all other enabling provisions of Ordinance X of 1965 shall, mutatis mutandis, apply and be followed.</p> <p>20 Functions and powers of the Council.</p> <p>(1) The Council shall perform all such functions and exercise all such powers as may be required for the enforcement of the rights and entitlements of persons with disabilities mentioned in PART II of this Act.</p> <p>(a) Without prejudice to the generality of the provisions of subsection (1), the Council shall: execute the policy made by the Government for employment, rehabilitation and welfare of persons with disabilities;</p>
5	Khyber Pakhtunkhwa] Disabled Persons (Employment and Rehabilitation) Rules, 1991	Khyber Pakhtunkhwa	<p>18. EMPLOYMENT OF DISABLED PERSONS:</p> <p>(1) Every establishment shall furnish to the Manager and Social Welfare Officer concerned in the first week of each quarter of the year a statement in Form PCRDP-IV in duplicate indicating the total number of persons employed on the last day of the preceding quarter, total number of disabled persons employed on that date, total number of disabled persons required to be employed on the basis of 1% quota of the total employees of the establishment and the number of vacancies occupations against which disabled person could be employed by it.</p> <p>(2) After the receipt of the statement from any establishment, the Manager shall scrutinize the same and investigate with regard to the particulars given in such statement, if necessary, and forward a copy of his report verifying the particulars given in the statement to the social Welfare officer concerned.</p> <p>(3) The Manager shall send to the establishment a panel of disabled persons selected from amongst the persons registered in the register (PCRDP-II) against whose names there exists an endorsement to the effect that they are fit to work, The Manager shall refer each one of them on a form (PCRDP-V) to the establishment where a vacancy exists keeping in view the qualification experience</p>

Sr. No.	Legal Framework	Tier	Provisions
			<p>required for such vacancy and shall also send a copy of the same to the social welfare officer concerned.</p> <p>(4) When any establishment employs a disabled person referred to it by the Manger, it shall inform the Manager of such employment on a Form PCRDP-V. After the receipt of such information from the establishment the manger shall make suitable entries on the statement (PCRDP-IV) and also send a copy thereof to the social welfare officer concerned. The manager shall also strike of the name of the disabled persons so employed from the register (PCRDP-II).</p> <p>(5) In the event of the establishment not employing a disabled person in accordance with recommendation to the manager, it shall send a report to these effect together with the reasons for non-compliance in form PCRDP-V to the social welfare officer, with a copy thereof to the Manager.</p> <p>19. PAYMENT BY THE ESTABLISHMENT INTO THE FUND:</p> <p>(1) Where an establishment does not comply with the provision of section 10 of the Ordinance, the Social Welfare Officer shall send a notice by registered post in form PCRDP-VI to the Principal of such establishment and required him to pay into "Disabled Persons Rehabilitation Fund" each month the sum of money it would have paid as salary or wages to a disabled person.</p> <p>(2) The establishment shall thereupon pay the sum due by the third of each month either through a bank draft or a crossed cheque payable to the Council by remitting the same to the Social Welfare Officer concerned.</p> <p>(3) The Social Welfare Officer shall transmit by the seventh of each month all such bank drafts or crossed cheques to the Secretary of the Council duly entered in a consolidated statement in form PCRDP-VII showing also the name and address of the Principal Officer of each establishment who has failed to pay any sum due from it till that date.</p> <p>(4) The social welfare officer shall serve a notice in Form PCRDP-VIH to be sent to the Principal Office of each establishment under his own signatures requiring him to pay 'any or all the sums due to the fund within 30 days from the date of despatch of such notice and to show cause within the same period as to why penalty contemplated by section 20 of the ordinance may not be</p>

Sr. No.	Legal Framework	Tier	Provisions
			<p>imposed upon him. A copy of the same shall also be forwarded to the Secretary of the Council.</p> <p>(5) The reply to the show cause notice, if any, furnished by the Principal Officer shall be communicated by the Social Welfare officer with his comments to the Chairman through Sectary for consideration and decision of thee Chairman thereon shall be communicated to Principal Officer within 7 days from the date of such decision in for PCRDP-IX with a endorsed to the Social Welfare Officer. The decision of the Chairman shall be final.</p> <p>(6) In case no reply to the show cause notice has been received from, the Principal Officer of establishment within the stipulated period or in case of failure of such Principal Officer to m payment of sums due within 1 days from the communication of the final decision of I Chairman, the Social Welfare Officer shall make a complaint on Form PCRDP-X to competent Court of the area in whose jurisdiction such establishment is situated and shall endorse a copy thereof to (he Secretary of the Council.</p> <p>20. REHABILITATION OF DISABLED PERSONS NOT FIT TO WORK:</p> <p>(1) The Social Welfare officer shall prepare a list of disabled persons declared by the Assess Committee of the Council as "Not fit for Work" and shall place it before a Rehabilitate Committee to be constituted by the Council for consideration.</p> <p>(2) The Rehabilitation Committee shall take into account the disability, age, education, training marital status and number of dependant family members of each disabled person and h suitable measures for his rehabilitation: Provided that the Council may prescribe standard uniform measure of rehabilitation for all t disabled persons falling into a particular disability group, age limit, education / trade level marital status.</p> <p>(3) The Social Welfare officer shall take appropriate steps to implement the decision in respect each disabled person.</p> <p>21. TRAINING OF DISABLED PERSONS:</p> <p>(1) The Social Welfare Officer shall place a list of all disabled persons for whom training different trades and vocations has been recommended by the Assessing</p>

Sr. No.	Legal Framework	Tier	Provisions
			<p>committee before training committee to be constituted by the Council for consideration.</p> <p>(2) The Training committee shall consider the level nature and duration of training recommend for different disabled persons and shall determine the polytechnic Institute, Technic Training Centre, Govt: Vocational Institute, Apprenticeship Training Centre of the Provincial Government, Crash or any other training programme of the Federal' Government or recognized Private Technical Training Institute in which and the terms and conditions < which such training may be imparted,</p> <p>(3) The Social Welfare Officer shall take appropriate steps to implement the decision of the training committee in each case and shall inter alia, approach the venous authorities to the Provincial Federal Government and the management of the recognized Private Technical Training Institute, as the case may be, for this purpose,</p> <p>22. ESTABLISHMENT OF TRAINING CENTRES BY THE COUNCIL:</p> <p>(1) The council may establish training centres for such trades/vacations as are deemed necessary.</p> <p>(2) The Council may arrange training for disabled persons in a trade or vocation at any appropriate institute.</p> <p>(3) The Council may allow a stipend to be paid to each registered disabled person receiving training in a trade or vocation of the recommendation of Training committee for such period and on such terms and conditions as may be determined by it.</p> <p>23. FINANCIAL ASSISTANCE TO DISABLED PERSONS:</p> <p>(1) The Council may provide financial assistance to disabled persons who have been declared by the Assessing Committee to be not fit for work and such assistance, shall be subject to such terms and conditions as the Council may determine. The Council may disburse financial assistance to Voluntary Organizations engaged in the welfare of disabled persons on such terms and conditions as it may determine.</p>
6	Federal Public Service Commission (FPSC) Ordinance, 1977	Federal	<p>The rules of the Federal Public Service Commission (FPSC) Ordinance, 1977 were amended in 2005, allowing PWDs to compete in CSS examinations for the first time.</p> <p>Rule 9 of the rules for the 2014 CSS exams, framed by FPSC, makes allowances for reasonable accommodations. Blind</p>

Sr. No.	Legal Framework	Tier	Provisions
			<p>persons, for example, can sit for the exams using a computer, Braille and/or with the assistance of an amanuensis. However, Rule 9 is discriminatory in nature as it allows PWDs to take part in CSS exams, but successful candidates can only join four occupational groups: the audit and accounts service, and the commerce and trade, information and postal groups.</p>

Centre for Peace and Development Initiatives (CPDI) is an independent, non-partisan and a not-for-profit civil society organization working on issues of peace and development in Pakistan. It is registered under section 42 of the Companies Ordinance, 1984 (XLVII of 1984) later substituted by Companies Act 2017. It was established in September 2003 by a group of concerned citizens who realized that there was a need to approach the issues of peace and development in an integrated manner. CPDI is a first initiative of its kind in Pakistan. It seeks to inform and influence public policies and civil society initiatives through research-based advocacy and capacity building in order to promote citizenship, build peace and achieve inclusive and sustainable development. Areas of special sectoral focus include promotion of peace and tolerance, rule of law, transparency and access to information, budget watch, media watch, local government, climate change, election watch and legislative watch and development.



Centre for Peace and
Development Initiatives

-  CPDI.Pakistan
-  CPDI_Pakistan
-  CPDI_Pak
-  CPDIPakistan2003
-  www.cpdi-pakistan.org

A Company setup under section 42 of the Companies Ordinance, 1984
(Now substituted by the Companies Act 2017)

www.cpdi-pakistan.org