



# The Sindh Government Gazette

Published by Authority

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**KARACHI TUESDAY APRIL 12, 2016**

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## PART-IV

**PROVINCIAL ASSEMBLY OF SINDH  
NOTIFICATION  
KARACHI, THE 12<sup>TH</sup> APRIL, 2016.**

**NO.PAS/Legis-B-37/2015**-The Sindh Workers' Compensation Bill, 2015 having been passed by the Provincial Assembly of Sindh on 25<sup>th</sup> February, 2016 and assented to by the Governor of Sindh on 07<sup>th</sup> April, 2016 is hereby published as an Act of the Legislature of Sindh.

**THE SINDH WORKERS' COMPENSATION ACT, 2015.**

**SINDH ACT NO. VII OF 2016.**

**AN  
ACT**

*to provide for the payment by certain classes of employers to their workers or their legal heirs of compensation for injury or death by accident.*

**WHEREAS** it is expedient to provide for the payment by certain classes of employers to their workers or their legal heirs of compensation for injury or death by accident; **Preamble.**

It is hereby enacted as follows:-

### CHAPTER-I Preliminary

- 1.(1) This Act may be called the Sindh Workers' Compensation Act, 2015. **Short title, extent and commencement.**
- (2) It shall extend to the whole of the province of the Sindh.

**Definitions.**

- (3) It shall come into force at once.
- 2.(1) In this Act, unless there is anything repugnant in the subject or context-
- (a) "adult" means, for the purpose of this Act, a person who has completed eighteenth years of his age;
- (b) "Commissioner" means a Commissioner for Workers' Compensation appointed under section 25;
- (c) "compensation" means compensation as provided for by this Act;
- (d) "dependent" means any of the following relatives of a deceased worker, namely:-
- (i) widow(s) , minor legitimate sons, and unmarried legitimate daughters, or a widowed mother; and
  - (ii) if wholly or in part dependent on the earnings of the worker at the time of his death, a widower, a parent other than a widowed mother, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, a minor child of a deceased daughter where no parent of the child is alive or where no parent of the worker is alive, a paternal grandparent;
- (e) "employer" includes anybody of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and when the services of a worker are temporarily lent or let on hire to another person by the person with whom the worker has entered into a contract of service or apprenticeship, means such other person while the worker is working for him;
- (f) "Government" means the Government of the Sindh;
- (g) "managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer;
- (h) "minor" means, for the purpose of this Act, a person who has not completed fourteenth years of age;
- (i) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a worker in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time:

Provided that every injury specified in Schedule-I shall be deemed to result in permanent partial disablement;

- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "qualified medical practitioner" means any person registered under any Act of the Federal Legislature or any Provincial Legislature providing for the maintenance of a register of medical practitioners;
- (l) "rules" means the rules made under this Act;
- (m) "Schedule" means Schedule to this Act;
- (n) "Seaman" means any person forming part of the crew of any ship, but does not include the master of the ship;
- (o) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a worker for all work which he was capable of performing at the time of the accident resulting in such disablement:

Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule-I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent;

- (p) "Tribunal" shall have the same meaning as assigned to it in the Sindh Industrial Relations Act, 2013;
- (q) "wages" includes any privilege or benefit which is capable of being estimated in money, other than a traveling allowance or the value of any traveling concession or a contribution paid by the employer of a worker towards any pension or provident fund or a sum paid to a worker to cover any special expenses entailed on him by the nature of his employment; and
- (r) "worker" means any person employed in any factory, industrial establishment or commercial establishment or a mine to do any skilled or unskilled, manual or clerical work for hire or reward, whether terms of service may be expressed or otherwise and includes a person as specified in Schedule-II but does not include "factory manager" as defined in Factories Act, 1934 and "employer" as defined in the Industrial and Commercial Employment (Standing Orders) Ordinance, 1968;

(2) The exercise and performance of the powers and duties of a local authority or of any department acting on behalf of Government shall, for the purposes of this Act, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

(3) Government, after giving, by notifications in the Official Gazette, not less than three months' notice of its intention so to do, may, by a like notification, add to Schedule-II any class of persons employed in any occupation which it is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply to such classes of persons:

Provided that in making such addition Government may direct that the provisions of this Act shall apply to such classes of persons in respect of specified injuries only.

(4) Expressions used in this Act but not defined herein shall have the same meanings as assigned to them in the relevant labour laws.

## CHAPTER-II

### Worker's compensation

#### Employer's liability for compensation.

3.(1) If personal injury is caused to a worker by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter:

Provided that the employer shall not be so liable -

- (a) in respect of any injury which does not result in the total or partial disablement of the worker for a period exceeding four days;
- (b) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to -
  - (i) the worker having been at the time thereof under the influence of intoxication or drugs; or
  - (ii) the willful disobedience of the worker to an order expressly given, or to a rule expressly framed for the purpose of securing the safety of workers; or
  - (iii) the willful removal or disregard by the worker of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workers.

(2) If a worker contracts any disease specified in Schedule-III as an occupational disease peculiar to that employment, or if a worker, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months shall be deemed to be an injury by accident within the meaning of this

