

THE SINDH WOMEN AGRICULTURAL WORKERS' ACT, 2019
SINDH ACT NO. V OF 2020

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[30th January, 2020]

AN ACT to provide for the recognition of women's work in agriculture (including farming, livestock and fisheries) and related sectors, to promote and protect their rights, to ensure their participation in decision-making and to foster empowerment through work, and to improve the health and nutrition of women agricultural workers and their children.

AND WHEREAS it is expedient to provide for the recognition of women's work in agriculture (including farming, livestock and fisheries) and related sectors, to promote and protect their rights, to ensure their participation in decision-making and to foster empowerment through work, and to improve the health and nutrition of women agricultural workers and their children. **Preamble.**

It is hereby enacted as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Sindh Women Agricultural Worker's Act, 2019. **Short title, extent and commencement.**
 (2) It shall extend to the whole of the Province of Sindh.
 (3) It shall come into force at once.
2. In this Act, unless the context otherwise requires- **Definitions.**
 - (a) "agriculture" means and includes all activities related to cultivation of crops, animal husbandry, poultry, livestock rearing, apiculture, gardening, fishing, aquaculture, sericulture, vermiculture, horticulture, floriculture, agro-forestry, or any other farming activity or related post-farm activity carried out through self-employment, tenorial cultivation, share cropping, or other types of cultivation including shifting cultivation, collection, use and sale of minor or non-timber forest produce by virtue of ownership rights or usufructory rights;
 - (b) "Government" means the Government of Sindh;

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- (c) “Programme” means the Women Benazir Support Programme set up under section 15;
- (d) “Province” means the Province of Sindh;
- (e) “Tripartite Council” means the Tripartite Arbitration Council set up under section 17; and
- (f) “woman agricultural worker” means any female person who is, individually or jointly with any other person, paid or unpaid, on land owned or held by herself or her family or anyone else, and for any duration of time, engages in agriculture directly or through the supervision of others and includes all women agricultural workers present in the province, including temporary residents, seasonal migrants, and individuals belonging to travelling and homeless communities;
- (g) “Department” means the Labour and Human Resources Department;

CHAPTER II
RIGHTS OF WOMEN AGRICULTURAL WORKERS

3. (1) A women agricultural worker shall receive pay in cash or in kind, for any agricultural work undertaken individually, or as part of a family unit, on land and livestock belonging to her or her own family, or to someone else which shall be an equal to pay received by male workers for some work. **Pay to women agriculture worker.**
 (2) The pay to a women agriculture worker under sub-section (1) shall not be less than the minimum wages fixed by Government from time to time for a worker.
4. (1) The working day of a woman agricultural worker shall not exceed eight working hours, and shall not commence until one hour after daybreak, or continue beyond one hour prior to sunset. **Working hours and off-work.**
 (2) A woman agricultural worker shall take time off work due to sickness or for ante-natal and post-natal care, routine health check-ups and visits, without incurring financial or other penalty.
5. A woman agricultural worker is entitled to 120 days of maternity leave. **Maternity Leave.**

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(1) Every Woman Agriculture Worker is entitled to Iddat Leave for the period prescribed in their faith professed by the worker.

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| 6. | A woman agricultural worker having child of upto two years of age may breastfeed her child in safe and hygienic conditions and in the first six months of the child's life shall receive the necessary support to exclusively breastfeed her child. | Child nutrition by woman agriculture worker. |
| 7. | <p>(1) A woman agricultural worker shall have access to public health services convenient for her in terms of timing with regard to her working hours, and location with regard to her place of residence or place of work.</p> <p>(2) A women agricultural worker has the right to access government agricultural, livestock, fisheries and other services, credit, social security, subsidies and asset transfers in her own individual right, or in association with other women agricultural workers.</p> | Access to public health services and government institutions of agriculture etc. |
| 8. | A woman agricultural worker shall perform work free from all forms of harassment or abuse as laid out in the relevant laws prevailing in the Province. | Free from Harassment and abuse. |
| 9. | A woman agricultural worker shall receive a writer contract of employment if she so demands, and for accessible and fair arbitration mechanisms, particularly with respect to rates of pay, payment schedules, working conditions, and health and safety at the workplace. | Written contract for work. |
| 10. | A woman agricultural worker shall have right to form a union or association or to associate herself with an association or group for the purposes of collective bargaining, social welfare including child health, community development, economic profit, and for accessing publicly supplied goods and services. | Association of woman agriculture worker. |
| 11. | A woman agricultural worker shall not be discriminated against with respect to employment opportunities, wages and working conditions on grounds of sex, land ownership, caste, religion, ethnicity and residential status. | Discrimination of woman agriculture worker against employment opportunities etc. |
| 12. | The rights listed in this Chapter are applicable to all women agricultural workers regardless of whether they are currently employed directly or indirectly (through labour contractors or male family members), paid or unpaid family help, or are engaged in agricultural work as part of any other arrangements. | Application of rights of women agriculture workers. |

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CHAPTER III

REGISTRATION OF WOMAN AGRICULTURAL WORKER

13. (1) Government shall, through the Labour and Human Resources Department, maintain a register of women agricultural workers at every Union Council. The registration process would be initiated after enactment of this Act as a pre-requisite to provide all the benefits, incentives and privileges to the women agricultural workers provided under this Act. **Registration of woman agriculture worker.**
- (2) Any woman resident of the Union Council may apply for being registered as a "Woman Agricultural Worker" as long as she fulfils the definition provided in section 2(f).
- (3) The registered Woman Agricultural Worker shall be issued a Benazir Women Agricultural Worker's Card (Benazir Card).
- (4) The woman agricultural worker who holds Benazir Card shall be free to make her associations or groups according to her choice.
- (5) A union of women agricultural workers consisting of at least five Benazir Women Agriculture Worker's Card holders may also apply to register a "Women Agricultural Workers" Union.
- (6) Individual registered workers or registered groups of workers may apply for Government asset transfers, subsidies, credit and services, as well as for arbitration and enforcement of contracts and may mobilise for support within communities for the equitable distribution of the care burden of families.
- (7) Registration shall also be seen as one of non-exclusive facilitative instrument for the recognition, protection and promotion of rights listed in Chapter-II. It shall not be a prerequisite for the recognition, protection or promotion of these rights.
14. Government shall recognise, promote and protect the rights of women agricultural workers, through supportive policies and programmes of all relevant departments, coordinated by the Benazir Women's Support Programme of the Labour and Human Resources Department. **Government to recognize and promote and protect the rights of agriculture workers.**

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CHAPTER IV
BENAZIR WOMEN'S SUPPORT PROGRAMME

15. (1) Government shall, by notification in the official gazette set up the Benazir Women's Support Programme (BWSP) as a permanent programme under the Labour and Human Resources Department with an endowment fund. **Benazir Women Support Program.**

(2) The Programme setup under sub-section (1) shall be regulated by the Board consisting of-

- (a) Minister for Labour and Human Resources or Advisor for Labour Human Resources or any other Minister or person to be nominated by the Chief Minister; **Chairperson**
- (b) Secretary Labour and Human Resources, Agriculture, Livestock, Fisheries, Women Development, Local Government, Finance, Planning & Development, Government of Sindh and all Divisional Commissioners; **Ex-Officio Members**
- (c) Two persons of civil society having worked in the field of women agriculture sector; **Members**
- (d) Two Representatives of the Farmer's/ Abadgar organisation **Members**
- (e) Two women MPAs nominated by the Speaker **Members**
- (f) Two elected representatives of groups of women agricultural workers from each division of the Province. **Members**

(3) The Board shall define the detailed policies and objectives of the Programme and appoint its Secretary for the execution of the Program.

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16. (1) The Programme shall be responsible for registration of women agricultural workers, and will have a field presence in all districts of the province. **Registration of women agricultural workers.**
- (2) The Programme shall liaise with relevant line departments at the district and local levels for the recognition, promoting and protection of the rights of women agricultural workers.
- (3) The Programme shall be able to provide technical and financial assistance to projects initiated by local groups of women agricultural labourers for livelihood, food security, nutrition, health, recognition of women's economic contribution, behavior change and changing social norms, and other issues relevant to the rights and welfare of women agricultural workers.

CHAPTER V

TRIPARTITE ARBITRATION COUNCILS

17. (1) Labour and Human Resources Department shall set up Tripartite Arbitration Councils at provincial, district, taluka and Union Council levels with representatives of women agricultural workers, employers, labour and female councilors, and Labour and Human Resources Department (represented by the Programme) for-
- (a) setting piece-rates for various agricultural tasks such as cotton-harvesting, chilli-harvesting, wheat harvesting and others according to local conditions for every season;
 - (b) setting the rates for sale of other produce directly involving women agricultural workers, such as dairy and other livestock products;
 - (c) registering and arbitrating contractual conditions between employers, landlords, labour contractors, and women agricultural workers;
 - (d) promoting safe and hygienic working conditions for women agricultural workers, such as provision of clean drinking water, and preventing exposure to pesticides and other hazardous substances;
 - (e) preventing sexual and other forms of harassment or abuse;

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- (f) promoting model contracts and best practices;
- (g) detailed rules and procedures which will be framed in the light of the rights of women agricultural workers listed in-Chapter II, and guided by the overarching premise that the arbitration process will recognize, promote and protect these rights.

CHAPTER VI
OTHER GOVERNMENT ACTION

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| 18. | <p>(1) Government shall initiate a step-wise process of reform in all relevant departments, policies and programmes to recognize, promote and protect the rights of women agricultural workers.</p> <p>(2) The step-wise process shall be coordinated by the Planning and Development Department and led by Steering Group which will report on progress of reforms envisaged under this Act to the appropriate forum within the Sindh Assembly on a quarterly basis.</p> | <p>Step-wise process reforms initiated by Government.</p> |
| 19. | <p>Government agencies charged with collecting social and economic data and statistics will revise their methodologies to pay explicit attention for the recognition of women agricultural workers and their economic contribution.</p> | <p>Collection of social and economic data and statistic.</p> |
| 20. | <p>Government shall take active measures to encourage private sector and non-governmental stakeholders in agriculture, health and other sectors to facilitate the access of women agricultural workers to their services.</p> | <p>Government to take measures to encourage private sector and non-governmental stakeholders.</p> |
| 21. | <p>(1) The Departments of agriculture, livestock, fisheries, land revenue and other agriculture-related and programmes will prepare and implement a five-year plan from the date of enactment, to make their outreach and services appropriate and accessible to the needs and rights of women agricultural workers, which shall include but not be limited to increasing the number of women staff, particularly at the filed level.</p> <p>(2) The Departments of health, population welfare, local government and women development including labour department shall prepare and implement a two-year plan from the date of commencement of this Act to ensure that their outreach and services are appropriate and accessible to the needs and rights of women agricultural workers.</p> | <p>Responsibilities of Various departments of Government.</p> |

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(3) All such departments shall initiate measures to ensure that they can be responsive to demands from individual Benazir Card holders as well as groups of Benazir Card holders registered with the Labour and Human Resources Department, as well as women agricultural workers who might not be so registered.

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| 22. | Government may make rules for carrying out the purposes of this Act. | Power to make rules. |
| 23. | The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law, for the time being in force. | Over-riding effect. |