

IMPACT AND DEVELOPMENT OF LABOR LAWS IN THE CIVIL JUSTICE SYSTEM OF PAKISTAN

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ABSTRACT

The article explores the evolution of labor legislation in Pakistan and its far-reaching consequences for the civil justice system. It traces its development from colonial laws such as the Trade Unions Act, 1926, and the Factories Act, 1934, through various Industrial Relations Ordinances before the enactment of post-18th Amendment provincial laws, and the evolution of a parallel system of specialized labor adjudication separate from ordinary civil courts. This was designed to ensure justice is available and accessible in a shorter time, but the article contends that the results have been mixed. The 18th Amendment of the Constitution brought about the devolution of labor, creating some complex jurisdictional situations, and the recent creation of the Federal Constitutional Court has introduced another layer of complexity. Law has a solid substantive rights dimension, with a minimum wage, protection against arbitrary dismissal, and the efficacy of collective bargaining, enforcement problems, ongoing case backlogs, and exclusionary legal definitions are significant threats to the effectiveness of substantive rights enforcement. However, more than seventy per cent of non-agricultural employment is in the informal sector, which these mechanisms do not properly represent. As a result, legal progress mainly benefits the organized formal sector, and the most vulnerable workers have no useful remedies. The article concludes that the specialized system shifts the burden from the justice system but fails to provide meaningful access for most workers, highlighting a gap between the rights created and the rights enforced in Pakistan's labor-justice system.

Keywords: Labor Law; Civil Justice System; Pakistan; Labor Courts; Access to Justice; Eighteenth Amendment; Devolution; Informal Employment; Constitutional Courts; Industrial Relations; Workers' Rights; Enforcement.

1 Introduction

Labor rights and access to justice go hand in hand in the promise of the constitution. No right can be enforced in a competent forum within a reasonable time and at a reasonable cost. No right is real if it can't be enforced in a competent forum within a reasonable time and at a reasonable cost (Fatima, 2023). This is important to understand

the role of labor law in the framework of civil justice in Pakistan. Since independence, governments have passed a large and intricate set of labor laws, all of which relate to wages, working conditions, industrial relations, social security, and workplace safety. But the significance of this legislation for any particular worker is determined by the institutional machinery that is at their

disposal to enforce it: labor courts, industrial tribunals, ordinary civil courts, and the superior judiciary that makes up the country's labor-justice system (Shahid & Syed, 2023). Labor legislation acts as a two-way street in this system. It establishes substantive standards (such as minimum wage, maximum working week, protection against arbitrary dismissal, right to organize), and at the same time establishes or modifies the procedural means by which workers can assert those standards.

In most legal systems, there is no specific procedure for deciding a dispute based on a contract or tort, so that the ordinary civil courts are chosen as the forum for the dispute under a general procedure, as in the case of the Code of Civil Procedure, 1908. Labor law in Pakistan has, however, gradually created a parallel system of adjudication, which is less technical, more accessible and more attuned to the structural imbalance that exists between the employer and the worker than an ordinary civil action: labor courts, labor appellate tribunals and, at the federal level, the National Industrial Relations Commission (Jamshed et al., 2023). It is, therefore, crucial to grasp how this parallel system engages with, displaces, or complements the ordinary civil courts to comprehend access to justice for Pakistani workers. The labor law in Pakistan has undergone several interesting stages. It started with legislation passed by the British Indian government: the Factories Act, 1934, the Trade Unions Act, 1926, and 1920s industrial disputes legislation, which were laws aimed at controlling industrial unrest and not at assuring substantive rights (Malhi, 2024).

Since our independence, the system has undergone constant modification through various Industrial Relations Ordinances, each of which has changed the structure of the machinery for resolving disputes between capital and labor and, consequently, the demarcation between specialized labor adjudication and the general civil justice system (Maqsood et al., 2024). The most significant redesign was achieved by the 18th Constitutional Amendment of 2010, which removed the Concurrent Legislative List and devolved key functions to the provinces in terms

of labor law. This one constitutional amendment added to the number of labor laws in the country and created a variety of labor courts, as well as rearranging the relationship between federal and provincial courts in a manner that has yet to be clarified. Labor law is intertwined with a multi-layered civil justice system. The jurisdiction of ordinary civil courts remains where claims are not covered by labor legislation, for example, claims concerning managerial or supervisory staff who are not considered to be "workers" under the Industrial Relations Act (Naheed et al., 2024).

There are labor courts and industrial tribunals which have exclusive jurisdiction over disputes within their statutory jurisdiction, subject to appeal. The High Courts have constitutional writ jurisdiction in relation to the decisions of the various labor authorities and to the enforcement of fundamental rights, while the new Federal Constitutional Court now has the original constitutional jurisdiction in relation to the enforcement of fundamental rights, which was previously with the Supreme Court (Shah Gilani et al., 2022). The rules of procedure, the standard of proof, and the timelines for each of these forums vary; and a worker may be able to obtain a successful remedy in one forum but not in another, and often the success of a claim may depend more on which forum has jurisdiction than on the merits of the claim. This article discusses the influence of the evolution of the labor law in Pakistan on the civil justice system of the country, both positive and negative.

2 Historical Development of Labor Laws and Labor Justice in Pakistan

2.1 Colonial Foundations and Early Post-Independence Labor Legislation

Pakistan's labor law started with a group of laws framed by the colonial administration of British India in the first half of the 20th century. The legal recognition of trade unions, via the Trade Unions Act 1926, and the provision of legal procedures for conciliation and adjudication of industrial disputes in the 1920s, facilitated the development of a legal framework for the recognition of labor and its organization legal recognition of trade unions, through the Trade Unions Act 1926, and

the provision of legal frameworks for the conciliation and adjudication of disputes between employers and organized labor in the 1920s, helped to create a legal framework for the recognition of labor and its organization (Kishwar et al., 2023).

The Workmen's Compensation Act, 1923, introduced the concept of compensation to the injured worker, and the Factories Act, 1934, set out the working hours and safety requirements as well as the employment of children on industrial premises with 10 or more employees. These acts were not enacted primarily for the benefit of workers' welfare, but rather were, in part, instruments of the colonial economy that were aimed at keeping industrial unrest in check and keeping the growing industrial workforce under a manageable regulatory regime (Rahat et al., 2023). On the eve of independence in 1947, this legislation was inherited by Pakistan in full, including the Industrial Employment (Standing Orders) Act, 1946, which was a legislation that governed terms and conditions of service in industrial establishments and the employer's responsibility to establish disciplinary procedures and conditions of dismissal (Rashid, Faridi, et al., 2024). These early Acts had set a precedent which would endure for decades: that labor relations would be regulated by a special law, with its own substantive rules and, as it went, its own substantive processes for resolving disputes. The government's involvement in this process of labor relations was very active, and during this time the tripartite approach to labor policy with representatives from government, employers, and workers became the predominant, though not always even, form of policy formation (Rashid, Mehmood, et al., 2024). There have been five national labor policies that have been announced from 1955 to 2002. This policy instability, combined with a colonial labor law tradition that was more focused on order than on entitlement, paved the way for more purposeful institutional distinction of labor adjudication that began in the 1960s (Rashid & Faridi, 2023).

3 Labor Laws and the Structure of Civil Justice in Pakistan

3.1 Jurisdiction of Civil Courts in Labor-Related Disputes

The default principle of jurisdiction of the civil courts of Pakistan, in which labor laws also work, is outlined in Section 9 of the Code of Civil Procedure, 1908, which provides that 'all suits of a civil nature shall be heard' by the civil courts, except those 'expressly or impliedly' excluded. Both the Industrial Relations Act, 2012 and the provincial Acts contain provisions that say that the Act overrides other laws and that the Industrial Relations Courts (the Labor Courts, the Labor Appellate Tribunals and the National Industrial Relations Commission where applicable) have exclusive jurisdiction over disputes within the scope of the Act (International Labor, 2023a). If there is a dispute about the dismissal, reinstatement or terms of service of a "worker" (as defined by the relevant industrial relations legislation), an ordinary civil action will not be allowed, and the employee who is aggrieved will have to follow the grievance process provided for in the relevant industrial relations legislation.

There are, however, no absolute or without important exceptions, with respect to this exclusion, recognized by superior court jurisprudence. The civil courts have jurisdiction to review the legality of the order, even if the jurisdiction is denied by the statute, where the order is alleged to be a nullity, for example if the labor authority has acted without jurisdiction, in bad faith or in flagrant disregard of the principles of natural justice, because an ouster clause is generally read as barring challenges to the decisions that have been made within the jurisdiction, rather than to the decisions that are void ab initio (Bessa et al., 2023). The courts have civil jurisdiction when the claimant is not a 'worker' at all, as defined by the statute. Those who work in managerial, administrative or supervisory roles and who are expressly excluded from the coverage of the Industrial Relations Act and provincial equivalents of the Act are not covered by the grievance mechanism provided by the labor courts, and may only have a grievance against their employer for wrongful termination or

breach of contract through an ordinary civil suit in the general law of contract, or, if they are a civil servant, brought before the Service Tribunals established under Article 212 of the Constitution, rather than before the labor courts or before the ordinary civil courts. The doctrine establishes that a claimant is entitled to come into a particular forum, but there has been a considerable amount of preliminary litigation over which forum a claimant should approach, adding another layer of procedure before the substantive issues can even be litigated (Cherry & Aloisi, 2022).

3.2 Labor Courts, Industrial Tribunals and Specialized Justice

Labor Courts established under the industrial relations laws of the provinces have hybrid jurisdiction. They have the authority to adjudicate individual grievances concerning dismissal, retrenchment and other conditions of service, to try offenses established by the appropriate industrial relations legislation, and in so doing, they can summon witnesses, examine documents and pass enforceable orders, among other powers that are similar to those of a normal civil court under the Code of Civil Procedure (De Stefano et al., 2022). A Labor Court has jurisdiction over a grievance petition not limited, as an appellate civil court would be, to review the regularity of the employer's domestic inquiry; it extends to a re-examination of the facts underlying a dismissal, even though the domestic inquiry was conducted regularly. This broad fact-finding authority was intentionally granted to overcome the structural disadvantage of workers in their attempt to present evidence against an employer who has the relevant records in its possession, and is the main doctrinal basis for the exclusion of labor disputes from the ordinary civil process (Berg et al., 2022).

The Labor Courts are supervised by the Labor Appellate Tribunals and, where applicable, the National Industrial Relations Commission (NIRC) which hear appeals against decisions made by the Labor Courts, and have original jurisdiction over trans-provincial establishments, where they exercise jurisdiction over individual grievances, union registration disputes and unfair labor practices in establishments operating in more than

one province within the Islamabad Capital Territory (Saleem et al., 2026). The federal Industrial Relations Act, 2012 provides, in principle, a worker who wishes to enforce an individual right, such as a claim for wrongful dismissal, with a limitation period of little more than two months after the worker has served grievance notice, with a subsequent grievance petition to the National Industrial Relations Commission. As specific as this system is designed to be, its usefulness to any given worker is dependent on that worker's understanding of where jurisdiction lies and the limitation periods, which a layperson lacking legal representation may not be able to monitor (Rubery & Grimshaw, 2022).

3.3 Access to Justice, Remedies and Enforcement

The separation of labor disputes from the ordinary civil courts was to bring justice closer to the workers, but in the experience of litigants, this has not been fully realized. Like the rest of the judiciary, Labor Courts are plagued by understaffing and a high number of pending cases; a dispute before the Labor Court is not necessarily more resolved than what the specialized nature of the court would imply, as appeals to the Labor Appellate Tribunal and finally to the High Court, within the constitutional jurisdiction of the High Court, can drag on for several years. The real impact of a favorable verdict is greatly reduced for an unemployed individual whose livelihood relies on wage income. A favorable verdict after several years without work and without means to maintain a long court case is of little use to a person on the unemployment rolls (Aloisi & De Stefano, 2022).

Cost is another, less obvious barrier. While the Labor Court procedure is simpler and cheaper than the ordinary civil litigation procedure, workers need legal representation to deal with the strict limitation periods, to differentiate between the individual and collective grievance procedure available under the proper industrial relations legislation and to determine the appropriate forum for their grievance, whether it is a provincial Labor Court, the National Industrial Relations Commission or for certain categories of

employees, an ordinary civil court. This is filled in part by trade unions and legal aid groups for workers under unions in the formal sector, but most Pakistani workers, who work in small family businesses or in the informal sector without union representation, do not have such access (Hepple, 2022).

The enforcement of decisions of the labor court is another restriction. Execution is then effected by means similar to those available to the decree-holder in an ordinary civil suit, but different from those available in a criminal case, and it is often possible for the non-compliant employer to delay execution by paying nothing and/or by proceeding to further appeal (especially if the employer is a small or informally organized unit with few traceable assets). Delay, cost and poor implementation means that the special architecture set up to benefit workers often does more to perpetuate than to solve access-to-justice problems in the normal civil justice system it was meant to circumvent (Paul, 2024).

4 Impact of Labor Law on the Civil Justice System

4.1 Protection of Workers' Civil and Fundamental Rights

Despite the difficulties in practice enumerated above, the evolution of the law of labor since independence has materially widened the scope of interests which in principle may be brought before a court or tribunal by the working class in Pakistan. Wage protection has also evolved from the simple standard of the Payment of Wages Act, 1936 for timely payment into a more sophisticated system of the federal government and each provincial minimum wage board setting their own minimum wage; the nationally applicable minimum wage was increased to Rs 37,000 per month, while a higher provincial minimum wage was prescribed for several provinces, including Punjab (Sedacca, 2022). A provision to prevent arbitrary termination has been framed around the provisions of the Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 and its provincial counterparts, which specify specific disciplinary processes, notice periods and,

in many cases, compensation for retrenchment for an employer to lawfully dismiss a worker.

Protection from discrimination has been more unevenly created, with both constitutional and statutory protection. Article 25 guarantees equality before the law, and the Protection Against Harassment of Women at the Workplace Act, 2010 establishes, for the first time, a statutory definition of workplace harassment as well as an Ombudsperson mechanism, an independent body to hear complaints and impose penalties that is not linked to the ordinary courts. The responsibilities relating to occupational safety have been added to the legislation, which was first introduced in the Factories Act, 1934, and later followed by the Occupational Safety and Health Act, 2022 of Punjab (Graz et al., 2022). The protection against social security is provided mainly through the Employees' Old-Age Benefits Institution, instituted in accordance with federal legislation in 1976, which provides pensions to the employees of establishments that are eligible to provide such benefits, and through the provincial employees' social security institutions, which provide medical and injury benefits (Holzberg, 2023). Last but not least, the provisions of the Industrial Relations Act, 2012 and its provincial counterparts for collective bargaining and the registration of trade unions, which give effect to the right of association as guaranteed under Article 17 of the Constitution, are a reflection of Pakistan's ratification, in the early 1950s, of the ILO's Freedom of Association and Right to Organize and Collective Bargaining Conventions. All these instruments together make up a quite comprehensive body of rights that, as will be seen in later sections, is very different from the rights that are enjoyed in practice by the majority of workers (Benach et al., 2022).

4.2 Labor Disputes and the Burden on the Justice System

In a limited sense, the creation of specialized labor adjudication was designed to remove a class of dispute which was felt to be inappropriate for ordinary civil procedures, and in this regard it has succeeded; disputes about the dismissal or conditions of service of the statutorily-defined

"workers" fall, as a matter of law, outside the jurisdiction of the ordinary civil court, and instead are handled by the Labor Courts and, on appeal, the Labor Appellate Tribunals (International Labor, 2024a). It has not, however, lessened the overall burden of labor disputes on the judicial system, but has simply shifted it and, in some ways, multiplied it. The Eighteenth Amendment resulted in jurisdictional fragmentation as an example. Where a business is located in two or more provinces, it is not clear which Labor Court or the National Industrial Relations Commission has jurisdiction, and this has caused litigation in the High Courts, which has held up resolution of the underlying labor dispute while the issue of forum is resolved (Amber & Chichaibelu, 2023). Likewise, in the case of the Industrial Relations Act, managerial and supervisory staff have not been included in the definition of "worker," and so a large number of employment disputes, which would otherwise have been addressed by the specialist labor forums, have been brought before the ordinary civil courts as a result, where there is already a significant backlog of pending cases. Another source is in the very structure of the appellate system itself. Labor disputes that start in a specialized forum, which is supposed to be more expedient than the ordinary court, often end years later in the general docket of the High Courts, and potentially the Federal Constitutional Court, which was created to avoid routine labor disputes. Overall, the impact of the labor law is not to lessen, but reorganize the burden of industrial disputes upon the judicial system of Pakistan in general (Saleem, Ansari, Shahzadi, et al., 2024).

4.3 Judicial Interpretation and Development of Labor Rights

Judicial interpretation has been an important factor in the actual realization of Pakistani labor rights, either because they have been poorly drafted in the statute book or because they have been subject to different interpretations by different successive legislatures. The Supreme Court in *Muhammad Mubeen-us-Salam v Federation of Pakistan* is an important precedent; the Court's reasoning on whether employees of statutory corporations, who were not governed by any

statutory rules, could invoke constitutional protection through the Service Tribunals, had far reaching implications for the future of the employment status classification of workers in autonomous and semi-autonomous bodies, to determine which court, labor court, service tribunal or ordinary civil court, a worker would have to approach (Saleem, Ansari, Mahmood, et al., 2024). The superior court decisions have also played an important role in determining the powers and duties of the Labor Courts in conducting their hearings. In holding that a Labor Court's jurisdiction under the relevant grievance clause included a consideration of the facts underlying a dismissal, beyond reviewing the procedural regularity, the Supreme Court, in *Crescent Jute Products Ltd v Muhammad Yakoob*, effectively crystallized a fact-finding role which is unique to labor adjudication, as a feature of the process (Saleem et al., 2026).

This interpretive approach has consistently been towards substantive examination of the exercise of employer's powers to take decisions rather than just a narrow procedural deference and that has helped to make Labor Courts a truly protective forum for those workers who can gain access to it. The judiciary too has been asked to settle the conflicts arising from provincial devolution. When deciding whether the federal Industrial Relations Act, 2012 would continue to apply to the employees of trans-provincial companies, the Supreme Court affirmed that federal industrial relations law would remain applicable to establishments that had a "genuine" interprovincial operation in the face of provincial fragmentation that risked leaving such workers without a clearly applicable regime. By making decisions like this, the superior judiciary has exercised its powers more as a legislature of the last resort than as an interpreter of the existing text, and has incrementally built up the rights of labor in the absence of timely legislation (International Labor, 2024b).

5 Contemporary Challenges and Reform of Labor Justice in Pakistan

5.1 Informal Employment and Exclusion from Formal Justice

Informality is not an incidental characteristic of the Pakistani labor market, rather, it is the main characteristic of the labor market. The sheer number of people in the informal sector means that by definition, most of them are not covered by the categories where statutory labor protection applies: they do not have a written employment relationship, the relationship they have is with an employer that is too small to trigger the provisions of the Factories Act, and they cannot rely on the grievance procedure set out in the Industrial Relations Act, because they do not have the employer-employee relationship that the procedure assumes (International Labor, 2024c). The judicial remedies are also structured in a way that excludes this. Even in the unlikely case that an informal worker was able, in theory, to sue in an ordinary civil court on the basis of a general contract, the practical difficulties, the expense of litigation, the lack of written evidence of the working relationship and the “multi-year” time periods mentioned above make it impractical for a worker earning close to subsistence wages (National Commission for Human Rights, 2023). This creates a structural paradox in that the population that most needs protection in the law, is also the population that is least ready to avail itself of the courts, tribunals and administrative process that Pakistani labor law has evolved. Addressing this paradox requires more than minor adjustments to existing forums; it calls for low-cost, non-judicial mechanisms, like those emerging under provincial home-based workers legislation, that can reach workers unlikely ever to appear before a Labor Court.

5.2 Vulnerable Workers and Equal Access to Justice

Some groups of workers have not only the disadvantages of working in the informal sector but also are denied access to justice. Though there has been an increase in the labor force participation of women over the past few years, the majority of working women, who work in informal

sectors, the home sector and agricultural sector, are out of the ambit of the law as the Protection Against Harassment of Women at the Workplace Act, 2010, is very narrow in its scope and applicability, and is more applicable to organized workplaces and its employers and inquiry committees. The statutory recognition of domestic workers has been recently introduced with the enactment of the Punjab Domestic Workers Act, 2019 and similar acts in the provinces, but the process of registering and enforcing the acts is still in its infancy and fluctuating (International Labor, 2023b).

There are estimated to be millions of home-based workers, mostly women, who work in piece-rate manufacturing for domestic and export value chains, but who have never been included in any statutory provisions or been subject to any registration or welfare fund that these laws create. In Sindh, the first provincial Home-Based Workers Act was passed in 2018, followed by Khyber Pakhtunkhwa in 2021, Baluchistan in 2022 and Punjab in 2023, but implementation of the registration system and welfare fund provided by these laws has fallen far behind their enactment. The most legally marginalized groups are agricultural workers, such as those working in the cotton-picking industry, livestock and fisheries, and the workers bound in debt bondage in the brick-kiln sector or agricultural sector, which are protected by a growing number of provincial laws on paper, but not in practice by labor courts, inspectors, or the regular civil justice system (International Labor, 2022a).

5.3 Emerging Employment Relationships and New Legal Challenges

For the first time, the Labor Force Survey 2024-25 officially captured data on Pakistan's gig and platform economy, which revealed that the digital gig and platform economy is a small but not insignificant part of jobs, mainly ride-hailing, delivery, online teaching, freelancing, and online sales. The Industrial Relations Act defines ‘worker’ as having a ‘recognized employer’ in an ‘establishment,’ but this does not necessarily fit with a delivery rider or ride-hailing driver having a recognized employer in a digital platform that

treats its employees as independent contractors, not workers. Currently, there is no specific law in Pakistan that governs platform-based work, and the workers are not enjoying minimum wage protection, social security contributions, and grievance mechanisms that are available to workers in traditional employment relationships (International Labor, 2023c).

Comparative developments may give indications of potential reform. The Platform Work Directive comes into effect in December 2024 and will establish a rebuttable legal presumption of employment for platform workers, meaning that the platform will have to establish that the platform worker is not employed before being able to argue that such a relationship does not exist. At this point (when writing), it is an open and ongoing policy question whether/when Pakistani legislators will follow suit with a similar presumption, or create a specific middle ground category of "dependent contractor," or leave the sector to be regulated by traditional contract law – especially given that automation and artificial-intelligence based management tools are increasingly prevalent in both platform and traditional workplaces, and present additional questions that existing statutory laws do not yet consider (Shahid & Syed, 2023; Mahmood et al., 2026).

5.4 Institutional and Procedural Reform

Reform initiatives have taken several tracks, not all of which have converged, towards Pakistan's labor-justice system. Since 2022, both provincial governments have been working on draft labor codes to streamline labor laws, which currently cover an estimated 22 different statutes, into single, provincial codes, thereby hopefully eliminating the jurisdictional confusion that has been discussed earlier; labor rights groups have, however, decried the draft codes as failing to adequately protect workers and promoting ease of doing business, highlighting the inherent tension between administrative simplicity and substantive labor rights when it comes to harmonization projects (Jamshed et al., 2023). At a senior level, the judiciary has encouraged the use of alternative dispute resolution as a way of tackling the backlog

of cases in both labor and civil litigation, although in the former context, resolving individual labor disputes through the alternative dispute resolution process is less well developed.

6 Future Development of Labor Law and Civil Justice in Pakistan

This path taken through this article seems neither to be an easy road nor an easy deadlock but an ongoing and unfulfilled conflict between the formal extension of rights to workers and the ability of Pakistan's justice system to provide access to these rights. Over the years, successive legislations ranging from the colonial-era Factories Act and Trade Unions Act, to the Industrial Relations Ordinances of 1969, 2002, 2008, 2012, as well as the recent spate of provincial legislation on domestic/home-based work have gradually expanded the definition of 'worker' eligible for statutory protection and, concurrently, added a new, increasingly specialized institutional framework for enforcing those rights (Maqsood et al., 2024). Both in terms of the substance of its standards and in the interpretation by judges, which has been remarkably worker-friendly, this apparatus has shown itself to have enhanced the position of organized, formally employed workers vis-à-vis their employers. But the same data reveal that, at the same time, the existing core of the labor market (formal, unionized, urban and largely male) has strengthened, while the growing informal periphery is little affected by the protections promised by the latter, nor is it engaged in any of the specialized forums discussed in this article.

In the next decade, three structural changes will significantly decide on whether the chasm will be bridged or widened. The first one is the destiny of provincial harmonization. The devolution effected by the Eighteenth Amendment has served a legitimate constitutional goal and allowed for the closer of labor law to the provincial legislatures that are closer to local economic realities, but at the same time has created a patchwork of different laws, with material consequences for a worker's substantive rights and procedural remedies, depending on the province where he or she happens to work. This opportunity would be

presented by the proposed draft labor codes in Punjab and Sindh if they are not designed as a means to simplify the regulation of labor for employers, but rather in a way that allows for rationalization of the access-to-justice gap that this article has highlighted, through transparency and the true participation of workers (Naheed et al., 2024).

The issue is the yet to be fully resolved institutional settlement created with the establishment of the Federal Constitutional Court in November 2025. Labor rights will now be interpreted through constitutional adjudication, the interpretation of Articles 11, 17 and 25, and the distinction between statutory and constitutional protection, all of which have been the subject of comment and critique, due to the composition and independence of the institution, and its lack of a settled jurisprudential history. The extent to which the new Court is responsive to labor claims and whether the adjustment of judicial powers which gave birth to the new Court also reduces the practical possibilities for the workers to seek constitutional remedies will be answered by the Court's case law in the coming years and will be a subject of keen attention by the labor law scholars in Pakistan (Shah Gilani et al., 2022).

The third is the treatment of informality itself, which refers to the fact that domestic, home-based, agricultural and bonded workers have not yet been effectively protected and the more recent problem of gig and platform workers. Partial answers to this challenge are the digitalization of court processes, ongoing courts' focus on alternative dispute resolution, and incremental provincial laws on home-based and domestic work (Abbasi et al., 2025; Munir, 2025, 2024). None of them, however, confronts the fundamental issue: that of a merely written, one-employer relationship, which most of the Pakistanis do not actually enjoy. The development of Pakistani labor law in future will not be judged by the further development of rights on paper (which has been reasonably active in Pakistan over the last two decades), but rather by whether the civil justice system can be reorganized, harmonized, made more accessible to the workers, and digitized, so as to reach the

workforce which has been largely excluded from it (Shah et al., 2022).

Conclusion

The evolution of the Pakistan labor law indicates an ongoing and unresolved struggle between the extension of workers' rights into the formal structure and the ability of the justice system to do so. The definitions of domestic/household workers have been expanding over time, starting from the colonial era up to the recent provincial legislation, and a specialized institutional structure has been developed. This instrument has clearly reinforced the role of organized, formal sector workers, especially through judicious interpretation, but the informal periphery is still largely untouched by these protections. The following structural factors will shape the future of labor justice in the coming years. The application of labor laws uniformly across provinces, as presented in proposed labor codes, provides a chance to simplify access as long as it does not compromise workers' participation. Legislative action is needed to tackle informality for those workers who could not be characterized as either employers or employees, such as those in the domestic sector, those working in their own homes, agricultural workers, workers on gig apps, and platform workers. Digitalization and alternative dispute resolution also hold potential but fail to address the core issue of a legal system based on formal employment and a labor market based on informal arrangements. Pakistan's labor law will be evaluated in terms of how it reorganizes the civil justice system to become accessible, harmonized, and effective for the big sections of the workforce that have been marginalized from it so far.

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