

Comparative Study of Gender Equality Provisions in Pakistani Labor Laws and International Standards

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Abstract

This paper is a comparative study of the provisions of gender equality in the labor laws of Pakistan against the established international standard, which is mostly the provisions of the International Labor Organization (ILO). The legal framework of Pakistan, such as the Constitution and other laws, such as the West Pakistan Maternity Benefit Ordinance, 1958, and the Protection against Harassment of Women at the Workplace Act, 2010, contains clauses concerning non-discrimination and protection of women. However, still, there are still extensive gaps and difficulties in the enforcement. Major concerns are the differences in salaries, poor maternity leaves relative to the global standards, and weak policies to check the occurrence of harassment and discrimination in the workplace. These legal rights are further hindered by the impact of the sociocultural norms on their practical manifestation. The critique shows that even with legislative work done, labor laws in Pakistan require harmonization with the global conventions, which creates a gap between what the law guarantees and what it promises women in the workplace, thus illustrating areas that require prompt reform.

Keywords: *challenges, historical context, laws, opportunities, theoretical context*

Introduction

The principle of gender equality in the workplace is a universal human right and concept of inclusive economic development (Asscheman, 2023; Heymann et al., 2023), which has become enshrined in the structures and conventions of international law (Burniahina, 2022; Harasymkiv, 2024). Pakistan, being a member of the international community, has assumed international duties of aligning national legislation with these international standards, in particular those that promote equal opportunity and non-discrimination in workplaces (Rasool, 2022). This comparative analysis examines how the domestic labor laws of Pakistan have been consistent with these international standards in order to determine the development of the nation and the lapses that still exist

Though the Constitution ensures equal opportunities in the labor market, and special laws are enacted to mitigate the existing disparities, in Pakistan, labor market outcomes between men and women remain unequal, depending on wide wage gaps between men and women and low representation in the labor force (Javed et al., 2022; Sadiqa & Khan, 2024). These facts also raise a considerable question of whether formal laws are working and whether there is a disconnect between the formal language and the practical implementation (Alfani et al., 2021). The situation of women is also worsened by the sociocultural norms and informal sector employment, which places them in a condition that lacks legal protection (Jafree, 2023).

Such a disconnect must be analyzed systematically to come up with evidence-based policy recommendations. It will dismantle the specifics of the Pakistani labor laws, contrast them with the already established international regulations, and analyze the structural and cultural barriers to the complete application of the said provisions, which will be included in the discourse on the achievement of the substantive gender equality in the Pakistani economy (Iqbal et al., 2025).

Research Justification

The international comparison of the rights of gender equality in Pakistani labor and international standards is at stake since there has always existed a gap between the desire and the reality of women within the Pakistani workforce. Despite the fact that the Constitution has ensured the rights of women and there are specific legislations that aim at protecting the rights of women, there are still huge disparities insofar as workforce participation, the difference between wages, and the fact that women are mostly harassed in the workplace are concerned, which is a clear indication of a failure of the systems set to enforce and implement the laws effectively.

Furthermore, the fact that Pakistan is bound by some of the major conventions of the International Labor Organization (ILO), such as the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), as the country ratified those conventions, makes it compulsory. It is a matter that has to be adapted to domestic legislation. This congruence should be analyzed to hold the state accountable and establish specific legal and structural malfunctions. This inquiry is also more urgent with the specific sociocultural context of Pakistan, in which the traditional values are often opposed to the modern values of the law.

The study is timely and required in the context of the modern global attention to the economic empowerment of women and the Sustainable Development Goal. It aims at tearing apart the contradictions/inconsistencies between the national laws and the international standards. The study will provide 3 with a solid foundation, considering the facilitation of legal reforms, the improvement of the enforcement system, and finally, the provision of more integrated and equitable working conditions in Pakistan between the genders.

Research Objectives

1. To discuss the historical context of gender equality provisions in Pakistani labor laws and international standards.
2. To highlight the theoretical context of gender equality provisions in Pakistani labor laws and international standards.
3. To analyze the laws regarding gender equality provisions in Pakistani labor laws and international standards.
4. To identify the key challenges regarding gender equality provisions in Pakistani labor laws and international standards.
5. To explore the opportunities for gender equality provisions in Pakistani labor laws and international standards.
6. To propose effective prevention and intervention strategies.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the

research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are listed.

1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigour, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; this is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

Literature Review

The issue of gender equality in labor law is highly significant, and it determines the level of justice, inclusiveness, and moral integrity of the labor frameworks globally (Burniahina, 2022; Heymann et al., 2023). It is a literature review that summarizes the available literature that investigates the gender equality provisions of the Pakistani labor laws against the international provisions and criteria based on wage differentials, discrimination in the workplace, legal provisions, and cultural factors. The attitude of Pakistan towards the international approach towards the labor system is established but rather difficult to implement, at least within the range of the women who are engaged in the activity of the formal and informal sectors (Jafree, 2023; Rasool, 2022).

The literature on the issue of gender pay gaps and the low female labor force in Pakistan is rather abundant. It has been indicated that women earn less than men who do similar jobs, and the gap is so wide due to cultural and institutional discrimination (Javed et al., 2022). Not following international standards that would make payments and non-discrimination easy (e.g., ILO Convention No. 100 and CEDAW) due to the fact that they would compel Pakistan to do it, as they are not strongly enforced and subject to social norms (Iqbal et al., 2025; Sadiqa & Khan, 2024). The flaws of the labor legislation are also reflected in other weaknesses of the informal sector, where women are exploited without any legal protection (Asschewan, 2023; Harasymkiv, 2024).

The second essential concern is that the labor policies are not compatible with the Pakistani and international standards. Although the regulations, such as the Labor Policy 2010, encourage the efficacy of equality, the more realistic factors

restraining further development are the absence of control and patriarchy (Dianda et al., 2025; Sharma, 2024). There is also research that indicates the influence of cultural and religious norms on labour practices that, in most instances, limit the options of women (Alfani et al., 2021). The similarity between all these works is the appeal to the changes in the labour laws in Pakistan that need adjustments to the international labour standards to close the gaps in their enforcement and allow women to receive equal opportunities to seek employment.

Historical Context of Gender Equality Provisions in Pakistani Labor Laws and International Standards

Gender equality provisions in the labor laws in Pakistan have evolved over time due to colonialism, among other socio-political forces (Dianda et al., 2025). In 1947, Pakistan was granted its autonomy and inherited British labor regulations, including the Factories Act of 1934, offering protection of minimal quality and little care to the gender-based problem (Jafree, 2023). These initial regulations promoted the commercial conquest over equality, and due to their nature, women were susceptible to injustices at the workplace (Rasool, 2022; Sharma, 2024).

Implementation of the Islamic principles into the Pakistani legal framework ushered in moral aspects in the labour laws, especially due to the enactment of the 1973 Constitution, which was sensitive to the concept of fairness and justice (Sadiqa & Khan, 2024). Nevertheless, gender equality did not become a reality due to the cultural factors and patriarchy system, which continue to play a role in increasing the wage gap and the lack of female participation in the labor force (Iqbal et al., 2025).

The international requirements to ratify the ILO Convention No. 100 on equal remuneration were a move in the right direction, albeit the implementation was not very good since it was a systemic barrier (Asscheman, 2023). Such reforms as the Labor Policy 2010 were adjusted to the international standards, still gradually, but topics such as the prevalence of the informal sector and the inability to regulate it were left (Alfani et al., 2021; Heymann et al., 2023). This historical background comes in the demand for effective reforms in harmonizing labor laws with international standards of gender equality in Pakistan.

Theoretical Context of Gender Equality Provisions in Pakistani Labor Laws and International Standards

Gender equality as the theoretical foundation of the labour laws is based on a series of important frameworks that provide a normative basis for the law provisions. The first one is liberal feminism- this is a movement whereby feminism

advocacy is encouraged through legal reformation, through the provision of equal opportunity, and through the elimination of formal barriers within the employment setting. It is this perception that lies behind the many international standards, such as the focus on non-discrimination and equal pay by the ILO. Critical feminist theories like socialist and intersectional feminism have it the other way round, that liberal solutions are insufficient.

They stress the role of entrenched patriarchal systems and socioeconomic causes being embedded into systemic inequality, and that can be broken only by the means of official equality. These theories suggest that issues such as the unpaid care work, the segregation of occupations, and the further discrimination of women due to the interaction of classes, religion, and ethnicity should be taken into consideration. In addition, the capabilities approach, as estimated by Amartya Sen and Martha Nussbaum, evaluates the legislation based on the substantive freedoms, opportunities it gives to women to transcend legal parity in order to measure the real outcomes.

The other general framework is the human rights law, which presents gender equality in the workplace as a right to human dignity that is unrestricted. These theoretical prisms simultaneously make it possible to critically assess whether the labor laws in Pakistan merely offer some equality or help to empower women in the labor force substantially.

Laws Regarding Gender Equality Provisions in Pakistani Labor Laws and International Standards

Gender equality in the Pakistani labor market is legally controlled by a set of mixed rules and some particular laws. However, despite that, there is still a great gap in realization and application.

1. Constitution of Pakistan, 1973: Article 25: The Constitution of Pakistan, 1973, guarantees equality before the law and outlaws discrimination based on sex. Article 27 provides that there be no discrimination in state employment, and Article 37(e) provides the principles of just and humane terms of work.

2. Protection Against Harassment of Women at the Workplace Act, 2010: An achievement that spells out the meaning of harassment and provides that inquiry committees be formed in organizations. It is a direct attempt to be in line with international standards on safe working environments.

3. The Factories Act, 1934: It has protective provisions that limit the amount of nighttime that women should work in some sectors, but this has been suggested to

include safety provisions. It can be compared to the international standards that focus on non-discrimination and worker choice.

4. The Punjab Equal Pay for Equal Work Act, 2019 (as well as provincial laws): These new laws explicitly outlaw discrimination in gender pay, which directly applies the principle of the Equal Remuneration Convention of the ILO, 1951 (No. 100).

5. West Pakistan Maternity Benefit Ordinance 1958: This act provides a period of paid maternity leave to women. Its benefits are, however, not as generous, and its application is limited compared to the ILO Convention No. 183, which provides higher global standards.

Challenges for Gender Equality Provisions in Pakistani Labor Laws and International Standards

1. Absence of Enforcement Mechanisms: There is no good enforcement, even though there are progressive acts such as the Protection against Harassment Act, 2010, which is not good in regard to effectiveness. Absence of supervision, long procedures in courts, and fear of retaliation do not enable women to report violations, and they are left to be at the mercy of discrimination and abuse, with no effective appeals.

2. Ethically Two-Sided Laws Two-sided laws like the Act of Factories, 1934, which barred women the right to working at night in industries, are two-sided. Although they are supposed to be protecting them, they restrict them in employment and the earning capacity, which is against the ILO trend of empowerment and non-discriminative safety.

3. Only partly effective Maternity Benefits: The gap between the international standards of maternity benefits and the ones in Pakistan is among the most significant ones. The amount and duration of time paid under the Maternity Benefit Ordinance, 1958, is lower than what the ILO Convention No. 183 provides, which allowance for higher wages and more time. The disparity dispels the participation of females in the workforce and acts as the consolidator of the uniform nurturing functions.

4. The Disparity in the Informal Sector: Most women employees fall under the informal worker category, and the labor laws would not apply in this case. These workers have no legal protection of minimum wage, maternity, or security, and it is a serious moral failure in the quest for gender equality.

Opportunities for Gender Equality Provisions in Pakistani Labor Laws and International Standards

1. Corporate Policy Advocacy: Advocacy that substantive gender equality can be rapidly achieved in the workplace by encouraging voluntary adoption of corporate policies that are above legal minimums, including the provision of paternity leave, opening of childcare centers at workplaces, and clear promotion policies, can create a culture of best practices.

2. Industrialization of the Informal Economy: The legalization of the informal sector by designing policies to grant it legal status is a revolutionary prospect. Any poverty alleviation initiatives among the workers, like registration of home-based workers and social security, will put millions of women under the umbrella of the labor laws, which will greatly reduce their working conditions as well as economic security.

3. Strengthening Institutional Mechanisms: The prospect of strengthening and supplying the relevant resources to enforcement mechanisms, e.g., the office of the Ombudsperson against harassment, is definite. They can enhance their capability, scope, and autonomy to ensure that the law is applied appropriately and that whoever commits infractions against it is addressed through the judicial system to generate a greater trust in the system.

4. Summit: Legislative harmonization is a massive opportunity to revise and modernize the current legislation to be in line with international standards. One is to correct the Maternity Benefit Ordinance to be in line with the ILO Convention No. 183 and to apply all provisions of the equal pay laws to all provinces, which will have a more coherent and robust legal framework on gender equality.

Discussion

In the comparative analysis, it is clear that there is a wide gap between the formalities of gender equality in the Pakistani labor laws and the facts as presented by the international standards Pakistan wants to be associated with. There are underlying laws, but they do not typically suffice. As an example, the offered maternity benefits are incomplete and do not cover the health and economic security of women as much as the ILO promotes. Moreover, the intention is to protect women, but unintentionally the laws deny them access to some industries and more well-paying shifts, which is against the idea of equal opportunity, which is the core of the international norms.

The greatest gap is enforcement, especially on the large population of women in the informal economy who are almost unprotected. This gap between

legal discourse and reality suggests that the constitutional guarantees and individual laws do not apply to concrete workplace rights or protection against discrimination and harassment for a large number of women, continuing to reinforce a gender-based system of inequality.

Conclusion

This comparative analysis concludes that although the Pakistani labor laws provide a framework basis of gender equality, they are not sufficiently well-adjusted to the international standards. There remain serious gaps in maternity benefits, the practical implementation of anti-harassment and equal pay laws, and coverage of the informal sector. Protective provisions are further restrictive, and their effect is to reduce the economic opportunities of women. This discrepancy, which is reinforced by poor enforcement and sociocultural obstacles, implies that the laws, in most cases, do not guarantee substantive equality. As a result, the hope of a just and equitable workplace will not be met by most women in the Pakistani workforce, and it requires a radical and multifaceted legal and social change.

Recommendations

- 1. Add Gender-Sensitive Training:** Conduct all-inclusive and continuous gender equality, anti-harassment, and unconscious bias training for the judges, labor inspectors, and human resource professionals.
- 2. Align Maternity Payments:** Amend the West Pakistan Maternity Benefit Ordinance, 1958, to include the ILO Convention No. 183 because it will allow more paid leaves and wholly compensate the regular salary of the worker so that women could be able to attain their welfare and economic status.
- 3. Best Practices in the Corporate World:** Institute tax or certification for the companies in the private sector that adopt the policies that are beyond what the law mandates, like paternity leaves, childcare subsidies, and leadership development, which are gender sensitive.
- 4. Enact Universal Equal Pay Laws:** Introduce and implement fully and effectively effective and uniform equal pay laws in all provinces that would involve pay disclosure and regular pay audits of companies.
- 5. Grant the informal sector legal protection:** design and execute policies to make the informal sector legal and grant protection to enable the workers to have access to the social security bodies and maternity benefits, and be able to file a court of law suit against anyone.

6. Increase Data Gathering and Investigation: Invest in and spur independent research to obtain disaggregated statistics on employment, pay, and harassment in a strategy to generate evidence-based policy.

7. Install Public Education and Awareness: Conduct campaigns across the country to inform women and employers about their rights as per the law, redress, and benefits of the diverse workforce in gender.

8. Minimize sudden laws: Modify and adapt restrictive laws, such as laws that prohibit night work, to a rights-based law rather than a paternalistic law, allowing the right of choice and opportunity.

9. Ratify and Domesticate Core ILO Conventions: Within a short period of time, ratify the remaining ILO conventions, including the Violence and Harassment Convention, 2019 (No. 190), and codify a domestic legal basis to the provisions in these conventions as quickly as possible.

10. Stronger Enforcement Mechanisms: Strengthen the financing, jurisdiction, and independence of the ombudsperson agencies and labor courts so that they can be able to modify well discrimination and harassment cases effectively at an opportune time.

Research Limitations

The research on gender equality provisions in the labor law in Pakistan has a number of limitations. Firstly, the lack of recent, reliable, and disaggregated empirical data on the practical implementation of these laws in different sectors and regions to restrict the analysis is an issue. Second, the doctrine and comparative legal methodology of the study mean that this is primarily an assessment of how well the laws are textually aligned with international standards, which do not always effectively indicate the effectiveness of the laws in practice and the sociocultural barriers to their implementation.

Third, after the 18th Amendment, the decentralization of the labor policy to the provincial governments has led to a patchwork quilt of legal regimes that is problematic for a national analysis. Additionally, the gender issues in the Pakistani cultural context may be biased due to the sensitiveness of the matter. Finally, the dynamism of international labor standards and the provincial legality systems in Pakistan determine that the research may need to be revised continuously so that it is always well-informed.

Research Implications

This research on gender equality in labor laws in Pakistan has several implications:

- 1. Corporate Governance:** The paper brings out the issue of companies adopting self-governing practices that extend beyond the imposed bare minimum of the law to achieve ethical corporate conduct and non-discriminatory employment practices in order to mitigate legal and reputational risks.
- 2. International Reporting:** The findings can be referred to provide a useful piece in the reporting that Pakistan should make to international treaty bodies, as well as an independent review of how the country is complying with ILO conventions and other human rights obligations.
- 3. Judicial and Administrative Action:** The study will be able to inform the legal system and the Ministry of Labour, to identify some gaps in the legislation and implementation, and to train toward more uniform and standard-based international readings and uses of the law.
- 4. Policy Reform:** The findings are an evidence-based road map of what lawmakers can alter to rectify the existing law, such as the Maternity Benefit Ordinance, to formulate a new and broader federal law that closes a loophole in adherence to the international standards.
- 5. Strategic Advocacy:** The comparative analysis provides human rights organizations, legal aid providers, and trade unions with effective evidence to insist on systemic reform, strategic litigation, and government accountability.

Future Research Directions

Future research on gender equality in the labor law in Pakistan, with some comparison with the international standards, could consider some of the key aspects to address the gaps prevailing in the jurisdiction to improve compliance:

- 1. Comparative legal systems:** Comparative analysis operating in detail with other Muslim majority nations that have successfully integrated international gender equity provisions into their labor systems.
- 2. Cross-cultural and cross-religious integration:** The study of how Islamic values and cultural norms influence the application and derivation of gender equality principles in Pakistani labor laws and the possibility of harmonizing the religious values with the international human rights standards.

3. Economic impact assessment: To find the economic effects of gender discrimination at the workplace and the potential benefits of increased gender equality compliance.

4. Effectiveness of implementation: Inquiring into the gap between what the law states and what the practice is at the workplace in respect to gender equality, including investigating the enforcement mechanisms as well as the effectiveness of the enforcement mechanisms in ensuring the rights of women in the workplace are not violated.

5. Sectoral differences: Researching the application of gender equality in the formal and informal sectors, specifically among the vulnerable women workers in the home-based industries and agricultural and domestic services.

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