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EXTRAORDINARY

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PART II

Statutory Notifications containing Rules and Orders issued by all Ministries and Divisions of the Government of Pakistan and their Attached and Subordinate Offices and the Supreme Court of Pakistan

GOVERNMENT OF PAKISTAN

OFFICE OF THE COMMISSIONER ICT EMPLOYEES SOCIAL SECURITY INSTITUTION

THE ICT EMPLOYEES SOCIAL SECURITY (CONTRIBUTIONS) RULES, 2016

NOTIFICATIONS

Islamabad, the 3rd March, 2016

S.R.O. 118(KE)/2016 :

In exercise of the powers conferred by Section 79 of the Provincial Employees' Social Security Ordinance, 1965 (West Pakistan Ordinance No. X of 1965), the Chief Commissioner, ICT is pleased to make the following rules :-

Short title and Commencement.— (1) These rules may be called the ICT Employees' Social Security (Contributions) Rules, 2016.

(2) These shall come into force at once.

2. **Definitions.**— In these Rules, unless it otherwise appears in the context, the following expressions shall have the meanings hereby assigned to them, that is to say :-

(a) "Ordinance" means the Provincial Employees' Social Security Ordinance, 1965;

(657)

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- (b) "Schedule" means the Schedule appended to these rules;
- (c) "Rules" means the ICT Employees' Social Security (Contributions) rules, 2016;
- (d) "Section" means a section of the Ordinance; and
- (e) "Special Tax" means the Special Tax payable under Section 70.

PART I SOCIAL SECURITY CONTRIBUTIONS

3. Subject to the provisions of sub-rule (3) of rule 4, the rates of contributions payable by the employer in respect of each employee shall be as shown in the schedule.

4. (1) The employer shall show the amount of the contribution payable as follows :-

- (i) On a form of pay roll approved by the Institution for the purpose, the registration and C.N.I.C numbers of the secured persons against their names and submit a true copy of such form to the Institution; or
- (ii) By completing and submitting to the Institution a contribution schedule to be obtained from the Institution at which the employer is registered and which shall provide for the submission of such information as the Institution may, from time to time, require;
- (iii) In either case the period covered by the wages paid to such secured person shall be stated by the employer.

(2) The employer shall retain in his possession, for a period of not less than five years, a legible copy of each pay roll or contribution schedule so submitted and shall, on request by an official of the Institution authorized under sub-section (1) of Section 22, produce any such copy for inspection.

(3) Where the provisions of the Minimum Wages Ordinance, 1961 (XXXIX), as amended from time to time are applicable to any Factory and Industrial/Commercial establishment and it is found that any wage paid is less than that specified in the Ordinance, contribution payable shall be calculated on the wages so specified in the Ordinance.

(4) The maximum limit of wage, for the purpose of contribution, will be minimum + 50% of minimum wage.

5. The employer shall submit to the Institution where he is registered, copies of pay rolls or contribution schedules referred to in rule 4 (1), before the end of

each month, or such extended period, not exceeding fifteen days, as the Institution may allow on convincing reasons given by the employer, and the employer shall be bound to pay total amount of the contribution, shown thereon as due, on or before the extended date.

6. If any employer fails to pay the total amount of contribution within the period prescribed in Rule 5, the amount payable shall be increased by one-half percent per day upto ninety days and after expiry of the prescribed time, subject to the maximum increase not more than fifty percent of the actual contribution as the case may be with the approval of the Commissioner.

7. (1) When, in accordance with the provisions of sub-section (9) of Section 20 of the Ordinance, a competent public authority requires the production of a certificate to the effect that the necessary contributions have been paid, the Institution shall examine the relevant accounts/records and shall issue the desired certificate if satisfied that no contributions are due/outstanding.

(2) If on such examination it is found that any contribution is due/outstanding, a statement of the outstanding contribution shall be provided to the competent public authority, which shall thereupon deduct the outstanding contribution from the amount payable to the employer/establishment/ contractor and shall pay the said outstanding amount directly to the Institution.

PART II

SPECIAL TAX

8. (1) The rate of Special Tax shall be paid as shown in column 5 of Schedule.

(2) The provisions of rules 4, 5, 6 and 7 of these rules shall apply to the payments by any recovery of the Special Tax in term of the payment of social security contributions.

(3) No part of the Special Tax shall be recovered from any employee.

PART III

SAFETY AND HYGIENE

9. Where the Institution has reason to believe that an employer has failed to observe rules of safety or hygiene prescribed by or under any enactment, applicable to his establishment, the Institution shall request the Inspector of Factories appointed under Section 10 of the Factories Act, 1934 (XXV of 1934) to make such examination as appears to be necessary and the said Inspector shall thereupon make necessary examination and submit a report in this behalf to the Institution, in writing, within fourteen days.

10. (1) A copy of the report submitted by the Inspector of Factories under rule 9, shall be sent to the employer concerned, who shall be given an opportunity of making any representation by registered post in regard thereto and the Commissioner, after considering any such representation, may, if he considers that the circumstances so warrant, direct by an order in writing, that the employer's contribution, as shown in column 2 of the Schedule shall be increased to such percentage, not exceeding twenty percent as, in his opinion, is merited by the employer's failure:

Provided that no part of such increase shall be recovered from any employee.

- (2) The increase so directed shall take effect from the date of the delivery of such direction at the address of the employer as registered by the Institution, and shall continue up to the date on which the Commissioner rescinds his direction on being satisfied that the employer is duly observing the rules of safety and hygiene prescribed under the law applicable to the employer's establishment.

[No. F.1/3/2013-IESSI].

SCHEDULE

Rates of Social Security Contributions and Special Tax expressed as proportions of the Employee's Wages.

Class of Employee	Social Security Contributions			Special Tax
	Employer's Contribution	Employee's Contribution	Total	
1	2	3	4	5
Remunerated at a wage and including Rs. 461.50 per day or fixed by ICT Minimum Wages Board which-ever is higher.	6%	Nil	6%	3%