

The Protection against Harassment of Women at Workplace Act, 2010

Protection against Harassment of Women at Workplace Act was passed in March 2010 for entire Pakistan. It makes sexual harassment of women in the workplace and in public spaces a criminal offence.

Objective

The objective of this act is to create a safe working environment for women, which is free from harassment, abuse and intimidation to facilitate their right to work with dignity. It will also enable higher productivity and a better quality of life at work. This law is not only restricted to workplaces, it is applicable to all public spheres.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature that interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment constitute sexual harassment.

3 significant forms of sexual harassment in the work place are:

- Abuse of authority
- Creating a hostile environment
- Retaliation

Sexual harassment can take many forms. These include:

- Unwelcome sexual advances
- Demanding sexual favours in exchange for job security
- Verbal or physical conduct of a sexual nature
- Rumour spreading and malicious gossip in the work place
- Obstructing performance and/or advancement upon refusal to comply

Work Environment for Women in Pakistan The work environment for women, in a male-dominated society like Pakistan, is often hostile and antagonistic hindering their contribution to their country's development as well as their right to employment. Various studies have found that social constraints and an aggressive work environment discourage women from seeking employment. To encourage women to join the labour force the government has set a quota for women but often even the minimum quota of 10% remains unfilled. Though women have been working in senior positions and running businesses in the private sector, these have been few in number. However, in recent years, there has been a gradual increase in the number of women working in the government and the private sector despite the obstacles they face. Various forms of discrimination and harassment experienced by women are: At home: discriminating against and demeaning the girl child, deriding the woman working at home, not allowing women to make decisions, and being violent. On the streets: catcalling, touching, teasing and intimidating. On public transportation: touching, pushing, and using vulgar language. In public

places: staring, touching, intimidating, behaving aggressively, chasing and being violent. At the work place: leering, staring, making passes, discriminating, abusing authority for sexual favours, flirting, and inflicting violence.

Just say NO to sexual harassment because -----The Law Protects YOU The law requires all public and private organizations to adopt an internal Code of Conduct aimed at establishing a safe working environment, free of intimidation and abuse, for all working women. This law obligates employers' to set up an Inquiry Committee to investigate a harassment related complaint. The Committee has to have three members, at least one of whom has to be a woman. The Inquiry Committee shall:

- Launch an investigation against the accused
- Recommend the imposition of penalties if the accused is found guilty
- Forward recommendation to the Competent Authority which will implement the decision

Punishments can range from censure, stopping promotion, compulsory retirement, removal, dismissal from service and fine payable to the complainant. The Act also provides for the appointment of an Ombudsman both at the Federal and Provincial level to listen to appeals filed by the aggrieved party. The victim can also appeal to the President or the Governor if dissatisfied by the decision of the Ombudsman. More information regarding the Act and the Code of Conduct intended to help organizations ensure compliance with the Act is available at www.aasha.org.pk.

NOTE: Amendment to Section 509 of the Pakistan Penal Code, 1860, clearly defines harassment and recognises it as a crime. This section has increased the maximum punishment for this offence to imprisonment which may extend to three years or a fine of up to five hundred thousand rupees or both.