



House of the Federation

## **SENATE OF PAKISTAN**

### **REPORT NO. 10**

### **REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS**

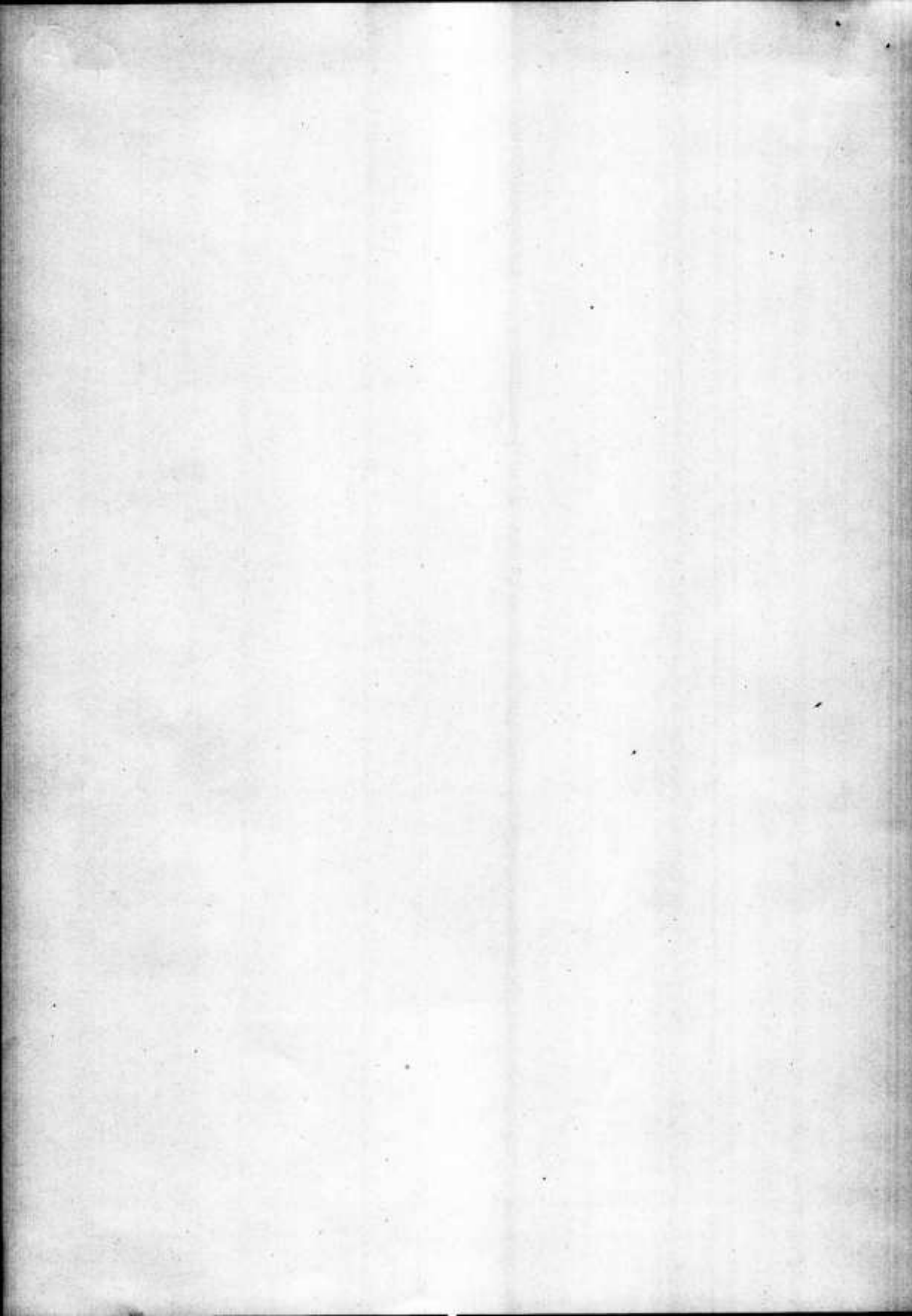
**ON**

***“The Protection Against Harassment of Women at the  
Workplace (Amendment) Bill, 2021”***

***Presented by:***

**SENATOR WALID IQBAL  
CHAIRMAN**

**STANDING COMMITTEE ON HUMAN RIGHTS**



## SENATE SECRETARIAT

Subject: **REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS.**

I, Chairman of the Standing Committee on Human Rights, have the honour to present this report on "The Protection Against Harassment of Women at the Workplace (Amendment) Bill, 2021", as passed by the National Assembly and introduced by Minister for Human Rights, in the Senate sitting held on 19<sup>th</sup> November, 2021. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee is as follows:-

1.	<b>Senator Walid Iqbal</b>	<b>Chairman</b>
2.	Senator Mushahid Hussain Sayed	Member
3.	Senator Muhammad Tahir Bizinjo	Member
4.	Senator Gurdeep Singh	Member
5.	Senator Mustafa Nawaz Khokhar	Member
6.	Senator Seemi Ezdi	Member
7.	Senator Abida Muhammad Azeem	Member
8.	Senator Falak Naz	Member
9.	Senator Qurat ul Ain Marri	Member
10.	Senator Kamran Michael	Member
11.	Senator Prof. Dr. Mehr Taj Roghani	Member
12.	Senator Syed Faisal Ali Subzwari	Member
13.	Minister for Human Rights	Ex-officio Member

3. The Committee considered the Bill in its meetings held on 26<sup>th</sup> November and 6<sup>th</sup> December, 2021, respectively, under the Chairmanship of Senator Walid Iqbal. Final consideration of the Bill was held in the meeting held on 6<sup>th</sup> December, 2021, which was attended by the following Honorable Senators:-

1.	<b>Senator Walid Iqbal</b>	<b>Chairman</b>
2.	Senator Muhammad Tahir Bizinjo	Member
3.	Senator Gurdeep Singh	Member
4.	Senator Seeme Ezdi	Member
5.	Senator Abida Muhammad Azeem	Member
6.	Senator Qurat ul Ain Marri	Member
7.	Senator Prof. Dr. Mehr Taj Roghani	Member
8.	Senator Falak Naz	Member
9.	Senator Syed Faisal Ali Subzwari	Member
10.	Minister for Human Rights	Ex-officio Member

4. The Minister for Human Rights informed the Committee that the proposed amendments aim to facilitate increased participation of women in the workforce by removing the lacunae present in the existing law, by broadening the ambit and scope of the law to include certain professions and employment models that the current law does not expressly cover, and by providing protection to people engaged in all types of work – formal and informal.

5. In the meeting held on 26<sup>th</sup> November, 2021, the Committee was of the unanimous view that there were numerous loopholes in the proposed legislation which needed to be addressed in order to make this law more beneficial and all inclusive. Senator Keshoo Bai also attended the meeting as special invitee and she tabled some of the concerns being raised by the women rights organisations. Dr. Shireen M. Mazari, Minister for Human Rights, informed the Committee that the Ministry had consulted various women rights organisations working on the subject, and the legislative proposals have been drafted in line with the suggestions put forward by such organisations. The Committee decided to invite the relevant stakeholders, including women rights groups and other human rights organizations, at a subsequent date, to seek their input on the Bill.

6. Accordingly, in the second meeting held on the subject dated 6<sup>th</sup> December, 2021, the Committee invited Senator Sherry Rehman and Senator Keshoo Bai, along with representatives of Women in Law (Ms. Nida Usman Chaudhary) and Women Action Forum (WAF) (Ms. Nighat Dad) to seek their input. Senator Sherry Rehman principally supported the Bill especially the spirit of broadening the definitions of 'workplace', 'employer' and 'employee'. She informed the Committee that the original Protection Against Harassment of Women at the Workplace law was initially piloted by her in 2004 and she said she believed that laws are evolving instruments requiring, with the passage of time, reviews/amendments based on application, implementation and evolving needs of the stakeholders and society. She opposed providing stringent penalties for filing malafide/false complaints, as she believed that in most of the cases it is difficult for victims to prove their complaints, which would further discourage them from coming forward. Senator Keshoo Bai re-iterated the concerns raised by certain women rights organisations that she had first tabled in the earlier meeting held on the subject on 26<sup>th</sup> November, 2021, some of which expressed a preference towards leaving untouched the harassment law as originally enacted.



7. The representatives of women rights organisations/groups also thereafter submitted their detailed input, and the Committee then, finally, carried out a clause by clause consideration of the Bill. In principle, the Committee agreed on the following:-

- (i) In terms of existing drafting practices and conventions, the title of the law cannot be amended.
- (ii) Filing a complaint by a former employee who has been removed or dismissed from service or has resigned should not be time barred. In most of the cases it requires a lot of courage and breaking of social taboos to bring forward such complaints. The same has been established by international practices/cases as well.
- (iii) Scope of the law is being extended to educational institutions, therefore, definition of complainant should also include parent or guardian where the complainant is a minor.
- (iv) Definition of employee should be further expanded to include a performer, an artist, and a sportsperson.
- (v) Discrimination on basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mind-set or notion, resulting in discriminatory behavior on basis of gender against the complainant, may not be termed as 'sexist harassment' rather the same should be dovetailed with the definition of harassment since it is also a form of harassment.
- (vi) Performance facilities, courts, sporting facilities and gymnasiums, should also be included in the definition of 'workplace'.
- (vii) Given the proposed enhancement of scope of the Law, section 4 of the Act of 2010, providing inquiry procedures and punishments, needs to be revisited. The said section should be suitably amended to provide for (a) appropriate child-sensitive procedures during inquiry where a minor is involved and (b) suspension or cancellation of a professional license as additional sanctions, as courts have been included in the definition of workplace.
- (viii) Section 5 (3) of the Act of 2010 already provides that the Inquiry Committee may recommend to the Ombudsperson for appropriate action against the complainant if allegations leveled against the accused found to be false and made with mala fide intentions. Therefore, there is no need to insert proposed section 10A.



6. Accordingly, the members present unanimously approved following amendments to "The Protection against Harassment of Women at the Workplace Act, 2010":-

In the Protection against Harassment of Women at the Workplace Act, 2010,-

- i. Clause 2 shall be omitted and thereafter remaining clauses shall be renumbered accordingly.
- ii. Clause 3 shall be renumbered as clause 2 and thereafter, the same shall be substituted with the following, namely,-

"2. **Amendment of section 2, Act IV of 2010.-** In the said Act, in section 2, -

(a) In clause (e), for the words "a woman or man", the words "any person" shall be substituted and after the word "harassment", the expression "and shall include a former employee who has been removed or dismissed from service or has resigned, and a parent or guardian where the complainant is a minor" shall be inserted;

(b) for clause (f), the following shall be substituted, namely:-

"(f) "employee" includes a regular, contractual, piece-rate, gig, temporary, part-time, freelance employee whether employed through express or implied contract on daily, weekly, monthly or hourly basis, and shall include a student, a performer, an artist, a sportsperson, an intern, a trainee, a domestic worker, a home-based worker or an apprentice, whether working for remuneration or not, or whether working on a voluntary basis or otherwise";

(c) in clause (g), in sub-clause (vi), the word "and" at the end shall be omitted and after sub-clause (vii), the following sub-clauses shall be added, namely :-

- (viii) person discharging any contractual obligations with respect to his employees and expressly or impliedly procures the services or labour of persons whether as freelancers or part-time employees;
- (ix) a person who owns or manages an online or customer to customer or business to customer or any other virtual or remote business; and
- (x) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of home-based workers, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the home-based worker;"

(d) for clause (h), the following shall be substituted namely:-

"(h) "harassment" means:

- (i) any unwelcome sexual advance, request for sexual favours, stalking or cyber stalking or other verbal, visual



or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment; or

- (ii) discrimination on basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mind-set or notion, resulting in discriminatory behavior on basis of gender against the complainant;"

- (f) for clause (k), the following shall be substituted, namely:-

"(k) "Ombudsperson" means the Ombudsperson appointed under Section 7;"

and elsewhere in Act IV of 2010, for the word "Ombudsman" the word "Ombudsperson" shall be substituted;

- (f) in clause (l), for the phrase "Companies Ordinance, 1984 (XLVII of 1984)" the phrase "Companies Act, 2017 (Act No. XIX of 2017)" shall be substituted and after the word "institution", occurring at the end, the words 'or online business' shall be inserted;

- (g) for clause (n), the following shall be substituted, namely:-

"(n) "workplace" means the place of work or any place where services are rendered or performed by professionals, including educational institutions, gigs, concerts, studios, performance facilities, courts, highways, sporting facilities and gymnasiums, and shall include any building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out and includes any situation that is linked to work or activity outside the office."."

- iii. After clause 2, as renumbered, the following new clauses (3) and (4) shall be inserted and thereafter existing clauses shall be renumbered accordingly,-

**"3. Amendment of section 4, Act IV of 2010.- In the said Act, in section**

- (a) in sub-section (2), at the end of the sentence the full stop shall be omitted and following phrase shall be added namely: -

“, and, where applicable, apply appropriate child-sensitive procedures.”; and

- (b) in sub-section (4), after the word "penalties", occurring at the end, the words 'as applicable' shall be inserted

- (c) in sub-section (4)(ii), in clause (d), the word "and" at the end shall be omitted and after clause (d), the following sub-clause (e) shall be added, namely:-

"(e) suspension or cancellation of a professional license"

- (d) in sub-section (4)(ii), the existing clause (e) shall be re-numbered as clause (f)."

**"4. Amendment of section 5, Act IV of 2010.- In the said Act, in section 5 (1)(b), for the word "document", the words "documentary, audio or video evidence" shall be substituted."**

- iv. The existing clause (6) shall be omitted.  
v. For clause (7), the following shall be substituted, namely,-

**"7. Amendment of Schedule, Act IV of 2010.- In the said Act, in the Schedule,-**

- (A) in the first paragraph, in clause (ii), for the definition of "harassment", the following definition shall be substituted, namely: -;**

**"(ii) "harassment" means:**

- (i) any unwelcome sexual advance, request for sexual favours, stalking or cyber stalking or other verbal, visual or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment; or**  
**(ii) discrimination on basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mind-set or notion, resulting in discriminatory behavior on basis of gender against the complainant;**

**Provided that a single incident having the effect of making a person uncomfortable or creating a sense of fear or panic at the workplace is also harassment."**

- (B) for Explanation (b) under clause (ii), the following shall be substituted, namely: -**

**"(b) Creating a hostile environment**

**Any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature, which interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment; or any discrimination on basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mind-set or notion resulting in discriminatory behavior on basis of gender.**

The typical "hostile environment" claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact or gender-based discrimination, a single offensive incident will constitute a violation."

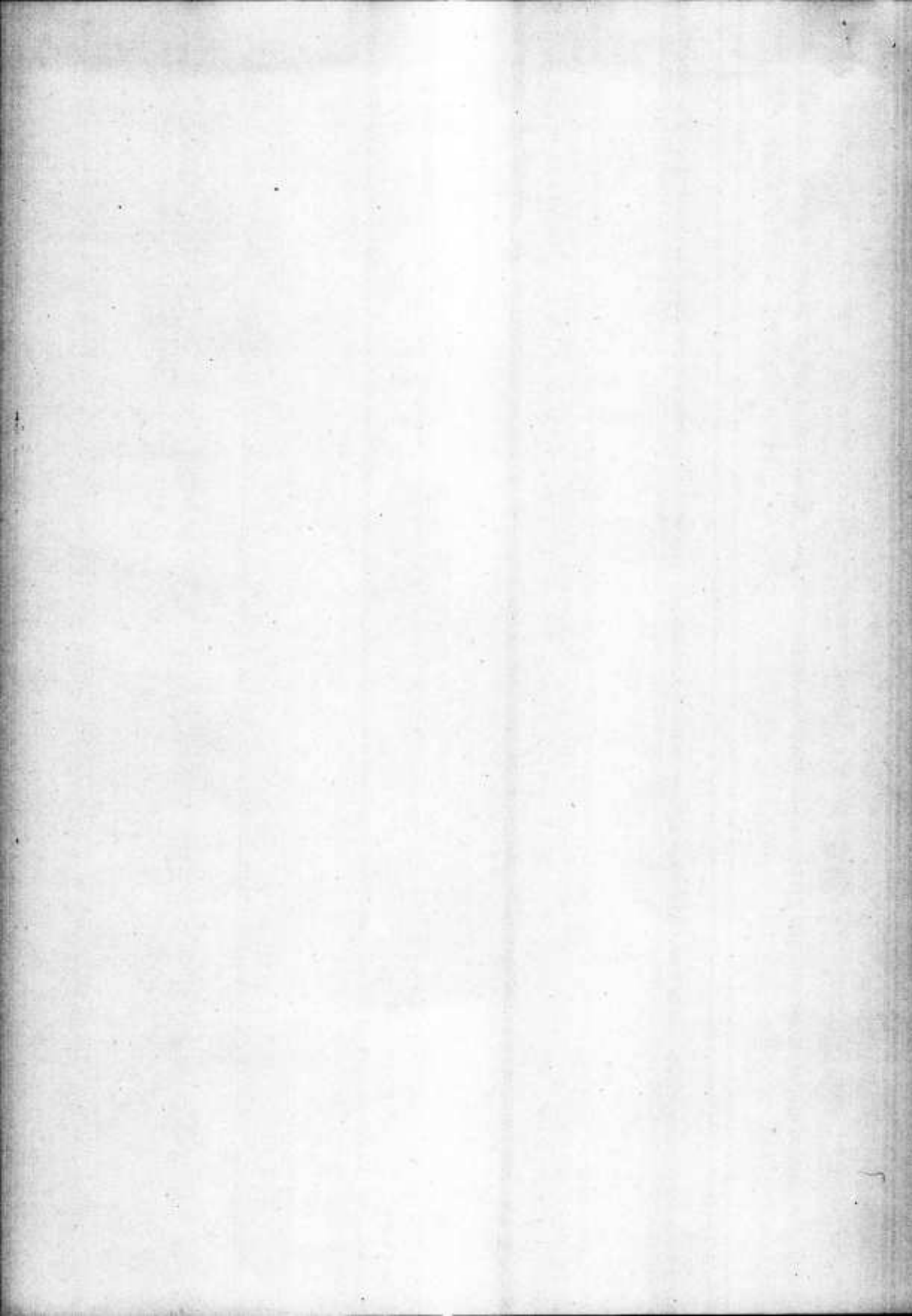
(C) in clause (xi), after the full stop at the end, the following shall be added, namely: -

"Filing counter-blast suits for defamation etc. are also retaliation. The Ombudsman or Inquiry Committee, as the case may be, should take notice of this in its proceedings."

9. Accordingly, the Committee unanimously recommends that "The Protection against Harassment of Women at the Workplace (Amendment) Bill, 2021", as reported by the Committee, may be passed by the Senate of Pakistan. (Copy of Bill as reported by the Committee is annexed as "A" and Bill as passed by the National Assembly and transmitted to the Senate is annexed as "B").

  
(RABEEA ANWAR)  
J.S/ Secretary Committee

  
(SENATOR WALID IQBAL)  
Chairman Standing Committee on Human Rights



[AS REPORTED BY THE COMMITTEE]

A

Bill

*to amend the Protection Against Harassment of Women at the Workplace Act, 2010*

*Whereas it is expedient to amend the Protection against Harassment of Women at the Workplace Act 2010, (IV of 2010) for the purposes appearing hereinafter;*

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act shall be called the Protection Against Harassment of Women at the Workplace (Amendment) Act, 2021.

(2) It shall come into force at once.

2. **Amendment of section 2, Act IV of 2010.**- In the said Act, in section 2, -

(a) In clause (e), for the words "a woman or man", the words "any person" shall be substituted and after the word "harassment", the expression "**and shall include a former employee who has been removed or dismissed from service or has resigned, and a parent or guardian where the complainant is a minor**" shall be inserted;

(b) for clause(f), the following shall be substituted, namely:-

"(f) "employee" includes a regular, contractual, piece-rate, gig, temporary, part-time, freelance employee whether employed through express or

implied contract on daily, weekly, monthly or hourly basis, and shall include a student, **a performer, an artist, a sportsperson**, an intern, trainee, a domestic worker, a home-based worker or an apprentice **whether working for remuneration or not, or whether working on a voluntary basis or otherwise**”;

- (c) in clause (g), in sub-clause (vi), the word “and” at the end shall be omitted and after sub-clause (vii), the following sub-clauses shall be added, namely :-

(viii) person discharging any contractual obligations with respect to his employees and expressly or impliedly procures the services or labour of persons whether as freelancers or part-time employees;

(ix) a person who owns or manages an online or customer to customer or business to customer or any other virtual or remote business; and

(x) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of home-based workers, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the home-based worker;”;

- (d) for clause (h), the following shall be substituted namely:-

“(h) “harassment” means:

(i) **any unwelcome sexual advance, request for sexual favours, stalking or cyber stalking or other verbal, visual or written communication or physical conduct of a**

sexual nature or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment; or

- (ii) discrimination on basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mind-set or notion, resulting in discriminatory behavior on basis of gender against the complainant;"

- (f) for clause (k), the following shall be substituted, namely:-

"(k) "Ombudsperson" means the Ombudsperson appointed under Section 7;"

and elsewhere in Act IV of 2010, for the word "Ombudsman" the word "Ombudsperson" shall be substituted;

- (f) in clause (l), for the phrase "Companies Ordinance, 1984 (XLVII of 1984)" the phrase "Companies Act, 2017 (Act No. XIX of 2017)" shall be substituted and after the word "institution", occurring at the end, the words 'or online business' shall be inserted;

- (g) for clause (n), the following shall be substituted, namely:-

"(n) **"workplace"** means the place of work or any place where services are rendered or performed by professionals, including educational institutions, gigs, concerts, studios, **performance facilities, courts, highways, sporting facilities and gymnasiums**, and shall include any building, factory, open area or a larger geographical area, where the activities of the organization or of employer are carried out and includes any situation that is linked to work or activity outside the office."

**3. Amendment of section 4, Act IV of 2010.- In the said Act, in sect**

- (a) in sub-section (2), at the end of the sentence the full stop shall be omitted and following phrase shall be added namely: -

**", and, where applicable, apply appropriate child-sensitive procedures."; and**

- (b) in sub-section (4), after the word "penalties", occurring at the end, the words 'as applicable' shall be inserted

- (c) in sub-section (4)(ii), in clause (d), the word "and" at the end shall be omitted and after clause (d), the following sub-clause (e) shall be added, namely:-

**"(e) suspension or cancellation of a professional license"**

- (d) in sub-section (4)(ii), the existing clause (e) shall be re-numbered as clause (f).

**4. Amendment of section 5, Act IV of 2010.-** In the said Act, in section 5 (1)(b), for the word "document", the words "documentary, audio or video evidence" shall be substituted

**5. Amendment of section 8, Act IV of 2010.-** In the said Act, in section 8, -

- (a) in sub-section (1), for the word "employee", the word "complainant" shall be substituted; and
- (b) after sub-section (5), the following sub-section shall be added, namely:-

"(6) The Ombudsman shall decide a case or appeal, as the case may be, within a period of ninety days."

**6. Amendment of section 9, Act IV of 2010.-** In the said Act, in section 9, after the full stop at the end, the expression "The President or the Governor, as the case may be, shall decide such representation within ninety days" shall added.

**7. Amendment of Schedule, Act IV of 2010.-** In the said Act, in the Schedule,-

- (A) in the first paragraph, in clause (ii), for the definition of "harassment", the following definition shall be substituted, namely: -;

"(ii) "harassment" means:

- (i) any unwelcome sexual advance, request for sexual favours, stalking or cyber stalking or other verbal, visual or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation causing interference with work performance or

creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment; or

- (ii) discrimination on basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mind-set or notion, resulting in discriminatory behavior on basis of gender against the complainant;

Provided that a single incident having the effect of making a person uncomfortable or creating a sense of fear or panic at the workplace is also harassment."

- (B) for Explanation (b) under clause (ii), the following shall be substituted, namely: -

**"(b) Creating a hostile environment**

Any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature, which interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment; or any discrimination on basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mind-set or notion resulting in discriminatory behavior on basis of gender.

The typical "hostile environment" claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact or gender-based

**discrimination, a single offensive incident will constitute a violation."**

- (C) in clause (xi), after the full stop at the end, the following shall be added, namely: -

"Filing counter-blast suits for defamation etc. are also retaliation. The Ombudsman or Inquiry Committee, as the case may be, should take notice of this in its proceedings."

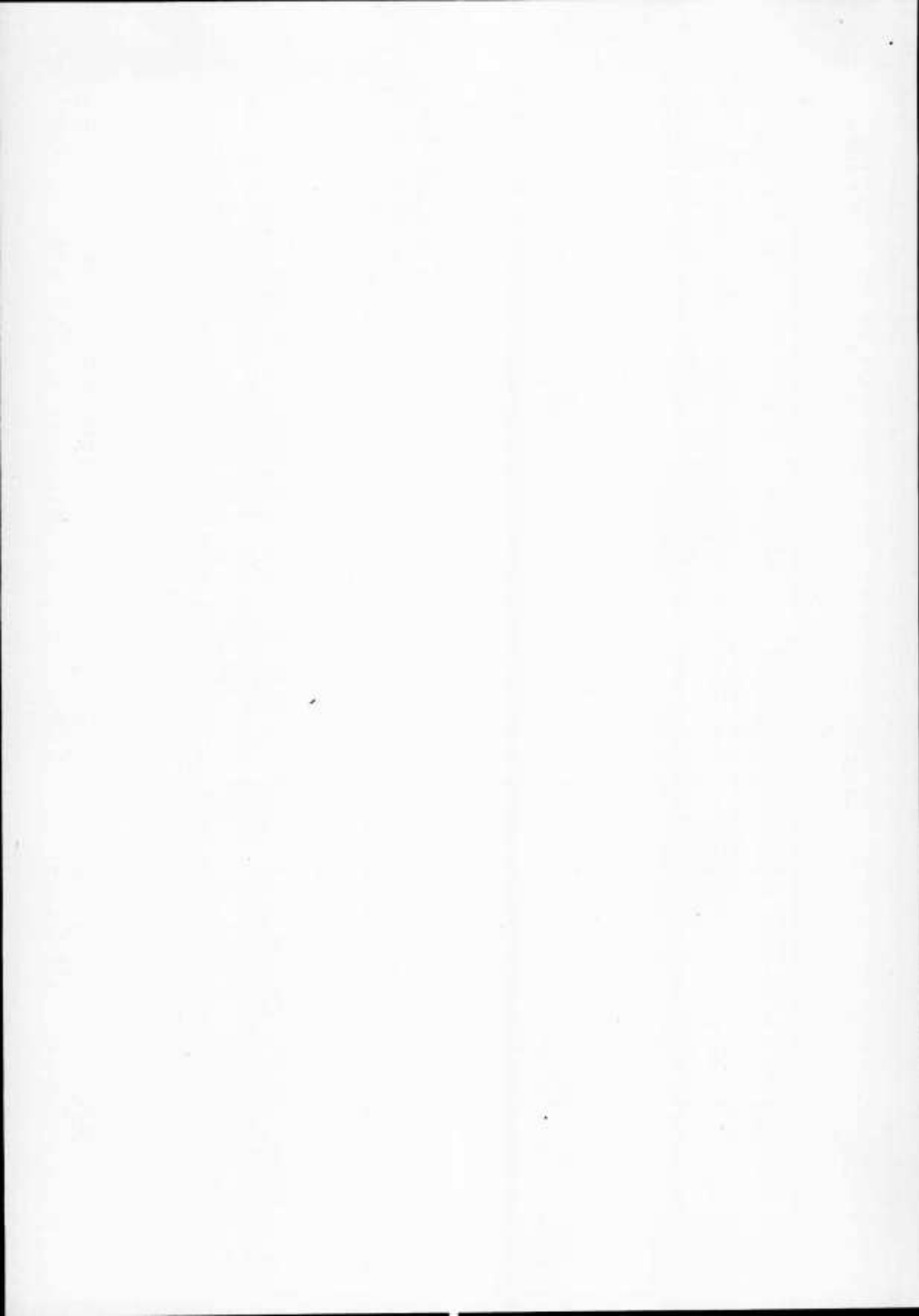
### **Statement of Objects and Reasons**

This proposed amendment aims to facilitate increased participation of women in the workforce by removing the lacuna present in the existing law. It broadens the ambit and scope of the law to including certain professions and employment models that the current law does not expressly mention. Through these amendments protection from harassment shall be provided to people engaged in all types of work – formal and informal. The Amendment Bill will also provide clarity with respect to different kinds of harassment that take place at the workplace.

This purpose of this amendment is to fulfill Pakistan's Constitutional obligations to its citizens and to guarantee them their dignity and prevention of discrimination on the basis of sex in their professions and to achieve the goal of increased women participation of women in the workplace.

This Bill seeks to achieve the aforesaid objectives.

**(Dr. Shireen M. Mazari)**



A

Bill

*to amend the Protection Against Harassment of Women at the Workplace Act, 2010*

Whereas it is expedient to amend the Protection against Harassment of Women at the Workplace Act 2010, (IV of 2010) for the purposes appearing hereinafter;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act shall be called the Protection Against Harassment of Women at the Workplace (Amendment) Act, 2021.

(2) It shall come into force at once.

2. **Amendment of section 1, Act IV of 2010.**- In the Protection Against Harassment of Women at the Workplace Act 2010, (IV of 2010), hereinafter referred to as the said Act, in section 1, in sub-section (1), for the word "Women" the word "Persons" shall be substituted.

3. **Amendment of section 2, Act IV of 2010.**- In the said Act, in section 2, -

- (a) In clause (e), for the words "a woman or man", the words "any person" shall be substituted and after the word "harassment", the expression "and shall include a former employee who has been removed or dismissed from service or has resigned, if the complaint is filed within ninety days of such removal or dismissal or resignation" shall be inserted;

(b) for clause (f), the following shall be substituted, namely:-

"(f) "employee" includes regular, contractual, piece-rate, gig, temporary, part-time, freelance employee whether employed through express or implied contract on daily, weekly, monthly or hourly basis, and shall include a student, an intern, trainee, domestic worker, home-based worker or an apprentice;"

(c) In clause (g), in sub-clause (vi), the word "and" at the end shall be omitted and after sub-clause (vii), the following sub-clauses shall be added, namely :-

(viii) person discharging any contractual obligations with respect to his employees and expressly or impliedly procures the services or labour of persons whether as freelancers or part-time employees;

(ix) a person who owns or manages an online or customer to customer or business to customer or any other virtual or remote business; and

(x) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of home-based workers, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the home-based worker;"

(d) for clause (h), the following shall be substituted namely;

(h) "harassment" means any unwelcome sexual advance, request for sexual favours, stalking or cyber stalking or other verbal, visual or written

communication or physical conduct of a sexual nature or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment."

- (e) In clause (l), after the word "institution", occurring at the end, the words 'or online business' shall be inserted;
- (f) In clause (m), the word "and" at the end shall be omitted and thereafter the following new clause shall be inserted, namely:-

"(ma) "sexist harassment" means discrimination on basis of sex and includes any form of derogatory remarks, attitudes, gestures, words, actions, measures, policies, practices, signs whether written, verbal, visual or graphical, often rooted in stereotypical generalizations believed about gender in question, which may or may not be sexual in nature but which may embody discriminatory and prejudicial mind-set or notion resulting in discriminatory behavior on basis of sex against the complainant that causes interference with performances or create an intimidating hostile, offensive, unequal or unfair environment or opportunities, and includes the attempt to undermine the complainant and their chances of advancing or being promoted in their role or position on the basis of their sex"; and

(g) for clause (n), the following shall be substituted, namely:

"(n) 'workplace' means the place of work or any place where services are rendered or performed by professionals, including educational institutions, gigs, concerts, studios, courtrooms, highways and shall include any building, factory, open area or a larger geographical area etc. where the activities of the organization or of employer are carried out and includes any situation that is linked to work or activity outside the office."

4. **Amendment of section 8, Act IV of 2010.-** In the said Act, in section 8, -

- (a) In sub-section (1), for the word "employee", the word "complainant" shall be substituted; and
- (b) after sub-section (5), the following sub-section shall be added, namely:-

"(6) The Ombudsman shall decide a case or appeal, as the case may be, within a period of ninety days."

5. **Amendment of section 9, Act IV of 2010.-** In the said Act, in section 9, after the full stop at the end, the expression "The President or the Governor, as the case may be, shall decide such representation within ninety days" shall added.

6. **Addition of section 10A, Act IV of 2010.-** In the said Act, after section 10, the following new section 10A shall be added, namely:-

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**\*10A.Punishment for filing malafide or false complaints.-** Whoever files a malafide complaint shallor falsely charges any person of harassment under this Act, knowing that there is no just or lawful ground for such proceedings or charge against that person, after it is established that the complaint was malafide or false, be punished with fine which may extend to fifty thousand Rupees."

7. **Amendment of Schedule, Act IV of 2010.-** In the said Act, in the Schedule,-

(A) in the first paragraph, -

(a) for the word 'women' the word 'persons' shall be substituted;

(b) in clause (ii), for the definition of "harassment", the following definition shall be substituted, namely: -;

"(ii) "harassment" means any unwelcome sexual advance, request for sexual favours, stalking or cyber stalking or other verbal, visual or written communication or physical conduct of a sexual nature or sexually demeaning attitudes including any gestures or expression conveying derogatory connotation causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment.";

(c) clause (ii), substituted as aforesaid, in the explanation, for the words "three", the words "several" shall be substituted and thereafter the following new sub-clause shall be added, namely:-

"(ii-a) "sexist harassment" means discrimination, on basis of sex and includes any form of derogatory remarks, attitudes, gestures, words, actions, measures, policies, practices, signs whether written, verbal, visual or graphical, often rooted in stereotypical generalizations believed about gender in question, which may or may not be sexual in nature but which may embody discriminatory and prejudicial mind-set or notion resulting in discriminatory behavior on basis of sex against the complainant that causes interference with performances or created an intimidating hostile, offensive, unequal or unfair environment or opportunities, and includes the attempt to undermine the complainant and their chances of advancing or being promoted in their role or position on the basis of their sex.";

(B) after sub-clause (c) under clause (ii), the following new sub-clause shall be added namely: -

"(d) **Discrimination on the basis of sex.**- Discrimination on the basis of sex may or may not be sexual in nature but which undermines the complainant and their equal opportunities to advance and perform in the position, role or workplace in any way, such as wage discrimination or unequal pay, limiting the employee's option for future promotion prospects or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his rights:

Provided that a single incident having the effect of making a person uncomfortable or creating a sense of fear or panic at the workplace is also harassment.

(C) In clause (xi), after the full stop at the end, the following shall be added, namely: -

"Filing counter-blast suits for defamation etc. are also retaliation. The Ombudsman or Inquiry Committee, as the case may be, should take notice of this in its proceedings."; and

- (D) after clause (xiii), the following illustrations shall be added at the end of the Code of Conduct to provide examples of harassment that may take place, namely:-

"Illustrations of harassment, include but are not limited to,-

- (A) Employee A deliberately hinders a subordinate employee B's chances of promotion as a result of not complying with Employee A's undue requests for (sexual) favors, Employee A is creating an intimidating work environment and therefore causing harassment.
- (B) Employer threatens an employee by using forged or fake documents and pictures to blackmail them from removal from service into compliance for undue requests, such an Employer is creating an intimidating work environment and is committing an act of harassment.
- (C) Employee A sends anonymous letters, pamphlets or e-mails defaming or character assassination of Employee B, Employee A is committing harassment.
- (D) A manager calls his associate or subordinate a "retard" and swears at him, the manager is creating a hostile work environment.
- (E) An employer uses vulgar language to address employees, the employer is committing an act of harassment.
- (F) A supervisor who uses his position of authority to subject employees to discriminatory conduct, leaving the employee feeling trapped and vulnerable is creating a hostile work environment.

- (G) Male employee forcing female subordinate employee to spend time with him after office hours for career progression, such male employee is committing an act of harassment.
- (H) A junior trainee was transferred to another department by a manager against her will as a punitive measure for not complying with undue requests for (sexual) favors, the manager is responsible for workplace harassment.
- (I) Comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess; displaying sexually suggestive objects, pictures, or cartoons also constitutes workplace harassment."

#### Statement of Objects and Reasons

This proposed amendment aims to facilitate increased participation of women in the workforce by removing the lacuna present in the existing law. It broadens the ambit and scope of the law to including certain professions and employment models that the current law does not expressly mention. Through these amendments protection from harassment shall be provided to people engaged in all types of work – formal and informal. The Amendment Bill will also provide clarity with respect to different kinds of harassment that take place at the workplace.

This purpose of this amendment is to fulfill Pakistan's Constitutional obligations to its citizens and to guarantee them their dignity and prevention of discrimination on the basis of sex in their professions and to achieve the goal of increased women participation of women in the workplace.

The Bill seeks to achieve the aforesaid objectives.

(Dr. Shireen M. Mazari)