NATIONAL HIGHWAY AUTHORITY
Confidential & Training Section

No. Inq/Admn(C & T)/1088/10/ 1052 April, 26 2010

CIRCULAR

Subject: **PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE ACT, 2010**

1. This Act was notified by Government of Pakistan on March 11, 2010 for the protection of the women from harassment at the workplace. Details of the Act may be downloaded from the websites www.nha.gov.pk or www.pakistan.gov.pk . However, main features of this Act are appended below for information and awareness among NHA employees:

a. **Short title and commencement:-**

(i) This Act may be called the Protection against Harassment of women at the Workplace Act, 2009.
(ii) It extends to the whole of Pakistan.
(iii) It shall come into force at once (March 11, 2010).

b. **Statement Of Objects and Reasons:-**

i) The objective of this Act is to create a safe working environment for women, which is free of harassment, abuse and intimidation with a view toward fulfillment of their right to work with dignity. It will also enable higher productivity and a better quality of life at work. Harassment is one of the biggest hurdles faced by working women preventing many who want to work to get themselves and their families out of poverty.

ii) This Act will open the path for women to participate more fully in the development of this country at all levels. This Act builds on the principles of equal opportunity for men and women and their right to earn a livelihood without fear of discrimination as stipulated in the Constitution. This Act complies with the Governments commitment to international labour standards and empowerment of women. It also adheres to the Human Rights Declaration, the United Nations Convention for Elimination of all forms of Discrimination against Women and ILOs conventions on workers rights. It adheres to the principles of Islam and all other religions in our country which assure women's dignity. This Act requires all public and private organizations to adopt an internal Code of Conduct and a complain/appeals mechanism aimed at establishing a safe working environment, free of intimidation and abuse, for all working women. It shall also establish an Ombudsman at Federal and provincial levels.

c. **Definitions:**

In this Act, unless there is anything repugnant in the subject or context:

(i) **"Accused"** means an employee or employer of an organization against whom complaint has been made under this Act;

(ii) **"Code"** means the Code of Conduct as mentioned in the Schedule to this Act.

(iii) **"Competent Authority"** the authority as may be designated by the management for the purposes of this Act.

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(iv) **"Complainant"** means a woman & men who has made a complaint to the Ombudsman or to the Inquiry Committee on being aggrieved by an act of harassment.

(v) **"Employee"** means a regular or contractual employee whether employed on daily, weekly, or monthly or hourly basis, and includes an intern or an apprentice.

(vi) **"Harassment"** means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, 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;

(vii) **"Inquiry Committee"** means the Inquiry Committee established under sub-section (1) of section 3.

(viii) **'Ombudsman"** means the Ombudsman appointed under section 7.

(ix) **"Organization"** means a Federal or Provincial Government Ministry, Division or department, a corporation or any autonomous or semi-autonomous body, Educational Institutes, Medical facilities established or controlled by the Federal or Provincial Government or District Government or registered civil society associations or privately managed commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 and includes any other registered private sector organization or institution;

(x) **"Workplace"** means the place of work or the premises where an organization or employer operates and includes building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out and including any situation that is linked to official work or official activity outside the office.

d. Penalties:-

Competent Authority may impose one or more of the following penalties:

(i) **Minor penalties:**
- (a) Censure;
- (b) Withholding, for a specific period, promotion or increment;
- (c) Stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar;
- (d) Recovery of the compensation payable to the complainant from pay or any other source of the accused;

(ii) **Major penalties:**
- (a) Reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (b) Compulsory retirement;
- (c) Removal from service; and
- (d) Dismissal from service.
- (e) Fine.

e. Explanations:

There are three significant manifestations of harassment in the work environment:

(i) **Abuse of authority:-**

A demand by a person in authority, such as a supervisor, for sexual favors in order for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

(ii) **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 individuals work performance or creates an intimidating, hostile, abusive or offensive work environment. 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, a single offensive incident will constitute a violation.

(iii) **Retaliation:-**

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employees options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behavior is also a part of the harassment.

2. This has the approval of Member (Admn) NHA.

(SHEHBAZ HUSSAIN)
Dy. Dir (Confd & Training)

DISTRIBUTION:

- All Committee Members.
- All Members, NHA
- Secretary NHA.
- All GMs, NHA, HQ /Regions/Projects.
- Director (Regulations) NHA HQ.
- Director (MIS) NHA HQ.----------He is requested to place the Copy of this act on NHA website.
- Director (Legal) NHA HQ.
- Dy. Dir (Personnel-I) NHA HQ.
- Dy. Dir (Personnel-II) NHA HQ.

CC:

- SO to Member (Admn), NHA
- PS to Chairman, NHA
- SO(Admn) MOC Islamabad...w.r.t. MoC letter No. 205/CAB/POLICY/Coord dated April 01, 2010.