

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

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BILL

further 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 Workplace Act, 2010 (IV of 2010), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.** - (1) This Act may be called the Protection against Harassment of Women at Workplace (Amendment) Act, 2014.
(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 Workplace, Act 2010(No. IV of 2010), hereinafter referred to as the said Act, in section 1, in subsection (2), after the word "Harassment", the words "of Women", shall be omitted.
3. **Amendment of section 2, Act IV of 2010.**- In the said Act, in section 2,-
 - (i) in clause (e), for the words "woman or man" the words "person" shall be substituted;
 - (ii) for clause (f), the following shall be substituted, namely:-

"(f) employee means a person employed for any work including home-based worker of any age, on regular, temporary, ad hoc or daily wage basis; either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name and domestic workers of any age employed to do the household work for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part time or full time basis;
 - (iii) In clause (h),-
 - (a) after the words "harassment means", "(1)" shall be inserted;
 - (b) the word "or" after the word "performance", shall be omitted;
 - (c) after the word "performance", the words "and/in pursuit of studies / vocational training" shall be inserted; and

(d) after clause (1), the following new clauses shall be inserted, namely:-

“(2) An improper conduct by an employer, that is directed at, and offensive to employee or makes that employee feels to be working in a hostile environment.

(3) Any objectionable act, comment, or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat”.

(vi) for clause (j), the following shall be substituted namely:-

“(j) or a person discharging contractual obligations including middle-person, with respect to the employees including home-based worker; in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic work irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;” and

(vii) in clause (n),-

(a) after the word activity, the words “and/or in pursuit of studies / vocational training”; shall be inserted; and

(b) after the word “office”, the following words shall be inserted namely:-

“or an institute, or a dwelling place or a house where the domestic servant work or home-based worker carries out the work or an enterprise owned by individual or self-employed worker engaged in the production or sale of goods or providing service of any kind whatsoever”.

4. **Amendment of section 3, Act IV of 2010.**- In the said Act, in sub-section 1, after the word “Act”, the words “and will also establish the enquiry Committees in its branches” shall be inserted.

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

(a) in sub-section (1), in clause (a), for the word “him”, the words “such person” shall be substituted;

(b) in clause (b), for the word “him” the words “such person”, shall be substituted;

(c) in clause (c), for the word “him” the words “such person”, shall be substituted.

6. **Amendment of section 7, Act IV of 2010.**-In the said Act, in section 7, after section (2), the following new sub-section (3), shall be inserted, namely:-

"(3) The Ombudsman shall set-up regional offices, as when and where required."

7. **Amendment of section 10, Act IV of 2010.**- In the said Act, in clause 10, in sub-clause (1), after section (vi), the following new section shall be inserted, namely:-

(a) "(vii) The Ombudsman may on a complaint by any aggrieved person or on a reference by the President, the Federal Council or the National Assembly, as the case may be, or on a motion of the Supreme Court or a High Court made during the course of any proceedings before it or of his own motion undertake any investigation into any allegation of harassment on the part of any Agency or any of its officers or employees.

Provided that the Ombudsman shall withhold the identity of that person, if so requested by the person concerned, and take steps to provide due protection under the law to such person against harassment, victimization, retribution, reprisals or retaliation." and

(b) after sub-clause (2), the following new sub-clause shall be inserted, namely:-

"(3) Ombudsman shall establish the offices or administrative units of the workplace at different places or divisional level, if it has any branches other than the main office."

8. **Amendment of section 11, Act IV of 2010.**- In the said act, in section 11, in sub-section (3), for the words "District Court" the word "Ombudsman", shall be substituted.

9. **Amendment of the Schedule, Act IV of 2010.**- In the said act, In the Schedule,

(a) in the title, the words "of women" shall be omitted;

(b) in the Schedule, in the first paragraph, for the word "women" the word "persons";

(c) in section (i), after the word "employees" the words "Students, trainees and employers" shall be inserted;

(d) after the word "organization" following words shall be inserted namely:

"or a person discharging contractual obligations with respect to the employees including home-based worker and in relation to a dwelling place or house."

(e) in section (ii), after the words "harassment means", "(1)" shall be inserted;

(f) after the word "performance" the words "and/or in pursuit of studies / vocational training," shall be inserted"; and

- (g) after the words "for employment;" the following new sections shall be inserted namely:-
- (iii) "an improper conduct by an employer, that is directed at, and offensive to employee or makes that employee feels to be working in a hostile environment; or
 - (iv) "Any objectionable act(s), comment(s), or display(s) that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat;"
- (h) in paragraph (a), after the word "supervisor", following words shall be inserted namely:-
- "or a middle-person dealing with the home-based workers or any member, relative or guest of the family of a house where aggrieved domestic servant works or worked"
- (i) in section (xii) the word "and" at the end shall be omitted.
- (j) after section (Xii), the following sections shall be inserted namely:-
- (xiii) the home-based worker may make formal complaint through the in-charge, supervisor, middle-person, CBA nominee or workers representative, as the case may be or to the Ombudsman directly;" and
 - (xiv) in the case of house hold-setting, the domestic servant may file a formal complaint to the Ombudsman directly; and" the remaining sections shall be renumbered.
- (k) in section (xv) renumbered as aforesaid
- (i) after the words "protection of" the word "women" shall be omitted; and
 - (ii) after words "grant of protection", the remaining paragraph shall be substituted by the following words:
"at workplace by the concerned Authority".

STATEMENT OF OBJECTS AND REASONS

The amendment is aimed to fill the gaps and remove lacunae and anomalies in the law in order provide protection from all forms of harassment at work without any gender discrimination. Through this amendment law, the scope of the definitions of harassment, employees, and employers has been enhanced to provide protection to a wide array of employees, workers in both the formal and informal sectors as well as to the students/ trainees, from all forms of harassment at work and in pursuit of studies / vocational training.

The amendment is in line with the constitutional and international commitments of the Government of Pakistan in particular the right to security of person, right to fair trial, inviolability of dignity, safeguard against discrimination, right to be free from torture, inhuman and degrading treatment or punishment, equality before law, right to a fair hearing by an independent and impartial tribunal, just and favorable conditions of work, safe and healthy working conditions and the right to education as enshrined in the Constitution of the Islamic Republic of Pakistan and International instruments including International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and The Convention on the Elimination of all Forms of Discrimination against Women, duly ratified by the Government of Pakistan.

**Ms.Asiya Nasir,
Member National Assembly**