



# **LAWS AND RULES**

## **RELATING TO PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE**

**Federal Ombudsman Secretariat for Protection against  
Harassment of Women at the Workplace  
Islamabad**

## INDEX

SR. NO	CONTENTS	PAGE NO
1.	MESSAGE FROM THE FEDERAL OMBUDSMAN	i
2.	INTRODUCTION OF FEDERAL OMBUDSMAN SECRETARIAT	1
3.	PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE, ACT 2010	2-8
4.	SCHEDULE [SECTIONS 2(c) AND 11] CODE OF CONDUCT FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE	9-10
5.	FEDERAL OMBUDSMAN SECRETARIAT INSTITUTIONAL REFORMS ACT, 2013.	11-15
6.	THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE (FILING AND DISPOSAL OF COMPLAINTS) RULES, 2013	16-19

**MESSAGE FROM JUSTICE (R) YASMIN ABBASEY**  
**FEDERAL OMBUDSMAN**  
**FOR PROTECTION AGAINST HARASSMENT OF**  
**WOMEN AT THE WORKPLACE**

The government is committed 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. In this endeavor an Act of Parliament to make provisions for the Protection against Harassment of Women at the Workplace has been promulgated in March 2010.

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 Constitution. This Act also complies with the Government's commitment to high international labour standards and empowerment of women. It also adheres to the Human Rights Declaration, the United Nation's Convention for Elimination of all forms of Discrimination against Women and ILO's Convention 100 and 111 on workers' rights. It adheres to the principles of Islam and all other religions in our country which assure women's dignity.

Provisions made in the Protection against harassment of women at the workplace Act requires all public and private organizations to adopt an internal Code of Conduct and a complain and appeals mechanism aimed at establishing a safe working environment for working women. It shall be the responsibility of the employer to ensure implementation of this Act, including but not limited to incorporate the Code of Conduct as a part of their management policy. The management shall display copies of Code of Conduct at the conspicuous place in the organization and the workplace. On failure of an employer to comply with this provision the employer shall be liable to fine which may extend to one hundred thousand rupees but shall not be less than twenty-five thousand rupees.

I look forward to receiving the support and cooperation of all stakeholders towards achieving the objectives of this Act.

## INTRODUCTION

The constitution of Islamic Republic of Pakistan recognizes the Fundamental right of citizens to dignity of persons. It is, therefore, expedient to make provisions for the protection against harassment of women at the workplace through vehicle of legislation and establishing mechanism. an Act of Parliament (No. IV of 2010) was promulgated on 9th March 2010 and an office of the Ombudsman was established at the Federal level, in pursuance thereof. The Act provides that the respective governments shall also appoint an Ombudsman at the Federal and Provincial levels and the finance will be provided by the respective governments.

The objective of this Act is to create a safe working environment for persons, which is free of harassment, abuse and intimidation with a view toward fulfillment of their right to work with dignity. Subsequently an Act No. XIV of 2013, dated 20th March, 2013 was promulgated to make institutional reforms for standardizing and harmonizing the laws relating to institution of Federal Ombudsmen at the Federal level and the matters ancillary or akin thereto.

The legislation namely "The Protection against Harassment of Women at the Workplace" will open path for working persons and especially for women to participate more fully in the development of this country at all levels. This legislation 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 Article 14 of the Constitution.

This legislation also complies with the government's commitment to high 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 ILO's Convention 100 and 111 on workers' rights. It adheres to the principles of Islam and all other religions in our country which assure working person and women's dignity.

# The Gazette of Pakistan

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ISLAMABAD, THURSDAY, MARCH 11, 2010

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## [THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE ACT 2010]

### PART I

Acts, Ordinance, President's Orders and Regulations

### SENATE SECRETARIAT

*Islamabad, the 11<sup>th</sup> March, 2010*

**No. F. 9 (5)/2009- Legis.**— The following Acts of Majlis-e-Shoora  
(Parliament) received the assent of the President on 9<sup>th</sup> March, 2010, are hereby  
published for general information:—

Act No. IV of 2010

*An Act to make provisions for the protection against harassment of women at the  
workplace*

**WHEREAS** the Constitution of the Islamic Republic of Pakistan recognizes the  
fundamental right of citizens to dignity of person:

**AND WHEREAS** it is expedient to make this provision for the protection of  
women from harassment at the workplace:

It is hereby enacted as follows:

1. **Short title, extent and commencement.**— (1) This Act may be called the Protection against Harassment of women at the Workplace Act, 2010.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**— In this Act, unless there is anything repugnant in the subject or context,—

- (a) “accused” means an employee or employer of an organization against whom complaint has been made under this Act;
- (b) “CBA” means Collective Bargaining Agent as provided in the Industrial Relations Act 2008, (IV of 2008), or any other law for the time being in force.
- (c) “Code” means the Code of Conduct as mentioned in the Schedule to this Act;
- (d) “Competent Authority” means the authority as may be designated by the management for the purposes of this Act;
- (e) “complainant” means a woman or man who has made a complaint to the Ombudsman or to the Inquiry Committee on being aggrieved by an act of harassment;
- (f) “employee” means a regular or contractual employee whether employed on daily, weekly, monthly or hourly basis, and includes an intern or an apprentice;
- (g) “employer” in relation to an organization, means any person or body of persons whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whosoever and includes—
  - (i) an heir, successor or assign, as the case may be, of such person or, body as aforesaid;
  - (ii) any person responsible for the direction, administration, management and control of the management;
  - (iii) the authority, in relation of an organization or a group of organizations run by or under the authority of any Ministry or department of the Federal Government or a Provincial government, appointed in his behalf or, where no authority is appointed, the head of the Ministry or department as the case may be;
  - (iv) the office bearer, in relation to an organization run by or on behalf of the local authority, appointed in this behalf, or where no officer is so appointed, the chief executive officer bearer of that authority;
  - (v) the proprietor, in relation to any other organization, of such organization and every director, manager, secretary, agent or office bearer or person concerned with the management of the affairs thereof;
  - (vi) a contractor or an organization of a contractor who or which undertakes to procure the labour or services of employees for use by another person or in another organization for any purpose whatsoever and for payment in any form and on any basis whatsoever; and



- (vii) office bearers of a department of a Division of a Federal or a Provincial or local authority who belong to the managerial, secretarial or directional cadre or categories of supervisors or agents and those who have been notified for this purpose in the official Gazette;
- (h) "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;
- (i) "Inquiry Committee" means the Inquiry Committee established under sub-section (1) of section 3;
- (j) "management" means a person or body of persons responsible for the management of the affairs of an organization and includes an employer;
- (k) "Ombudsman" means the Ombudsman appointed under section 7;
- (l) "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 a commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 (XLVII of 1984) and includes any other registered private sector organization or institution;
- (m) "Schedule" means Schedule annexed to this Act; and
- (n) "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.

**3. Inquiry Committee.**— (1) Each organization shall constitute an Inquiry Committee within thirty days of the enactment of this Act to enquire into complaints under this Act.

(2) The Committee shall consist of three members of whom at least one member shall be a woman. One member shall be from senior management and one shall be a senior representative of the employees or a senior employee where there is CBA. One or more members can be co-opted from outside the organization if the organization is unable to designate three members from within as described above. A third person shall be designated from amongst them.

(3) In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that particular case. Such member may be from within or outside the organization.

(4) In case where no competent authority is designated the organization shall within thirty days of the enactment of this Act designate a competent authority.

**4. Procedure for holding inquiry.**— (1) The Inquiry Committee, within the days of receipt of a written complaint, shall—

- (a) communicate to the accused the charges and statement of allegations leveled against him, the formal written receipt of which will be given;
- (b) require the accused within seven days from the day the charge is communicated to him to submit a written defense and on his failure to do so without reasonable cause, the Committee shall proceed *ex-parte*; and
- (c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him.

(2) Subject to the provisions of this Act and any rules made thereunder the Inquiry Committee shall have power to regulate its own procedure for conducting inquiry and for the fixing place and time of its sitting.

(3) The following provisions inter alia shall be followed by the Committee in relation to inquiry:

- (a) The statements and other evidence acquired in the inquiry process shall be considered as confidential;
- (b) An officer in an organization, if considered necessary, may be nominated to provide advice and assistance to each party;
- (c) Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a Collective Bargaining Agent representative, a friend or a colleague;
- (d) Adverse action shall not be taken against the complainant or the witnesses;
- (e) The inquiry Committee shall ensure that the employer or accused shall in no case create any hostile environment for the complainant so as to pressurize her from freely pursuing her complaint; and
- (f) The Inquiry Committee shall give its findings in writing by recording reasons thereof.

(4) The Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days of the initiation of inquiry. If the Inquiry Committee finds the accused to be guilty it shall recommend to the Competent Authority for imposing 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; and
- (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;
- (d) dismissal from service; and
- (e) Fine. A part of the fine can be used as compensation for the complainant. In case of the owner, the fine shall be payable to the complainant.



(5) The Competent Authority shall impose the penalty recommended by the Inquiry Committee under sub-section (4) within one week of the receipt of the recommendations of the Inquiry Committee

(6) The Inquiry Committee shall meet on regular basis and monitor the situation regularly until they are satisfied that their recommendations subject to decision, if any of Competent Authority and Appellate Authority have been implemented.

(7) In case the complainant is in trauma the organization will arrange for psycho-social counseling or medical treatment and for additional medical leave.

(8) The organization may also offer compensation to the complainant in case of loss of salary or other damages.

**5. Powers of the Inquiry Committee.**— (1) The Inquiry Committee shall have power—

- (a) to summon and enforce attendance of any person and examine him on oath;
- (b) to require the discovery and production of any document;
- (c) to receive evidence on affidavits; and
- (d) to record evidence.

(2) The Inquiry Committee shall have the power to inquire into the matters of harassment under this Act, to get the complainant or the accused medically examined by an authorized doctor, if necessary, and may recommend appropriate penalty against the accused within the meaning of sub-section (4) of section 4

(3) The Inquiry Committee may recommend to Ombudsman for appropriate action against the complainant if allegations leveled against the accused found to be false and made with *mala fide* intentions.

(4) The Inquiry Committee can instruct to treat the proceedings confidential.

**6. Appeal against minor and major penalties.**— (1) Any party aggrieved by decision of the Competent Authority on whom minor or major penalty is imposed may within thirty days of written communication of decision prefer an appeal to an Ombudsman established under section 7.

(2) A complainant aggrieved by the decision of the Competent Authority may also prefer appeal within thirty days of the decision to the Ombudsman.

(3) The Appellate Authority may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within thirty days in respect of which such appeal is made. It shall communicate the decision to both the parties and the employer.

(4) Until such a time that the ombudsman is appointed the District Court shall have the jurisdiction to hear appeals against the decisions of Competent Authority and the provisions of sub-sections (1) to (3) shall *mutatis mutandis* apply

(5) On the appointment of Ombudsman all appeals pending before the District Court shall stand transferred to Ombudsman who may proceed with the case from the stage at which it was pending immediately before such transfer.

**7. Ombudsman.**— (1) The respective Governments shall appoint an Ombudsman at the Federal and Provincial levels.

(2) A person shall be qualified to be appointed as an Ombudsman who has been a judge of high court or qualified to be appointed as a judge of high court. The Ombudsman may recruit such staff as required to achieve the purposes of this Act and the finances will be provided by the respective Governments.

**8. Ombudsman to enquire into complaint.**— (1) Any employee shall have the option to prefer a complaint either to the Ombudsman or the Inquiry Committee.

(2) The Ombudsman shall within 3 days of receiving a complaint issue a written show cause notice to the accused. The accused after the receipt of written notice, shall submit written defense to the Ombudsman within five days and his failure to do so without reasonable cause the Ombudsman may proceed *ex-parte*. Both the parties can represent themselves before the Ombudsman.

(3) The Ombudsman shall conduct an inquiry into the matter according to the rules made under this Act and conduct proceedings as the Ombudsman deems proper.

(4) For the purposes of an investigation under this Act, the Ombudsman may require any office or member of an organization concerned to furnish any information or to produce any document which in the opinion of the Ombudsman is relevant and helpful in the conduct of the investigation.

(5) The Ombudsman shall record his decision and inform both parties and the management of the concerned organization for implementation of the orders.

**9. Representation to President or Governor.**— Any person aggrieved by a decision of Ombudsman under sub-section (5) of section 8, may, within thirty days of decision, make a representation to the President or Governor, as the case may be, who may pass such order thereon as he may deem fit.

**10. Powers of the Ombudsman.**— The Ombudsman shall for the purpose of this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedures, 1908 (Act V of 1908), in respect of the following matters, namely:

- i. summoning and enforcing the attendance of any person and examining him on oath;
- ii. compelling the production of evidence;
- iii. receiving evidence on affidavits;
- iv. issuing commission for the examination of witnesses
- v. entering any premises for the purpose of making any inspection or investigation, enter any premises where the Ombudsman has a reason to believe that any information relevant to the case may be found; and
- vi. the Ombudsman shall have the same powers as the High Court has to punish any person for its contempt.

(2) Ombudsman shall while making the decision on the complaint may impose any of the minor or major penalties specified in sub-section (4) of section 4.

**11. Responsibility of employer.**— (1) It shall be the responsibility of the employer to ensure implementation of this Act, including but not limited to incorporate the Code of Conduct for protection against harassment at the workplace as a part of their management policy and to form Inquiry Committee referred to in section 3 and designate a Competent Authority referred to in section 4.

(2) The management shall display copies of the Code in English as well as in language understood by the majority of employees at conspicuous place in the organization and the work place within six months of the commencement of this Act.

(3) On failure of an employer to comply with the provisions of this section any employee of an organization may file a petition before the District Court and on having been found guilty the employer shall be liable to fine which may extend to one hundred thousand rupees but shall not be less than twenty-five thousand rupees.

**12. Provisions of the Act in addition to and not in derogation of any other law.—**

The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

**13. Power to make rules.—** The Federal Government may make rules to carry out the purposes of this Act.

**Schedule**

[ Sections 2(c) and 11 ]

**CODE OF CONDUCT FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE**

Whereas it is expedient to make the Code of Conduct at the workplace etc. to provide protection and safety to women against harassment it is hereby provided as under:

- (i) The Code provides a guideline for behavior of all employees, including management, and the owners of an organization to ensure a work environment free of harassment and intimidation;
- (ii) "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;

The above is unacceptable behavior in the organization and at the workplace, including in any interaction or situation that is linked to official work or official activity outside the office.

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

(a) **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.

(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.

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.

(c) **Retaliation**

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee's 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.

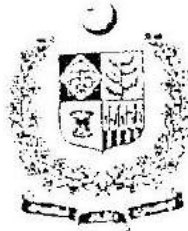
- (iii) An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis;



- (iv) A complainant or a staff member designated by the complainant for the purpose may report an incident of harassment informally to her supervisor, or a member of the Inquiry Committee, in which case the supervisor or the Committee member may address the issue at her discretion in the spirit of this Code. The request may be made orally or in writing;
- (v) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The alleged accused will be approached with the intention of resolving the matter in a confidential manner;
- (vi) If the incident or the case reported does constitute harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for a disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint;
- (vii) A complainant does not necessarily have to take a complaint of harassment through the informal channel. She can launch a formal complaint at any time;
- (viii) The complainant may make formal complaint through her incharge, supervisor, CBA nominee or worker's representative, as the case may be, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry;
- (ix) Assistance in the inquiry procedure can be sought from any member of the organization who should be contacted to assist in such a case;
- (x) The employer shall do its best to temporarily make adjustments so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. The employer can also decide to send the accused on leave, or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct, if required;
- xi) Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;
- xii) The harassment usually occurs between colleagues when they are alone, therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case; and
- iii) The Code lays down the minimum standards of behavior regarding protection of women from harassment at workplace etc. but will not affect any better arrangement that an organization may have developed nor will it bar the grant of protection that employees working in an institute may secure from their employers through negotiation.



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## PART I

**Acts, Ordinances, President's Orders and Regulations**

**SENATE SECRETARIAT**

*Islamabad, the 20th March, 2013*

**No. F. 9(10)/2013-Legis.**— The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 20th March, 2013, is hereby published for general information:—

### ACT No. XIV OF 2013

*An Act to make institutional reforms for standardizing and harmonizing the laws relating to Federal Ombudsmen institution and the matters ancillary or akin thereto*

WHEREAS it is expedient to make institutional reforms for standardizing and harmonizing the laws relating to institution of Federal Ombudsmen and the matters ancillary or akin thereto:

AND WHEREAS, it is expedient to enhance effectiveness of the Federal Ombudsmen to provide speedy and expeditious relief to citizens by redressing their grievances to promote good governance;

AND WHEREAS, it is necessary that in order to enable the Federal Ombudsmen to perform their functions efficiently, they should enjoy administrative and financial autonomy;

NOW, THEREFORE it is hereby enacted as follows:—

**1. Short title, extent and commencement.**— (1) This Act may be called the Federal Ombudsmen Institutional Reforms Act, 2013.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

**2. Definition.**— In this Act, unless there is anything repugnant in the subject or context,—

(a) “**Agency**” means, the Agency defined in the relevant legislation and in relation to the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No. 1 of 1983) shall include an Agency in which the Federal Government has any share or which has been licensed or registered by the Federal Government and notified by the Federal Government in the Official Gazette.

(b) “**Ombudsman**” means an Ombudsman appointed under the relevant legislation and includes the Ombudsman appointed under section 21.

(c) “**relevant legislation**” means, the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No. 1 of 1983), the Establishment of the Office of Federal Tax Ombudsman Ordinance, 2000 (XXXV of 2000), the Insurance Ordinance, 2000 (Ordinance No. XXXIX of 2000), the Banking Companies Ordinance, 1962 (LVII of 1962), and the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010).

**3. Tenure of the Ombudsman.**— The Ombudsman shall hold office for the period of four years and shall not be eligible for any extension of tenure or reappointment as Ombudsman under any circumstances:

Provided that the Ombudsman shall continue to hold office after expiry of his term till his successor enters upon the office.

**4. Acting Ombudsman.**— At any time when the office of the Ombudsman is vacant or he is unable to perform his function due to any cause the President shall appoint an Acting Ombudsman who shall perform functions and exercise powers as are vested in the Ombudsman and shall be entitled to all the privileges as are admissible to Ombudsman:

Provided that till such time the Acting Ombudsman is appointed, the Wafaqi Mohtasib (Ombudsman) shall act as Ombudsman of the concerned office and in case the Wafaqi Mohtasib is absent or unable to perform functions of his office, the Federal Tax Ombudsman shall act as Wafaqi Mohtasib (Ombudsman), in addition to his own duties.

**5. Removal of Ombudsman.**— An Ombudsman may be removed from office through Supreme Judicial Council on the ground of being incapable of properly performing duties of his office by reason of physical or mental incapacity or found to be guilty of misconduct.

**6. Resignation.**— The Ombudsman may resign his office by writing under his hand and addressed to the President.

**7. Grievance Commissioner.**—(1) The Ombudsman shall appoint or designate an officer not below BPS-21 as a Grievance Commissioner in an Agency against which a large number of complaints are received persistently.

(2) Grievance Commissioner shall exercise the powers and perform the functions as may be specified by the Ombudsman.

**8. Oath of office.**—An Ombudsman shall take Oath before he enters upon his office in the form as prescribed in the relevant legislation and in case such form is not prescribed in the relevant legislation he shall make oath before the President before he enters upon office in the form set out in the Schedule to this Act.

**9. Expeditious disposal of complaints.**—(1) The Agency shall, if so required by the Ombudsman submit written comments in a complaint within fifteen days, and this period may be extended for a further period of seven days on a sufficient cause.

(2) The representative of the Agency shall, if so required by the Ombudsman, attend the hearing of complaint, or may request in writing for adjournment with specific reasons, such adjournment if justified shall not be allowed more than seven days.

(3) Disciplinary action shall be taken by the competent authority if there is failure in terms of sub-section (1) or sub-section (2)

(4) The Competent authority shall within fifteen days inform the Ombudsman about the action taken on his orders under sub-section (3).

(5) The Ombudsman shall dispose of the complaint within a period of sixty days.

**10. Powers of Ombudsman.**— In addition to powers exercised by Ombudsman under the relevant legislation, he shall also have following powers of a civil court, namely:—

- (i) granting temporary injunctions; and
- (ii) implementation of the recommendations, orders or decision.

**11. Temporary Injunction.**— The Ombudsman may stay operation of the impugned order or decision for a period not exceeding sixty days.

**12. Power to punish for contempt.**— An Ombudsman shall have power to punish for contempt as provided in the Contempt of Court Ordinance, 2003 (V of 2003).

**13. Review.**—(1) The Ombudsman shall have the power to review any findings, recommendations, order or decision on a review petition made by an aggrieved party within thirty days of the findings, recommendations, order or decision.

(2) The Ombudsman shall decide the review petition within forty five days.

(3) In review, the Ombudsman may alter, modify, amend or recall the recommendation, order or decision.

**14. Representation.**—(1) Any person or party aggrieved by a decision, order, findings or recommendations of an Ombudsman may file representation to the President within thirty days decision, order, findings or recommendations.

(2) The operation of the impugned order, decision, findings or recommendation shall remain suspended for period of sixty days, if the representation is made as per sub-section (1).

(3) The representation shall be addressed directly to the President and not through any Ministry, Division or Department.

(4) The representation shall be processed in the office of the President by a person who had been or is qualified to be a judge of the Supreme Court or has been Wafaqi Mohtasib or Federal Tax Ombudsman.

(5) The representation shall be decided within ninety days.

**15. Personal hearing.**—It shall not be necessary for the President or the Ombudsman to give personal hearing to the parties and the matter may be decided on the basis of available record and written comments filed by the Agency.

**16. Supply of copies.**—The Ombudsman shall supply free of cost copies of the findings and recommendations to the parties within fifteen days of the decision.

**17. Administrative and financial power of Ombudsman.**—(1) The Ombudsman shall be the Chief Executive and Principal Accounting Officer of the Office and shall enjoy complete administrative and financial autonomy.

(2) The remuneration payable to the Ombudsman and the administrative expenses of the office shall be an expenditure charged upon Federal Consolidated Fund.

(3) The Ombudsman shall have full powers to create new posts and abolish old posts, to change nomenclature and upgrade or downgrade any post provided the expenditure is met from within the allocated budget of the office of Ombudsman.

(4) The Ombudsman shall have full powers to re-appropriate funds from one head of account to another head of account and to sanction expenditure on any item from within the allocated budget.

(5) The Ombudsman may delegate any of his financial powers to a member of the staff not below BPS-21 or equivalent:

Provided that approval of the Ombudsman shall be obtained by the delegatee for exercise of powers under sub-section (3) and for re-appropriation of funds under sub-section (4), before implementation thereof.

**18. Bar of jurisdiction.**—No court or authority shall have jurisdiction to entertain a matter which falls within the Jurisdiction of an Ombudsman nor any court or authority shall assume jurisdiction in respect of any matter pending with or decided by an Ombudsman.

**19. No additional responsibility.**—Except as provided in section 4, the Ombudsman shall not.

- (a) hold any other office of profit in the service of Pakistan; or
- (b) occupy any other position carrying the right to remuneration for rendering of services.

**20. Holding office of profit after expiry of tenure.**—The Ombudsman shall not hold any office of profit in the service of Pakistan, other than a judicial or quasi-judicial office, before the expiration of two years after he has ceased to hold office or shall he be eligible, during the tenure of office and for a period of two years thereafter, for election as a member of Parliament or a Provincial Assembly or any local body or take part in any political activity.



**21. Miscellaneous.**— A woman with an experience of at least ten years in the matters relating to protection of women against harassment shall also be eligible to be appointed by the President as Ombudsman under the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010).

**22. Power to make rules.**— The Federal Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

**23. Removal of difficulties.**— If any difficulty arises in giving effect to any provision of this Act, the President may make such Order, as may appear to him to be necessary or expedient for the purpose of removing the difficulty.

**24. Overriding effect.**— (1) The Provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

(2) In case there is a conflict between the provisions of this Act and the relevant legislation, the provisions of this Act to the extent of inconsistency, shall prevail.

## THE SCHEDULE

[See section 8]

I,.....do solemnly swear that I will bear true faith and allegiance to Pakistan;

That as.....Ombudsman, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully in accordance with the laws of the Islamic Republic of Pakistan, and without fear or favour, affection or ill-will;

That I will not allow my personal interest to influence my official conduct or my official decisions;

And that I will not directly or indirectly communicate, or reveal to any person any matter which shall be brought under my consideration, or shall become known to me, as Ombudsman, except as may be required for the due discharge of my duties as Ombudsman.

May Allah Almighty help and guide me (Ameen).

**IFTIKHAR ULLAH BABAR**

*Secretary.*



**GOVERNMENT OF PAKISTAN**  
**MINISTRY OF LAW, JUSTICE AND HUMAN RIGHTS**

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Islamabad the    October, 2013

**NOTIFICATION**

S.R.O        (1)/2013.— In exercise of the powers conferred by section 13 of the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010), read with section 22 of the Federal Ombudsmen Institutional Reforms Act, 2013 (XIV of 2013), the Federal Government is pleased to make the following rules, namely:-

**1.     Short title and commencement.**— (1) These rules may be called the Protection against Harassment of Women at the Workplace (Filing and Disposal of Complaints) Rules, 2013.

(2)     They shall come into force at once.

**2.     Definitions.**— (1) In these rules, unless there is anything repugnant in the subject or context,-

(a)     "Act" means the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010);

(b)     "Appellate Authority" means an Ombudsman to whom an appeal against decision of a Competent Authority lies under section 6 of the Act;

(c)     "Office" means the Office of the Ombudsman;

(d)     "staff" means an officer or an employee of the Office appointed under sub-section (2) of section 7 of the Act and includes advisors, commissioners, consultants, experts, fellows, interns, liaison officers, bailiffs and other staff.

**3.     Designation of the Competent Authority.**— (1) Each organization shall, under sub-section (4) of section 3 of the Act, designate, if not already designated, a competent authority.

(2)     A copy of the order designating the Competent Authority shall invariably be sent to the Ombudsman, Federal Government and the respective Provincial Government, as the case may be, and shall be circulated to all employees of the organization.

(3)     There shall be no discrimination on the basis of sex, while designating a competent Authority.

**4.     Filing a complaint.**— (1) A complainant may, under sub-section (1) of section 8 of the Act, prefer a complaint either to the Inquiry committee through any of its members or the Ombudsman.

(2) The employer shall, with direction of strict confidentiality, be informed by the Inquiry Committee or, as the case may be, the Ombudsman about filing of the complaint immediately after its filing or receipt.

(3) The complainant shall have the option to withdraw with the permission of the Inquiry Committee or, as the case may be, the Ombudsman, his or her complaint at any time before any decision thereon.

**5. Contents of the complaint.** - (1) The complaint may contain:-

- a) comprehensive statement of all facts with all necessary details relating to an incident of harassment at the workplace;
- b) all documents, evidence or other supporting material, in whatever form it may be, such as audio, video or documentary or in any other form;
- c) names of witnesses; and
- d) any other material, detail, evidence or person which will be relied upon or have any relation with the incident.

(2) The complainant shall undertake that information contained in his or her complaint is true and correct to the best of his or her knowledge and belief.

(3) A party may amend his or her complaint or defence statement, as the case may be, at any stage of the inquiry before decision.

(4) The complaint shall be duly signed by the complainant or if he or she cannot sign shall affix thumb impression.

**6. Inquiry Committee.** - (1) Each organization shall, in accordance with sub-section (2) of section 3 of the Act, constitute an Inquiry Committee to inquire into the complaint under the Act.

(2) Where any person resigns from membership of the Inquiry Committee owing to his or her transfer from or leaving the organization or inability to perform his or her functions due to any other reasonable cause, another person shall be appointed as member in his or her place by the Organization.

**7. Procedure of Inquiry Committee.** - (1) Subject to section 4 of the Act, the Inquiry Committee shall-

- a) ensure a non-discriminatory environment for holding inquiry;
- b) ask for documents or other information relating to incident of reported harassment and consider the same;
- c) not make public any document or statement of any party to inquiry and maintain high standards of confidentiality as provided under clause (a) of sub-section (3) of section 4 of the Act; and
- d) make suitable arrangements for safe custody of all documents, record or other material relating to inquiry proceedings.

(2) All documents, information, record, proceedings and findings of the Inquiry Committee shall be confidential and no copies thereof shall be provided to any person not related to the case under the rules or Act.

**8. Recommendations and findings.** - (1) The recommendations of Inquiry Committee shall be comprehensive and supported with logical arguments and substantiated by available evidence, if any.

(2) The findings and recommendations of Inquiry Committee shall, provide in sub-section (4) of section 4 of the Act, also recommend major or minor penalties, with justification for imposition of such penalty or fine.

(3) The Inquiry Committee may also recommend suitable compensation to complainant in case of loss of salary or other damages.