



FOSPAH

CODE OF CONDUCT

Under Protection against Harassment of women at the Workplace Act, 2010

[Schedule Sections 2 (c) and 11]

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.—
 - (a) 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
 - (b) discrimination on basis of gender, 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 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.

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; 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) **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 his/ 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. Filing counter-blast suits for defamation etc. are also retaliation. The Ombudsperson or Inquiry Committee, as the case may be, should take notice of this in his or its proceedings.
 - (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
 - (xiii) 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.

Helpline: 03444 367 367

    @fospah
 info@fospah.gov.pk

Online Complaint:





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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:

GUIDELINES TO ENSURE A HARASSMENT FREE WORK ENVIRONMENT

It is the **responsibility** of every employer to provide a conducive work environment

Harassment means:

- (a) 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
- (b) discrimination on basis of gender, 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 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.

Three Significant Manifestations of Harassment:

- i. **Abuse of Authority** means demanding sexual favors from a subordinate for the subordinate to keep or obtain job benefits.
- ii. **Hostile environment** is one where the complainant feels uneasy, abused or intimidated resulting in interference with the complainant's work performance.
- iii. **Retaliation** for refusing a sexual favor resulting in limited promotion opportunities for the complainant, gossiping about/ maligning the complainant or distorting the complainant's evaluation reports etc.

Complaint in Organization:

- **Every organization must have an Inquiry Committee**, consisting of three members of whom at least one should be a woman.
- The names and contact details of the members of the Inquiry Committee should be publicly displayed.
- Adjustment should be made by the employers such as:
 - i. Complainant and accused should not be required to meet for official business.
 - ii. Extra charge that gives one party excessive power over the other party should be taken away.
 - iii. Retaliation should be strictly monitored.
- The complainant can also file a complaint before the Inquiry Committee through her Incharge, Supervisor, CBA nominee or worker's representative.
- If the Inquiry Committee does not exist/ is not functional in an organization, a complaint can be filed at FOSPAH.

Appeal before FOSPAH:

- Any person aggrieved by the Inquiry Committee's decision can file an appeal before FOSPAH within 30 days of the decision.

Modes of Complaint at FOSPAH:

- A fresh complaint can be filed before the Federal Ombudsperson through the following means:
 - 1. Online 2. By post 3. In person.

ENFORCEMENT OF WOMEN'S PROPERTY RIGHTS ACT, 2020

FOSPAH is now empowered to protect and secure the rights of ownership and possession of women in inherited or owned property, movable or immovable, situated in Islamabad Capital Territory (ICT).

- The aggrieved woman or anybody on her behalf can file a complaint before FOSPAH.
- The Ombudsperson can also take **suo motu notice** of such matters.
- The Complaint shall be decided expeditiously.



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ضابطہ اخلاق

کام کی جگہ پر خواتین کو ہر اسال کرنے سے تحفظ کیلئے ضابطہ اخلاق ایکٹ، ۲۰۱۰

شیڈول (دفعات ۲ (ج) اور ۱۱)

جبکہ خواتین کو ہر اسال کیے جانے کے خلاف تحفظ فراہم کرنے کے لیے کام کی جگہوں پر ضابطہ اخلاق بنانا ضروری ہے۔
جو ذیل میں فراہم کیا گیا ہے:

ہر ادارے پر لازم و ملزوم ہے کہ وہ اپنے ادارے میں کام کرنے والوں کو ہر اسیت کے خلاف ان کے حقوق کی آگاہی دے اور ضابطہ اخلاق کام کے نمایاں مقامات پر آویزاں کرے۔

ہر اسیت کیا ہے:

کوئی بھی ناپسندیدہ جنسی عمل، جنسی خواہشات کا اظہار، گھورنا یا سائبر سٹانگ یا دیگر زبانی، بصری یا تحریری رابطہ یا جنسی نوعیت کا جسمانی برتاؤ یا جنسی طور پر توہین آمیز سلوک سمیت کوئی بھی اشارے یا اظہار، توہین آمیز مفہوم کا اظہار کرنے والے کام جو کہ کارکردگی میں مداخلت کا باعث بنتے ہیں، دھمکی آمیز، معاندانہ یا جارحانہ کام کا ماحول بنانا، یا شکایت کنندہ کو ایسی درخواست کی تعمیل کرنے سے انکار کرنے پر سزا دینے کی کوشش کرنا یا ملازمت کے لیے شرط رکھنا؛ یا جنس کی بنیاد پر امتیازی سلوک، خواہ وہ جنسی نوعیت کا ہو یا نہ ہو، لیکن جو امتیازی اور متعصبانہ ذہنیت دکھاتا ہو، جس کے نتیجے میں شکایت کنندہ کے خلاف جنس کی بنیاد پر امتیازی سلوک کیا جائے۔

۱۔ اختیارات کا غلط استعمال: کوئی بھی با اختیار افسر جو اپنے ماتحت کو نوکری میں فائدہ پہنچانے کی غرض سے جسمانی تعلق رکھنے پر مجبور کرے۔

۲۔ دفتری ماحول میں خوف و ہراسیت پیدا کرنا جس سے کام کرنے کی جگہ پر ملازمین اپنے آپ کو غیر محفوظ سمجھیں۔
۳۔ انتقامی کارروائی: ایسا افسر جو اپنی ناجائز خواہشات پوری نہ ہونے پر انتقامی طور پر اپنے ماتحت کے کام میں رکاوٹ پیدا کرے۔

ہر اسیت کی تین قسمیں:

- ہر ادارے پر یہ لازم ہے کہ وہ ”تحفظ برائے ہر اسیت بمقام کار ایکٹ ۲۰۱۰“ کے تحت انکوائری کمیٹی بنائے۔
- انکوائری کمیٹی (۳) افراد پر مشتمل ہوگی جن میں سے کم از کم ایک خاتون کا ہونا لازمی ہے۔
- ادارے میں شکایت کمیٹی کے کسی بھی فرد کو کی جاسکتی ہے۔
- انکوائری کمیٹی کے ممبران کے نام اور رابطے کی تفصیلات دفتر میں نمایاں مقامات پر آویزاں کرے۔
- دوران انکوائری درخواست گزار اور الزام کنندہ کو ایک دوسرے سے علیحدہ کر دیا جائے۔
- انتقامی کارروائی پر کڑی نظر رکھی جائے گی۔
- اگر ادارے میں انکوائری کمیٹی موجود نہیں ہے یا فعال نہیں ہے تو FOSPAH میں شکایت درج کروائی جاسکتی ہے۔

اپنے ادارے میں انکوائری کمیٹی کو شکایت:

- متاثرہ فرد جو کہ کمیٹی کے فیصلے سے متفق نہ ہو، وہ FOSPAH میں اپیل کر سکتا ہے۔
- اپیل فیصلہ آنے کے ۳۰ دن کے اندر کی جاسکتی ہے۔

FOSPAH میں اپیل:

- ادارے کے علاوہ وفاقی محتسب برائے انسداد ہر اسیت کے پاس بھی شکایات درج کروائی جاسکتی ہیں۔
- FOSPAH میں شکایت آن لائن یا بذریعہ ڈاک یا خود بھی جمع کروائی جاسکتی ہے۔

FOSPAH میں شکایت:

نفاذ حقوق جائیداد برائے خواتین ایکٹ ۲۰۲۰

- ایسی خواتین جن کو اپنی منقولہ یا غیر منقولہ ورثاتی اور ملکیتی جائیداد، جو کہ اسلام آباد کی حدود میں واقع ہیں، سے محروم رکھا گیا ہے وہ اپنی شکایت وفاقی محتسب میں درج کروائیں۔
- متاثرہ خاتون خود یا بذریعہ نمائندہ شکایت دائر کر سکتی ہے۔
- وفاقی محتسب از خود نوٹس لینے کا اختیار بھی رکھتا ہے۔
- شکایت کا فیصلہ کم سے کم وقت میں کیا جائے گا۔



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