



PAKISTAN NATIONAL SHIPPING CORPORATION

23rd May, 2024

ADMINISTRATIVE ORDER NO.03/2024.

SUBJECT: IMPLEMENTATION OF PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORK PLACE ACT, 2010 (AS AMENDED).

1. Pursuant to Management's decision, Inquiry Committee is hereby re-constituted comprising of the following officers for the purpose stated above:

				<u>Contact Nos.</u>
a. Mr. Ali Imam Qadri G.M (Procurement)	...	Chairperson	...	021-99204044
b. Mr. Jamil Ahmad Manager (ER)	...	Member	...	021-99204026
c. Ms. Asia Akhtar A.M (Library)	...	Member / Focal Person	...	021-99203980-99 Ext No. 7009

2. The Inquiry Committee shall perform its responsibilities and follow reporting mechanism and procedures in accordance with Protection against Harassment of women at the Workplace Act. 2010, (As amended). In this regard, copies of code of conduct under the said Act as issued by Federal Ombudsperson Secretariat for Protection against Harassment of Women at the Workplace (FOSPAH) and guidelines in English & Urdu are enclosed herewith for reference.

3. The Competent Authority in the subject matter shall be Chief Executive Officer.


**CDRE. MASOOD UL HASAN SI(M)
GENERAL MANAGER (ADMIN / HR)**

For Information:

1. CEO
2. S.O. TO ALL EDs.
3. ALL HEAD OF DEPARTMENTS.



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.—
- 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
 - 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:—

- 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.
 - 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.
 - 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:





CODE OF CONDUCT

Under Protection Against Harassment 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 against harassment it is hereby provided as under:

GUIDELINE TO ENSURE A HARASSMENT FREE WORK ENVIRONMENT

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

Types of harassment:

- i. **Abuse of Authority** means demanding sexual favors from subordinate for the subordinate to keep or obtain job benefits.
- ii. **Hostile environment** means one where the complainant feels uneasy, abused and intimidated which interferes with the complainant's work performance.
- iii. **Retaliation** means refusing a sexual favor results in limiting promotion, generating gossip or distorting evaluation reports etc.

Complaint in organization:

- **Every organization must have an inquiry committee**, consisting of three members; at least one woman, to entertain the complaints.
- The names and contact numbers of members of 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, giving one party excessive power over the other, should be taken away.
 - iii. Retaliation should be strictly monitored
- If harassment committee does not exist/ functional in an organization, complaint can be filed at FOSPAH.

Appeal at FOSPAH:

- Feeling aggrieved of inquiry committee's decision, an appeal can be filed at FOSPAH within 30 days.

OR

Complaint at FOSPAH:

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

FOSPAH IS EMPOWERED TO PROTECT AND SECURE THE RIGHTS OF OWNERSHIP OF WOMEN IN THE PROPERTY INHERITED OR OWNED

FOSPAH is now empowered under the "Enforcement of Women's Property Rights Act 2020" to deal with all the complaints related to **women's property rights including movable or immovable property**.

- The aggrieved woman or anybody on her behalf can file a complaint at FOSPAH.
- The Ombudsman can even take **sou moto notice** in such cases.
- Decision would be announced in 2 months.

Online Complaint



www.fospah.gov.pk



Islamabad: +92 51 9264444, Karachi: +92 21 99206444

Peshawar: +92 91 2617033, Lahore: +92 334 6670880



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FOSPAH

ضابطہ اخلاق

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

شیڈول (دفعات ۲ (ج) اور ۱۱)

جبکہ خواتین کو ہراساں 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 ہراسیت کے خلاف ان کے حقوق کی آگاہی دے اور ضابطہ اخلاق کام کے نمایاں مقامات پر آویزاں کرے۔

ہراسیت کیا ہے:

کوئی بھی ناپسندیدہ جنسی عمل، جنسی خواہشات کا اظہار، گھور ناپسندیدہ لہجہ، 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 بااختیار 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۔

ہراسیت کی تین قسمیں:

- ہر ادارے پر یہ لازم ہے کہ وہ ”تحفظ برائے ہراسیت بمقام کار ایکٹ ۲۰۱۰“ کے تحت انکوآری کمیٹی بنائے۔
- انکوآری 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۔
- انکوآری کمیٹی کے ممبران کے نام اور رابطے کی تفصیلات دفتر میں نمایاں مقامات پر آویزاں کرے۔
- دوران انکوآری درخواست گزار اور الزام کنندہ کو ایک دوسرے سے علیحدہ کر دیا جائے۔
- انتقامی کارروائی پر کڑی نظر رکھی جائے گی۔
- اگر ادارے میں انکوآری کمیٹی موجود نہیں ہے یا فعال نہیں ہے تو FOSPAH میں شکایت درج کروائی جاسکتی ہے۔

اپنے ادارے میں انکوآری 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 ہراسیت 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 جاسید ادبرائے خواتین ایکٹ ۲۰۲۰

- ایسی خواتین جن کو اپنی منقولہ یا غیر منقولہ راشت 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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