OFFICE OF THE FEDERAL OMBUDSPERSON
FOR PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE, REGIONAL OFFICE, SINDH

FORM OF ORDER SHEET

Complaint No. 507/2025

MALIHA MISBAH
V/S
WAHAJ KHAN & OTHERS

Date of Institution: 10/07/2025

Name of Organization: JUBILEE LIFE INSURANCE & HABIB BANK LIMITED

FINAL ORDER
Date: 16/09/2026
Sr. No: 18

1. *The Complainant, Maliha Misbah, initially filed a complaint under Section 8 of the Protection Against Harassment of Women at the Workplace Act, 2010 against four accused persons, namely Hassan Ali Khan, Bilal Ahmed Bhutto, Wahaj Khan and Haris on 10.07.2025. The complaint was originally grounded in allegations that the Complainant had shared personal images with Accused No. 1 during the course of a consensual relationship and that those images were subsequently circulated without her consent, causing reputational harm and hindering her employment opportunities.*

2. *The Forum heard the parties, examined the record and, vide order dated 07.08.2025, dismissed the complaint. The Forum observed that should the Complainant face any retaliation or harassment related to her employment with respect to the accused persons, she remained free to file a fresh complaint under the Act which will be considered on its merits.*

3. *The Complainant preferred Representation No. 56/WO/2025 before the Honourable President of the Islamic Republic of Pakistan against the said order dated 07.08.2025. The Representation was decided vide order dated 03.03.2026. The said order examined the*

background of the complaint, the allegations and the proceedings before the Forum, and noted the Complainant's grievance concerning adverse employment action taken against her following a complaint filed through the whistleblowing channel of Habib Bank Limited ("HBL"). The Representation order observed that such action, when considered in the context of the complaint before the Forum, raised an issue requiring examination. The matter was accordingly remanded to FOSPAH for examination of the question of redressal of the Complainant's grievance concerning the alleged unjustified transfer, as per law.

4. *Pursuant to the Representation order, the matter was taken up for hearing on 15.04.2026. The Forum noted that while the Complainant's original complaint characterised the employment action as termination, the Representation order referred to the same as a transfer, a discrepancy requiring clarification. The Complainant was accordingly directed to file a comprehensive complaint, specifically addressing the remanded ground of her unjustified transfer, along with an undertaking confirming that the said ground was not the subject of any other pending complaint or proceedings before any other forum.*

5. *In order to give effect to the remand order, the Forum impleaded Jubilee Life Insurance Company Limited ("JLI") as a necessary respondent and directed both HBL and JLI to file their respective responses and place on record all relevant documents.*

6. *In the comprehensive complaint filed pursuant to the Forum's order, the Complainant alleged that she was employed by JLI as a Bancassurance Financial Consultant and deployed at the HBL Malir Cantt Branch under Branch Manager Saqib Shehzad. According to the Complainant, on 21.05.2025 Wahaj Khan visited the branch, defamed her in front of colleagues and stated to the Branch Manager that he would file a legal complaint against her, and on 22.05.2025 he filed a complaint against her through HBL's whistleblowing channel. The Complainant contended that she was summoned by Sumaya Khalid of HBL HR and pressured to admit to false allegations, that despite providing evidence of threatening messages and harassment from Wahaj Khan her statements were ignored and dismissed, and that she was ultimately informed by her JLI line manager on 18.06.2025 that she was not to report to the branch anymore as HBL HR was pressuring for her termination based on Wahaj Khan's complaint. The Complainant further contended that she was transferred to the Prestige branch, that the Area Manager of the new branch expressed unwillingness to have her, and that the transfer rendered the continuation of her employment impractical given its distance from her place of residence, ultimately resulting in her resignation on 18.07.2025.*

7. *The Complainant enclosed with her comprehensive complaint WhatsApp messages from 21.05.2025 reflecting threatening and abusive conduct directed at her by Wahaj Khan. The whistleblowing complaint before HBL was filed by Wahaj Khan the following day, on 22.05.2025. The said whistleblowing complaint also forms part of the record, having been placed before this Forum by HBL along with its written response. The record therefore establishes that the whistleblowing complaint was filed by Wahaj Khan, a person with whom, immediately following a personal altercation in which he directed threatening and abusive conduct at her.*

8. *The record further contains emails dated 08.08.2025 and 28.08.2025 addressed by the Complainant to the CEO of HBL, copied to relevant departments including the Speak Up HR channel, in which the Complainant raised concerns regarding the conduct of Wahaj Khan, the manner in which the whistleblowing complaint had been handled and the bias in the investigation. The response received from Mahwish Saeed, Regional Lead HR, Relationship Manager South of HBL, dated 20.08.2025, stated that as an employee deputed by JLI to HBL, the Complainant's transfer and posting were at the discretion of JLI. The record does not reflect that any substantive consideration was given to the Complainant's concerns regarding the conduct of the investigation or that the conduct of the person on whose complaint HBL had acted was examined at any stage.*

9. *HBL, in its written response, contended that the Complainant was not an employee of HBL and that no employer-employee relationship existed between the two. HBL maintained that the Complainant was employed by JLI and deployed at an HBL branch under a bancassurance arrangement, and that HBL did not exercise administrative or remunerative control over the Complainant. HBL consequently asserted that it was neither a necessary nor proper party to the complaint and that all matters relating to hiring, firing, transfer and posting of JLI employees fell within JLI's domain.*

10. *On merits, HBL stated that a complaint had been received against the Complainant through its whistleblowing channel alleging use of an official HBL landline number and inappropriate and threatening conduct. HBL stated that the matter was internally looked into and subsequently reported to JLI. HBL relied upon an email dated 30.05.2025 addressed by Sumaya Khalid, Senior HR Relationship Manager of HBL, to Bushra Mazhar, Head Talent, HRBP, JLI, the contents of which stated that a complaint had been received through the whistleblowing channel concerning a JLI employee deployed at the Malir Cantt Branch, that based on fact-finding, the Complainant had allegedly been involved in conduct potentially resulting in reputational loss for HBL, and that JLI was requested to look into the matter and take appropriate action as per its policy. HBL further maintained that the whistleblowing complaint had been closed and sought dismissal of the complaint.*

11. *JLI, in its written reply, objected that no cause of action had been disclosed against JLI under the Act. JLI contended that the allegations of harassment and coercive conduct were directed against an external individual and employees or management of HBL, not against JLI. JLI further asserted that no complaint concerning harassment, intimidation or coercion had been reported or escalated to the designated inquiry committee or HR department of JLI.*

12. *JLI maintained that the Complainant had been appointed as a Bancassurance Financial Consultant and deputed to render services at an HBL branch, with the terms of employment providing that posting and transfer remained within the discretion of JLI. JLI*

stated that upon being informed by HBL in May 2025 about an escalating dispute, JLI did not take disciplinary action against the Complainant due to the alleged absence of relevant evidence. According to JLI, the transfer was undertaken to maintain a safe, neutral and conflict-free working environment and was a simple administrative transfer to another branch within the same vicinity, carrying neither disciplinary stigma nor penalty.

13. *JLI denied termination of the Complainant's employment and maintained that the employment relationship was subsequently ended through voluntary resignation. JLI placed on record the Complainant's appointment letter dated 19.12.2024, resignation letter dated 18.07.2025 and the work experience letter issued by JLI dated 07.01.2026, and relied upon the issuance of the said experience letter, clearance and payment of outstanding dues as evidence of the absence of mala fide intention or prejudice. JLI consequently prayed for dismissal of the complaint, asserting that no harassment, coercion or wrongful termination had been committed on its part.*

14. *Both sides were heard at length. Written replies were filed by HBL and JLI. The record, the written replies, the material placed before the Forum, the circumstances surrounding the whistleblowing complaint, the communication between HBL and JLI and the circumstances leading to the transfer of the Complainant were examined. The final hearing was conducted on 27.08.2026.*

15. *After considering the record, the written replies of HBL and JLI, the submissions advanced during the remand hearings and the directions contained in the Representation order, the Forum proceeds to examine the matter in light of the remanded issue.*

16. *The scope of the present determination is defined by the representation order dated 03.03.2026. In the said order, it was observed that the transfer of the Complainant, a female employee, was effected on account of allegations filed by Wahaj Khan, a male individual, without affording her any opportunity of hearing. It was further noted that such a transfer, which tends to stigmatize a lady, constitutes gender-based discrimination, especially when that lady was herself a complainant before the Forum. The matter was accordingly remanded to the Forum for examination of whether the Complainant's transfer was unjustified and constituted discrimination on the basis of gender. The Forum has confined its examination to this remanded issue in accordance with the directions contained in the said order.*

17. *This Forum has examined the record with a view to determine whether the transfer of the Complainant was unjustified and constituted gender-based discrimination within the meaning of Section 2(h)(ii) of the Act. The surrounding circumstances demonstrate a chronological connection between the whistleblowing complaint filed on 22.05.2025, its communication by HBL to JLI on 30.05.2025, and the subsequent transfer.*

18. *The record reflects two distinct positions advanced by HBL. The email communicated to JLI described the complaint as having been subjected to "fact-finding." However, during the remand proceedings, HBL stated that no proper inquiry or detailed evidence collection had been undertaken because the Complainant was not an employee of HBL. The two positions cannot be reconciled. If a proper fact-finding exercise had been conducted, the record ought reasonably to contain the material constituting such fact-finding. If no proper inquiry was undertaken, the characterization of the complaint as having been established through fact-finding cannot be treated as a substitute for proof. As submitted by HBL's own Counsel, the matter was investigated verbally by the concerned authorities of the HBL branch and members of the HR department, which does not constitute a documented or verifiable inquiry. Neither HBL nor JLI has produced a satisfactory documentary trail establishing the manner in which the allegations were investigated, the evidence collected, the findings reached, or the basis upon which the transfer became necessary.*

19. *JLI has consistently maintained that the Complainant was its employee and that posting and transfer fell within JLI's administrative authority. The record does not establish that JLI constituted an inquiry committee, conducted a formal inquiry, recorded statements, examined evidence, afforded the Complainant an opportunity of explanation, or reached a reasoned finding before effecting the transfer. The Forum notes these procedural concerns, without which the transfer would ordinarily require closer scrutiny.*

20. *having considered the material on record, the Forum finds that while procedural concerns exist regarding the manner in which the whistleblowing complaint was handled and the transfer was effected, the material available does not establish, to the standard required, that the transfer constituted discrimination on the basis of gender within the meaning of Section 2(h)(ii) of the Act. The transfer, on the record before this Forum, appears to have flowed from the whistleblowing complaint and its handling rather than from a demonstrable discriminatory mindset or notion directed at the Complainant on account of her gender. The complaint is accordingly dismissed.*

21. *Notwithstanding the dismissal of the complaint, the Forum, having observed certain systemic issues during the examination of this matter, directs as follows:*
    (a) Both HBL and JLI are directed to ensure that their respective Inquiry Committees are properly constituted in accordance with Section 3 of the Act and that complaints involving a harassment or gender-discrimination dimension, howsoever received, are routed through the Inquiry Committee under the Act rather than dealt with through informal or administrative channels.
    (b) Both HBL and JLI are directed to formulate and implement a protocol for handling complaints concerning third-party, outsourced or deputed employees working at their premises, ensuring that such employees are afforded the same protections under the Act as direct employees, including access to the Inquiry Committee and the right to be heard before any adverse employment action is taken.
    (c) Both HBL and JLI are directed to conduct awareness sessions on the Protection Against Harassment of Women at the Workplace Act, 2010 for their management, HR personnel and Inquiry Committee members, with specific emphasis on the rights of third-

party and deputed employees and the proper handling of complaints with a gender dimension.
(d) A copy of this Order shall be transmitted to the Organization for information and strict compliance. Compliance of directions (a) through (c) shall be reported to this Forum through the Registrar within thirty days of the date of this Order.

FAUZIA VIQAR
FEDERAL OMBUDSPERSON