

OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET
Restoration Application No. 03/2025
In Complaint No. FOH-HQR/0447/2024

Date of Institution: 15-01-2025

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson			
		TITLE:	Najma Bahar	VS	Ibrar Hussain
		Department: Postal Training Center, Islamabad			
1	2	3			
15	04-07-2025	<p>Subject: <u>Final Order.</u></p> <p>1. This complaint has been filed by Ms. Najma Bahar (hereinafter referred to as the Complainant) under <i>Section 2(h)</i> of the <i>Protection against Harassment of Women at the Workplace Act, 2010</i>. The Complainant has been serving as an Upper Division Clerk (UDC) at the Postal Training Centre, Islamabad, for the past three years. She has lodged this harassment complaint against Mr. Ibrar Hussain Shah, Admin Clerk (hereinafter referred to as the Accused).</p> <p>2. According to the Complainant, she initially filed a complaint within her department on 11-10-2024 regarding the harassment she faced at the hands of the Accused which included engaging her in conversations laced with double entendres, and entering without permission into offices while she breastfed her infant. She claimed that no action was taken with regards to this Complaint. On 31-10-2024, the Accused allegedly subjected her to verbal abuse and physically pushed her. She reported the incident by calling the police helpline (15) and also submitted a complaint at the Women Police Station. Her Complaint at the present forum is only with respect to the incident that occurred on 31-10-2024.</p>			

3. Following her departmental complaint, a fact-finding inquiry committee was constituted. However, the Complainant asserts that the proceedings were ineffective and biased in favour of the Accused. She further alleges that the committee conducted sessions after office hours, causing her undue hardship as her nursing infant was left unattended. She claims she was humiliated and was forced to remain at the office late into the night.

4. The Accused was summoned and submitted a written defence, in which he denied all allegations. He contended that a prior inquiry had already been conducted and that the Complainant failed to substantiate her claims. He further alleged that the Complainant had a pattern of filing baseless complaints against various individuals and accused her of harassing and defaming him. He claimed that she had submitted six such complaints, all of which, according to him, lacked merit. He requested that the present complaint be dismissed.

5. In her affidavit, the Complainant elaborated on the incident of 31-10-2024, stating that at approximately 8:45 AM, while walking from the Training Officer's room to her office, the Accused, who was behind her, began to abuse her verbally. As she reached the door of her branch, he allegedly grabbed her arm and pushed her, causing her to fall onto a chair. She then called the police (15), after which the Accused fled the scene. She also claimed that he threatened her and invoked the names of intelligence agencies such as the ISI and FIA.

6. The complaint arises from this single incident of 31-10-2024, which is corroborated by the Complainant's affidavit (Ex. PW 1/1) and the affidavits of her witnesses (Ex PW 2/1 and Ex PW 3/1). While the Complainant initially alluded to multiple incidents, her evidence focuses primarily on this one episode. The central issue, therefore, is:

Whether the incident of 31-10-2024 constitutes workplace harassment.

7. Section 2(h)(i) of the Act defines harassment to include:

"...sexually demeaning attitude, including any gestures or expressions conveying derogatory connotations that interfere with work performance or create an intimidating, hostile, or offensive work environment."

The incident in question must be assessed in light of the above definition.

8. The Complainant and her witnesses confirmed the occurrence of 31-10-2024 in their Affidavits. During cross-examination, the Complainant stated that the Accused called her "*gashti*." PW-2 further stated that the Accused called her "*gandi aurat*" and "*bainchod*." Neither the Complainant nor the witnesses were challenged during cross-examination regarding whether these words were actually used or whether the Complainant was physically pushed. The Accused in his Affidavit and later cross-examination generally denied the occurrence of any such incident.

9. The Complainant's witnesses supported her version of events. It is also on record that prior to the incidents of October 2024, the parties had cordial relations. The Accused claimed that the Complainant's husband arrived later that morning and encouraged her to file a police complaint. He denied making any inappropriate remarks or threats and asserted that past complaints against him were due to his strict demeanour.

10. A copy of the departmental inquiry report and a letter from PTC are also on record. The inquiry remained pending when the present complaint was filed at this forum. On 09-01-2025 the Inquiry Report under E&D Rules 2020 was submitted to this forum. The Fact-Finding Committee concluded that while the allegations were "*exaggerated to some extent*," "the hostile and offensive working environment created by the complainant could

not be ignored”, and it was recommended that “disciplinary proceedings under the Efficiency & Discipline (E&D) Rules 2020 be conducted against him”. The Committee acknowledged that the Accused *did* touch the Complainant, and used abusive language against her, although it concluded that he did not push her. This finding supports the Complainant’s claims.

11. Although the record does not establish persistent sexual harassment or repeated bullying as it focuses on only one incident, the occurrence of 31-10-2024 stands substantiated. While the Complainant did not detail the verbal abuse in her initial written complaint, these elements were clarified through cross-examination. The defence cited inconsistencies in witness statements, but the essential facts—verbal abuse and physical contact—remain unchallenged. The case of *Nadia Sarwar vs Aqeel Abbas 2025 PLC(CS) 358* also clarifies that *Rule 5 of the Workplace Harassment Rules* provides that the complaint may contain inter alia comprehensive statement of all facts with all necessary details relating to an incident of harassment at the workplace and names of witnesses etc., but does not make it mandatory to do so, which means that one must not be precluded from producing evidence of other incidents of harassment -which are liable to have been considered on their own merits – if only some incidents or examples are cited in the complaint.

12. The facts of the case clearly point to both verbal and physical harassment, which have not only resulted in the creation of a hostile and offensive work environment falling under Section 2(h)(i) of the *Protection against Harassment of women at the Workplace Act, 2010* but also the pervasion of a prejudicial mindset under Section 2(h)(ii) which leads to discrimination on the basis of gender. Verbal harassment includes the use of spoken, written, or implied language that creates an environment of intimidation, hostility, or humiliation. This encompasses insults, slurs, threats, and abusive or aggressive

speech. Such conduct not only erodes basic standards of civility but also contributes to a toxic and unsafe workplace environment, in which employees—particularly women—may feel disrespected, vulnerable, or deterred from full participation in professional settings.

13. The language and behaviour displayed by the Accused reflects a deep-seated prejudicial mindset, rooted in patriarchal societal beliefs that deem women inferior. Such beliefs often normalise humiliation and victim-blaming. Harassment is fundamentally about power and control, not sexual desire, and often targets those who challenge male-dominated spaces (*Ref: Muhammad Din vs. Province of Punjab (CPLA 2541/2023)*). The incident complained of is a result of a similar mindset.

14. This understanding is supported by legal precedent in *Porcelli v Strathclyde Regional Council [1986] IRLR 134*, it was held that the use of sexually abusive language—even when motivated by personal animosity—constituted unlawful sex discrimination. The court emphasised that the gendered nature of the abuse could not be separated from its impact: using sexualized insults to attack a woman amounted to treating her less favourably on the basis of her sex. The judgment underscored that the offensive language, though allegedly driven by hostility, still operated as a “sexual sword,” thus falling within the ambit of sex-based discrimination under anti-discrimination law. Similarly, in the present case, the derogatory and gendered insults used by the Accused must be understood not as isolated vulgarities but as expressions of a deep-rooted bias.

15. In light of the above discussion, the Accused is found guilty of workplace harassment under *Section 4* of the *Protection against Harassment of Women at the Workplace Act, 2010*.

		<p>Given the nature of the harassment and the fact that it involved a single substantiated incident, a minor penalty is deemed appropriate.</p>
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Accordingly:

The penalty of withholding one annual increment for a period of one year is imposed on the Accused.

FEDERAL OMBUDSPERSON