

# OFFICE OF THE FEDERAL OMBUDSPERSON

## FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET  
Complaint No. FOH-HQR-H/0134/2025

**Date of Institution: 09-04-2025**

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson			
		TITLE:	Ms. Saneem Afshain	VS	Mr. Azhar Abbas
		<b>Department:</b> Yashal English House, Satellite Town, Rawalpindi			
1	2	3			
14	28-08-2025	<p><b><u>Subject: Final Order.</u></b></p> <p>1. Ms. Saneem Afshain (hereinafter referred to as the “<b>Complainant</b>”) was employed at Yashal English House, Satellite Town, Rawalpindi, a trans-provincial organization that operates both in person and online through various modes, i.e., YouTube, Zoom, MS Teams etc.,. She filed a harassment complaint against Mr. Azhar Abbas, CEO of Yashal English House (hereinafter referred to as the “<b>Accused</b>”). She alleged that she was subjected to continuous harassment during her tenure and claimed that she was neither issued an appointment letter nor provided with the terms and conditions of her employment or job responsibilities. She further stated that she was compelled to work beyond office hours, was not allowed to take leave (including sick leave), and was subject to unreasonable work demands.</p> <p>2. A specific incident, dated January 24, 2025, was cited, wherein the Accused allegedly summoned the Complainant to his office to discuss her weekly performance. According to her, the Accused spoke rudely, made baseless allegations, and used inappropriate and harassing language. She further alleged that the Accused had installed four high-resolution CCTV cameras specifically aimed at monitoring individual female staff members. On that day, she was shown CCTV footage and questioned about her activity between 10:45 and 11:00 AM. She explained that she had been using the official mobile phone for office tasks and objected to this form of surveillance, citing it as an invasion of privacy and a form of harassment.</p>			

3. The Complainant further alleged that the Accused made unsolicited sexual advances, offered to drive her to Islamabad and drop her home, and once compelled her to accompany him to an Expo in his vehicle. He allegedly showed her CCTV footage on his mobile phone and stated that he constantly monitored her. She also claimed that she was coerced into appearing in promotional videos, taking tests on behalf of students, and writing reviews on the company's Google page. She stated that after she sent a formal harassment notice on **21-01-2025**, her employment was terminated, and her salary was withheld.
4. In response, the Accused was summoned and submitted a written reply. He stated that the Complainant had been appointed as a Student Counsellor on **02-12-2024**, subject to a probationary period of three to six months. Due to her alleged indiscipline and unsatisfactory performance, a final warning was issued to her on **23-01-2025**. On the following day, i.e., on **24-01-2025**, she allegedly misbehaved with the CEO, after which her services were terminated with effect from **25-01-2025**. He claimed that she refused to accept the termination letter and instead applied for 20 days' leave, which was denied due to her termination. He further stated that she later tendered her resigned via WhatsApp, which he deemed inconsequential. He asserted that all her dues had been cleared, including an additional payment of Rs. 10,000/- made after she sent a threatening message. He categorically denied all allegations of harassment, stating that the CCTV cameras had been solely installed for workplace security and in line with modern office practices. He further contended that participation in academic events was purely voluntary.
5. To investigate the harassment complaint, evidence was recorded, arguments were heard, and the entire record was duly examined.

**Allegations Raised by the Complainant:**

1. Assignment of additional work beyond office hours and denial of leave;
2. Use of harsh language and leveling of baseless allegations on **24-01-2025**;
3. Coercion to participate in promotional videos and academic expos;

4. Invasive monitoring and psychological harassment through CCTV surveillance.

**Evaluation of Evidence:**

**1. Extra Work and Denial of Leave:**

It is observed that no specific instances of working beyond official hours were detailed either in the complaint or during the Complainant's testimony. During cross-examination, she admitted that she had worked late on two occasions—once in connection with Embassy interviews and once to present her performance. Both instances were related to official duties, and by themselves, cannot be categorized as harassment. Furthermore, there is no evidence to suggest that she was required to stay late unnecessarily or compelled to engage in personal interactions with the Accused outside official hours.

**2. Incident on 24-01-2025:**

The allegation regarding the Accused's use of harsh language and making of baseless accusations remains unsupported by specific details or corroborative testimony. The Complainant alleged that she had been called into the office by the Accused to discuss her weekly progress, and despite her transparent reporting, he spoke to her inappropriately and rudely. However, the exact words allegedly used have not been disclosed, making it impossible to determine whether the conduct amounts to harassment from the perspective of a reasonable woman. The record suggests that it was a one-time incident, with no substantial evidence or witness accounts to verify the claim.

**3. Promotional Videos and Expo Participation:**

The Complainant denied that the creation of promotional content was part of her job description. However, the Accused produced an offer letter that included such duties. The Complainant's witness, her father, did not corroborate the allegation of coercion with respect to promotional activities or expos, nor did any witness support her claim of being forced to participate in such activities.

**4. Invasive Monitoring through CCTV:**

The practice of monitoring employees through CCTV cameras is relatively recent and is generally regarded as an accepted norm for supervising work, ensuring security, and safeguarding

both employees and the organization. However, concerns have increasingly arisen regarding violations of privacy rights and instances of stalking through the misuse of such cameras by employers.

While the installation of CCTV cameras for security purposes is not inherently illegal, excessive or targeted surveillance without reasonable justification can constitute psychological harassment. Such practices can violate employees' dignity and contribute to the creation of a hostile work environment when individuals, particularly when individuals are made to feel constantly monitored or singled out. In several jurisdictions worldwide, the matter has been subjected to judicial scrutiny.

In ***Antović and Mirković v. Montenegro, no. 70838/13, (European Court of Human Rights, 28 November 2017)***, two Montenegrin nationals, Ms Nevenka Antović and Mr Jovan Mirković, filed a compensation claim against the University of Montenegro, the Personal Data Protection Agency, and the State of Montenegro, alleging a violation of their right to private life due to the unauthorized collection and processing of their personal data. The claim arose from the installation of video surveillance in university amphitheatres, which they argued violated their right to privacy.

The Court held that the notion of "private life" may extend to professional activities or activities taking place in a public context. It observed that;

*"university amphitheatres are the workplaces of teachers. It is where they not only teach students, but also interact with them, thus developing mutual relations and constructing their social identity. It has already been held that covert video surveillance of an employee at his or her workplace must be considered, as such, a considerable intrusion into the employee's private life. It entails the recorded and reproducible documentation of a person's conduct at his or her workplace, which the employee, being obliged under the employment contract to perform the work in that place,"*

Furthermore, the Court held that even where an employer's regulations concerning employees' private social life in the workplace are restrictive, they cannot reduce such rights to zero.

5. In the present case, the Complainant alleged that the Accused continuously monitored all her activities and even sent her a screenshot of CCTV footage. She further alleged that the Accused told her he was able to read the messages she sent from her mobile phone.
6. The Complainant produced screenshots of CCTV footage sent to her by the Accused, which showed targeted monitoring of her activities. During cross-examination, the Accused admitted that staff were monitored through the CCTV system. Another image from the CCTV footage was presented during the arguments; the Accused acknowledged this footage as well but explained that it was shown to the Complainant because a former student had visited her two or three times.

The Complainant was not cross-examined on her allegation that the Accused had sent her a screenshot of CCTV footage while she was using her mobile phone, nor on her claim that he explicitly told her she was being monitored. The Accused acknowledged that communication with students occurred through both official and private mobile phones; however, he did not deny the allegation that he was constantly monitoring the Complainant. Moreover, he has not provided any justification for this constant surveillance, nor has he explained what specific security or safety concern warranted such monitoring of the area where the Complainant was seated. There is likewise no explanation as to why four cameras were installed within a relatively small space, or why they were positioned at specific angles to focusing directly on the employees' chairs, especially that of the Complainant.

7. The Accused's prejudicial mindset is evident from his statement, wherein he admitted that an employee, Mr. Sajid, had once warned him that such behavior would be punishable if committed in the United Kingdom.

8. It can be argued that the use of CCTV cameras falls within the rights of an employer to monitor the work of employees and to create a deterrence from indulging in wastage of time or useless activities during office hours. However, every right is accompanied by a corresponding responsibility. It is the responsibility of the employer to ensure that such monitoring remains fair, reasonable, and that the employees' rights of privacy at the workplace and their right to dignity are protected. Employers must have a valid reason and assess whether the use of CCTV is reasonable. For instance, using CCTV to detect intruders, vandals, or theft may be considered reasonable. However, using CCTV to constantly monitor employees is intrusive and only justifiable in special circumstances.

In a Canadian case, titled, ***Lazzer v. Magasin Baseball Town Inc., (2022 QCTAT 478)***, the plaintiffs were both employees at the same workplace. The workplace was equipped with cameras installed at various locations by the employer, allowing real-time monitoring. Employer began monitoring excessively after a complaint was received from a customer. This act of the employer caused the plaintiffs to experience anxiety, as they felt constantly watched while performing their work. The plaintiffs, therefore, claimed that they had been subjected to psychological harassment.

While, it was acknowledged by the labour court that installation and use of surveillance cameras was justified to prevent shoplifting and an employer may exercise their management rights in this respect, such exercise must be reasonable and free from abuse. The court ruled that such surveillance to create an unreasonable working condition, be abusive, excessive and to be unjustified, thereby constituting psychological harassment.

Arguably, this can be challenging, as it may cause discomfort to the Complainant or any other employee who might be working in a posture that is not appropriate or should not be monitored by anyone, as it could pose a threat.

9. The defense witness, Mr. Muhammad Luqman (DW2), confirmed the existence of four CCTV cameras, stating that they had been installed for general monitoring. He further stated that the CEO personally monitored these cameras, although he was unaware that the CEO sent camera footage to others. Another

witness, Ms. Kalsoom Bibi, confirmed that the Complainant was seen crying and visibly distressed on one occasion, which lends support to the inference of emotional harm caused to her.

10. The Accused offered to produce DVR footage to disprove the Complainant's allegations of harassment on **25-01-2025**; however, the footage was not available. The DVR contained recordings only for the period from **30-07-2025 to 03-08-2025**, while the relevant footage from **23-01-2025, 24-01-2025, and 27-01-2025** was missing. The withholding of such relevant CCTV footage, despite the Accused's assertions and the multiple opportunities afforded to him to produce it, leads to an adverse presumption against him under the rules of evidence.

11. Under the Act of 2010, harassment is defined as :

*“harassment” means:— (i) 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”*

12. The evidence on record establishes that the Accused engaged in unjustified and excessive video surveillance, particularly targeting the Complainant. Harassment is not limited to acts of sexual advances only; any action which causes interference with work performance or creates an intimidating, hostile or offensive workplace falls within the definition of harassment under Section 2(h) of the 2010, Act (**rel. Raja Tanveer Safdar Vs Mrs. Tehmina Yasmeen PLD 2024 SC 795**). In cases of harassment, evidence must be reviewed from the woman's perspective (**Nadia Naz, 2023 PLC (CS) 1353 SC**). While examining these cases, it is essential to take into account the culture and traditions of our society. Constant surveillance is bound to create more fear and discomfort in our cultural setup than in the rest of the world. Deliberately sending the pictures to the Complainant on her mobile phone augmented the fear and the intimidation. This conduct resulted in sexual harassment,

psychological distress, a breach of her privacy, and contributed to the creation of a hostile work environment. Such behavior falls within the ambit of "harassment" as defined under Section 2(h)(i) of the Protection Against Harassment of Women at the Workplace Act, 2010.

**13.** The Accused is hereby found guilty of harassment as defined in Section 2(h)(i) of the Act of 2010. However, considering the overall circumstances of the case, a minor penalty under Section 4(i) of the Act of 2010, of ***censure***, is imposed upon him. Additionally, the Accused is directed to pay compensation in the sum of Rs. 50,000/- to the Complainant.

**Further Directives:**

The **Management of Yashal English House** is hereby directed to:

1. **Constitute an Inquiry Committee** in strict compliance with **Section 3(2)** of the Act;
2. **Display the names and contact details of the Committee members** prominently within the institution's premises;
3. **Post the Workplace Code of Conduct** in both English and Urdu at visible locations within the institution, under **Section 11(2)** of the Act.

A **compliance report** shall be submitted by the CEO of Yashal English House to this Forum within fifteen days of this order.

**FEDERAL OMBUDSPERSON**