



**FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad**

J U D G M E N T

1. Complaint Number: 1(192) / 2015-FOS (Reg)
2. Date of Institution: 28.08.2015
3. Date of Decision: 03.11.2015
4. Complainant: Mst. Ume Farwa
Ex-Assistant Manager HR,
Samsung EC Pakistan (PVT) Limited
(SEPAK),
Lahore.
5. Opponent:
 1. Jaehwan Lee
Managing Director,
Samsung EC Pakistan (PVT)
Limited (SEPAK),
Lahore.
 2. Aamir Suleiman
Head Management Support
Department,
Samsung EC Pakistan (PVT)
Limited (SEPAK),
Lahore.

Justice (R) Yasmin Abbasey,

Ombudsman:

Complaint No. 1(192)/ 2015-FOS.

1. Complainant Mst. Ume Farwa with a prayer of her reinstatement in service with all back benefits and declaring her resignation letter dated 11-05-2015 as a result of harassment, has approached this forum with statement of facts that she joined Samsung EC Pakistan (PVT) Limited on 23-08-2012 as Assistant Manager, HR at Lahore office of SEPAK.
2. From 05-01-2015 to 06-04-2015 complainant went on maternity leave but during this leave period she was transferred from Lahore to Karachi vide order dated 20-03-2015, she was informed through email dated 26-03-2015. Complainant reported back on duty on 06-04-2015 but opponents did not allow her to join her duties and by an email dated 05-04-2015 she was sent on forced leave. On 13-04-2015, complainant attended the office of opponents and also joined her office. In that meeting of 13-04-2015 opponent no.

1 promised complainant to resolve the matter and asked complainant to come again on 14-04-2015. On 14-04-2015 when complainant went to the office of opponent no. 1, he started shouting and harassed her to hand over charge to someone else. This incident was brought in knowledge of Mr. James, Head of HR via email dated 14-04-2015. Complainant was restrained to enter in premises of her office, moreover, she was feeling unsafe in presence of opponents. Opponent no. 2 threatened her through email to transfer her responsibilities to someone else, otherwise, disciplinary action will be taken against her which may lead to termination of her service. This was done to accommodate their favorite one. A grievance notice was sent to complainant on 09-04-2015 through email. Against illegal action, behavior of harassment and victimization, complainant also filed petition before NIRC Islamabad at Lahore Branch where stay order was granted in her favor on 21-04-2015. In spite of that, complainant was not allowed to join her duties. Act of harassment continued on by opponents with refusal of her medical leave till 20-05-2015 vide letter dated 08-05-2015. Thereafter she submitted her

resignation which was accepted on 13-05-2015.

3. Opponents in their defense have denied each and every allegation with a legal objection that by virtue of amendment in Punjab Protection against Harassment of Women at Workplace Act 2012, office of Ombudsman at Punjab has jurisdiction to entertain this matter as both parties belongs to Punjab.
4. It is stated that no act of harassment ever took place in any form with complainant. It is admitted that complainant was transferred from Lahore to Karachi but through a letter dated 26-03-2015 she was requested to communicate her acceptance so that proper arrangement could be made but when complainant on 05-04-2015 declined offer of relocation because of personal reasons, transfer letter was withdrawn as stated in para 7 of defense. Complainant was also informed of withdrawn of her transfer order with direction that she should attend her professional duties at the office at Lahore. This statement of opponent finds support from letter issued by Sehar Ijaz, HR Generalist of Samsung EC Pakistan (PVT)

Limited through email dated 16-04-2015 whereby it has been specifically stated that complainant can continue her job at Lahore. This offer of continuing job continued on by opponent no. 1 through his email dated 29-04-2015 and letter issued by opponent no. 1 on 29-04-2015. In spite of that for reason best known to complainant, an aggressive email was sent by her to Mr. James, Head of department of SEPAK that:-

“I am so disappointed to write down this email. Mr. Lee called me for a meeting yesterday and today and I feel pained to tell you the kind of attitude he showed to me today. He shouted at me and asked me to stay in the office till 6pm and transfer your R&R to new HR. I am shocked the way these guys are treating their female employees. I am leaving right now because I feel unsafe and threatened at the workplace”.

5. Contents of this email sent by complainant on 14-04-2015 have been categorically denied by Sehar Ijaz, HR Generalist of Samsung EC Pakistan (PVT) Limited in her email dated 16-

04-2015 addressed to complainant. According to Sehar Ijaz, HR Generalist she was also part of that meeting held in between complainant and opponent no. 1 and according to her whole meeting was conducted in a quite professional manner. Opponent no. 1 never shouted on complainant. He was talking in a very normal voice. He advised complainant to educate new HR and transfer her HR data to new HR. In this very letter she has further expressed that:-

“In my capacity I am seriously unable to identify what actually happened which let you feel unsafe and threatened, as I was also the part of same meeting in which you felt threatened and unsafe”.

6. Contents of this letter of Sehar Ijaz have never been denied by complainant. Record further shows that in spite of aggressive attitude of complainant, opponent and SEPAK management were continuously offering complainant to join her duties at Lahore. So far as medial leave refused by SEPAK applied on 08-05-2015 is concern, which has rightly been pointed out by opponents that to have a leave on medial

ground employee has to fulfill the requirements that is proper medical certificate which was not annexed along with application. In spite of that complainant's application for medical leave was sympathically considered and her absence from 20-04-2015 to 04-05-2015 was taken as part of her annual leave (which exhaust her quota for such leave) and absence from 04-05-2015 to 10-05-2015 is being professionally treated as medical leave, subject to furnishing a proper medical certificate from qualified medical practitioner. This statement of Samsung Management for grant of medical leave is not beyond rules. In each and every organization which may either private or public if an employee applies for medical leave, he or she has to submit medical certificate to support the contents of application. Statement of complainant for sending her on forced leave is also not supported by any document, nor later on has been perused by complainant.

7. In these circumstances, I am of the opinion that there is no act of harassment on part of opponents towards complainant.

Transfer from one station to another station cannot be termed as harassment which too on refusal of complainant was withdrawn and time and again she was called to join her duties at Lahore which complainant failed to do. What was the reason behind that was best known to complainant and if in spite of offer of opponents and SEPAK management she at her own choice resigned from her job, no one can help her.

8. In view of above I do not find any merit in complaint. Complainant has not been able to proof any kind of harassment towards her by opponents. She submitted her resignation at her own will. No evidence of coercion is appearing from record.
9. Complaint is hereby dismissed having no merit.
10. Parties be informed accordingly.
11. Announced in open court.

JUSTICE (R) YASMIN ABBASEY
Federal Ombudsman