

GOVERNMENT OF PAKISTAN
MINISTRY OF HUMAN RIGHTS
(Kohsar Block, Pak Secretariat, 9th Floor)

F.No.2 (27)/2020-DD(IC-II)

Islamabad, the 7th February, 2022

OFFICE MEMORANDUM



Subject: - **THE PROTECTION AGAINST HARASSMENT OF WOMEN AT WORKPLACE (AMENDMENT) ACT, 2022.**

The undersigned is directed to enclose herewith Gazette Notification of the **Protection against Harassment of Women at the Workplace (Amendment) Act, 2022**, enacted on 21st January, 2022 and published in the Gazette of Pakistan, Extraordinary, Part-I, dated the 24th January, 2022 as an Act No.V of 2022, for information and circulation among the Harassment Committees, constituted in the Division/ Department/ Commission/ Authorities/ Centres/ Institutions, under your administrative control for implementation of the Act.

Encl: **As above.**


(Shabana Hamid)
Deputy Director (IC-II)
Tel: 9208737

The Chairman,
Higher Education Commission,
Islamabad.



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REGISTERED No. **M - 302**
L-7646

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, JANUARY 25, 2022

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 24th January, 2022

No. F. 22(28)/2021-Legis.— The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 21st January, 2022 is hereby published for general information:—

ACT NO. V OF 2022

to amend the Protection against Harassment of women at the Workplace Act, 2010.

WHEREAS it is expedient to amend the Protection against Harassment of women at the Workplace Act, 2010, (IV of 2010) for the purposes appearing hereinafter;

It is hereby enacted as follows:—

1. **Short title and commencement.**— (1) This Act shall be called the Protection against Harassment of women at the Workplace (Amendment) Act, 2022.

(29)

Price: Rs. 10.00

[7124(2022)/Ex. Gaz.].

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

- (ii) 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 against the complainant;”

- (e) for clause (k), the following shall be substituted, namely:—

“(k) “Ombudsperson” means the Ombudsperson appointed under section 7;”;

- (f) elsewhere in the said Act, for the word “Ombudsman” the word “Ombudsperson” shall be substituted;

- (g) in clause (1), for the expression “Companies Ordinance, 1984 (XLVII of 1984)” the expression “Companies Act, 2017 (Act No. XIX of 2017)” shall be substituted and after the word “institution”, occurring at the end, the words “or online business” shall be inserted;

- (h) for clause (n), the following shall be substituted, namely:—

“(n) “workplace” means the place of work or any place where services are rendered or performed by professionals, including educational institutions, gigs, concerts, studios, performance facilities, courts, highways, sporting facilities and gymnasiums, and shall include any building, factory, open area or a larger geographical area, where the activities of the organization or of employer are carried out and includes any situation that is linked to work or activity outside the office.”

3. Amendment of section 4, Act IV of 2010.— In the said Act, in section 4,—

- (a) in sub-section (2), for the full stop at the end, the following expression shall be substituted, namely: —

“and, where applicable, apply appropriate child-sensitive procedures.”;

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

- (b) 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.”; and

- (II) in the Explanation, for clause (b) the following shall be substituted, namely:—

“(b) 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.”; and

- (B) in clause (xi), after the full stop at the end, the following shall be added, namely: —

“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.”

TAHIR HUSSAIN,
Secretary.