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Situational Analysis Sexual Harassment at the Work Place

Dedicated to all the Women Who Suffered

Alliance Against Sexual Harassment at the Workplace



egardless of the progress we have made in gender equity, sexual harassment of women continues to be a violation experienced by almost every working woman in Pakistan. This little discussed problem exemplifies the biased notion that a woman is still not accepted in the public domain as an active contributor to the economy.

Most people deny that sexual harassment exists, perhaps because it is too discomforting for them to face the reality. Many argue that it does not happen within the educated class but only among the "poor" and "illiterate", perhaps because they do not want their own behaviour to come under scrutiny. In our efforts to end this façade, this situation analysis provides a mirror for us to recognize the true nature of the problem at the work place.

No hiding behind any denial will work any more. It's time that we face our own value system and question the very basic concept of woman that we have in our heads, which we have unconsciously inherited and which we do not want to let go of.

The voice of the suppressed will pierce through our hearts. Stories of brave women who have put up a fight against the harassment will provide courage for others to join hands and deal with the issue collectively. Women and men both should come together and work for a safe work environment where people can work with dignity and respect. AASHA, the Alliance Against Sexual Harassment at the Work Place, is a new initiative in the country. Others, organizations and individuals, will hopefully join the effort, and we are sure that together we will change the work environment in our country. Harassment at the workplace is a starting point, later we have to purge our streets, markets and public transport from this harassment also.

I feel a need to acknowledge the women who have suffered the worst forms of sexual harassment at their work places and continued to work and move forward in life. We all have to make an effort to develop an accountability system and hold the harassers accountable, by law, through our management policies, and through our social disapproval and sanctions.

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exual Harassment at the Workplace

Sexual Harassment at the workplace is a form of violence against women that violates their fundamental rights, dignity and self-respect. It is now recognised as one of the major impediments to the development and progress of women who wish to join the national workforce.

Sexual harassment cuts across all boundaries-age, class and position. Most working women, at some time or another face this kind of violation from their colleagues, bosses or employers. Women working in fields and mines are often sexually exploited by landlords and the kedars (contractors). Women office workers also face sexual harassment from bosses and even from their male colleagues, while nurses employed in the service sector face harassment from their colleagues, patients, doctors and attendants. Even domestic workers that are usually assumed to be in the care of their employers face it, and sometimes in its worst forms such as assault.

Sexual Harassment at the workplace is now recognised as a labour and management issue. It is a form of conduct that is prohibited by law in many countries, including some in Asia like Sri Lanka, India and Malaysia. Unfortunately there is no law or clear-cut policy in Pakistan, the issue is being merely acknowledged.



Defining Sexual Harassment

Sexual Harassment at work includes prohibition of two types of conduct:

- Any unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical contact of a sexual nature which interferes with an individual's work performance or creates an intimidating, hostile, abusive, offensive work environment. This definition has been legally termed as "hostile working environment sexual harassment".
- A demand by a person in authority such as a supervisor, for sexual favors in order for the victim to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself. This definition has been legally termed as "quid pro quo" (this for that) sexual harassment, which involves a type of abuse of authority. Sometimes it is also referred to as "sexual blackmail".

Sexual harassment can take many forms and may include but is not limited to: unwelcome sexual advances, the forcing of sexual attention, verbal or physical, on an unwilling person; or the attempt to punish the refusal to comply. Specific examples are: verbal harassment or abuse, subtle pressure for sexual activities, sexual advances in the pretext of narrating sexual incidents, unnecessary touching, patting, or pinching, leering at a person's body, constant brushing up against a person's body, demanding sexual favors accompanied by subtle or overt threats concerning employment or advancement; and physical assault, including rape.





exual Harassment in the Social Context of Pakistan

Sexual Harassment is gender-specific discrimination, an exercise of male power based on economic position, and authority in the workplace. Discrimination in this context relates to the roles, which are attributed to men and women in social and economic life, which in turn directly affect women's position in the labour market. Sexual harassment is outwardly a manifestation of power relations, women are more vulnerable to sexually offensive behaviour.

In Pakistan behaviour such as physical touch, suggestive tanguage and gestures and subtle advances have often been viewed as 'normal' in the present social context. A victim of sexual harassment has much more than her bodily integrity to protect, such as the fear of losing a job or a career being stifled. Social taboos prevent victims from reporting incidents of sexual harassment. On the other hand, the legal framework in Pakistan is inadequate to award any punishment to the abuser, instead the legal procedures reinforce a woman's experience of humiliation, embarrassment and public exposure isolating her further.

Sexual harassment is seen more as a personal problem than something that needs redress within the public spheres. And the social construction of sexuality, is such that certain amount of male domination and sexism is "normal". The subject is taboo for females in any public discourse leaving no space for healthy interactions between males and females. The interplay of the public and private has led to a merging, or spillover of the private norm to public spheres - the primacy is placed on a woman as a mother and a wife and she has little value as a worker. Thus at the workplace men see the roles of women as nurturers or providing sexual services similar to the roles that they think women perform at home. In a social set-up as this, it is considered a wise move on the part of the victim to ignore sexually offensive acts as much as possible. This only encourages the offender since he moves on to hunt harassing other women assuming that there is no threat from the victims reacting openly.

Cultural or religious factors are unheard of in cases of sexual harassment, it is as common a phenomenon in a patriarchal culture as in the American workplace where working women are a norm. Here it is important to know of certain myths and facts related to sexual harassment:



Reality: Being subjected to sexual harassment is a painful and difficult experience. Defenses such as "she wore provocative clothes" and "she enjoyed it" are neither acceptable nor accurate.

Myth: If a woman really wanted to discourage sexual harassment, she could.

Reality: Often, the harasser is in a position to punish the woman by withholding a promotion, or giving a bad evaluation. In this society, men often rationalize their behavior by claiming that a woman's "no" actually means, "yes."



Myth: Most charges of sexual harassment are false.

Reality: Women have little to gain from filing false charges. It is exceedingly difficult to file sexual harassment charges and confronting the harasser can be both physically, financially and psychologically draining.

Myth: Sexual harassment is inevitable when men and women are working together.

Reality: While interaction between the sexes might be inevitable, uninvited sexual overtures are not.

Myth: If you ignore sexual harassment, it will go away.

Reality: Ignoring only encourages the harasser. Telling the person to stop helps



ntroduction to the Study



A nationwide study was conducted from November 2001 to April 2002. The purpose of the study was to determine the existence of sexual harassment at the workplace, identify its causes and consequences. Another objective was to assess the level of awareness about the issue among the workforce and how have cases been dealt with in the workplace, for this purpose a checklist was prepared (See Annexes 1). This study forms a crucial part of AASHA's effort to encourage relevant, policy and law.

Method



This study is descriptive and qualitative using in-depth interviews with both employers and employees. Focus group discussions were carried out and observations during interviews made for primary data collection techniques. Detailed questionnaires were used both at organisational and personal level (See Annexes 2). The target group for interviews and focus group discussions was taken from Islamabad, Lahore and Karachi and the following categories were selected.



Nurses in the private and public sector

Domestic workers

Women working in fields and brick kilns

Office workers in multinational, public and corporate sector

15-20 workers in each of the above sectors were randomly selected for interviews. The reasons for selecting this group were that they were most vulnerable to harassment. The sample on office workers and sales girls was clubbed together to give aggregate information and to keep it discrete. Most sales girls found it difficult to open up. Secondary data was obtained through reports, books and magazine article.

Important Note:

The names of the victims have been changed to protect their identities.







Cases of Nurses in Public & Private Hospitals

Out of seventeen nurses interviewed aged 16-21, fifty eight percent had faced sexual harassment by co-workers, patients or relatives of patients and doctors. Young nurses were more vulnerable to it. Only eleven percent denied its existence and twenty nine percent refused to talk about it. The harassers usually made unwelcome physical advances, sexual innuendoes, knowing looks were every day routine. In some cases the offender resorted to disgraceful and insulting behaviour towards the victim. The incidents were usually hushed or blocked by the interference of other staff members who held a grudge against the victim. Very often the victims were held responsible and blamed for bringing such attention upon themselves.

Indicative situational example for the above is:

Farida a young nurse working in a private hospital in Islamabad talks about her experience. She joined this profession because she wanted to work and be independent and not because of any economic problems. Her hopes were shattered when one day a male attendant to a patient aged 40-45 years, harassed her by touching her private parts. She tried to ignore it but it happened again. She disclosed the incident to her fellow colleagues and some senior staff. Who advised her to report the incident through a written application to the ED. Upon knowing this, the offender blackmailed her and threatened her of serious consequences. She discussed the issue with her brother who was employed in the Admin unit of the same hospital. With his help she presented her case before the ED, who decided the case in her favour by demanding a written apology from the offender. Unfortunately the case was hushed due to the interference of the Female nursing Superintendent, who blamed the victim for provoking the offender. The result was that there was no investigation or written apology and the case closed leaving the poor victim enraged. "I find it hard to concentrate on my job after facing mental torture".



Most nurses belonged to the more economically disempowered sections of society. In addition to being financially disadvantaged, nurses have to deal with the social stigma attached to their profession. A visit to a Karachi Public Hospital illustrated the interface of differing power dynamics. These include not just the power imbalances between the two sexes, but the imbalances that result from political affiliations, 'backing' of political parties, proximity to power circles, and influence on those imposition of authority. In these considerations, the ones furthest removed, that is, the nurses, are the one who the burden rests on, who are compelled to leave the job.

An example of this situation is illustrated below:

Jamila a nurse in the hospital was picked on by a doctor. She discussed her problem saying, he followed her everywhere, passing off-color comments and even tried to get physical with her. She was frightened of his behaviour even more when he attempted to enter her hostel she hid herself in the bathroom. Her continuous resistance to his indecent advances did not discourage him instead he became violent and threatening.







Soon the other colleagues noticed this and made bad jokes at her expense. The young nurse was not alone, she had her other two sisters working in the same hospital. When the situation was unbearable one of the sister's spoke to the doctor asking him to stay away or she would complain to the authorities about his misconduct.

The same evening when the girls were sitting in the lounge a group of doctors including the harasser entered the place and opened fired to harass the girls and the other staff present there. They started beating the girls violently who ended up being severely injured. This incident left the girls feeling so humiliated and insulted that they quit their job and returned to their village. The nurses who had witnessed this scene in that hospital held a protest to pressure the management to punish the culprits. The inquiry procedures were deliberately delayed and no action was taken because the doctor had a strong political backing.

Incidents such as above show lack of respect for the nursing staff. Doctors misuse their authorities while attendants to the patients or the patients themselves live with a misconception that nurses are nice and available to please them. The victims face serious emotional pressures especially those with economic problems, who ignore sexual harassment for fear of losing their jobs. For some their home was the only freedom from such problems. Most nurses on late night duties had faced extreme forms of sexual harassment frequently, at the hands of patients.



Example of the above situation

Sarwat was on night duty and while taking her rounds one of the male patients took off his trousers and exposed himself to her. Sarwat was shocked and rushed out of the ward. The offender followed her to her hostel. She ran towards the children's ward where she saw a few guards and explained what had happened to her. They advised her to go back to the hostel and they will take care of this man. Sarwat had no information whether the management took any action.





Cases of Domestic Workers

Twenty domestic workers aged 14-30 were interviewed ninety-one percent of them had faced harassment. Nine percent shared no information on sexual harassment. Most domestic workers migrated from their villages to cities in search of livelihood. They were usually found in the slum areas of cities, with no less than seven to eight children in each family, all living in harsh and unhygienic conditions. Life is difficult for these women, who earn their living as domestic servants in the so called "Shareef Gharanas". There were endless stories of these maids being sexually harassed, and even raped and impregnated by the master of the house, or a relative and even a friend of the family. Worst they are sometimes sold to strangers for a night.



An example of the above situation is

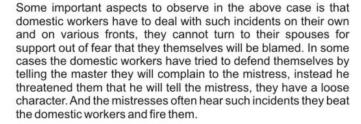




Razia describes her situation, saying she had lived in poverty all her life, she hoped that life would change after getting married, but her dreams were shattered at the hands of a violent husband and in laws. Unable to withstand their hostility towards her she attempted suicide thrice but was prevented from doing so by sympathetic neighbours. She along with her husband and children left her in laws house and managed to secure a room in her parents' house. Because her husband was jobless most of the time Razia started working as a domestic servant. The master of the house constantly eyed her, One day when his wife was not at home he saw it an opportunity to molest her. He called her to his room upon reaching his room she saw that he had started undressing in front of her. Razia was shocked at such indecent display and fled from the scene. She left the job on the reasoning that conditions are not favourable for domestic servants and now works for a lady making fire crackers.

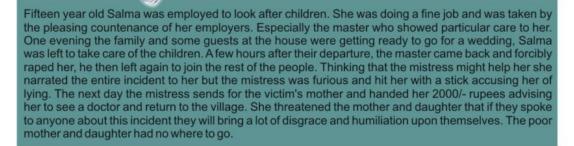


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Farheen a 16 year old pleasant looking girl belonged to a poor family. She was married to a person 15 years older than her, who was unemployed and would beat her every day. The rest of his family would join hands with him. She bore this inhuman behaviour for two years and left the house to live with her parents. Her parents were too poor to support her so she started working at a Choudhry's house who was 50 years old. Even there she was not left alone in peace, knowing that Farheen was needy, he tried to take advantage of her. The Choudhry would constantly eye her using suggestive language and gestures. He openly approached her for a sexual relationship, she refused and scolded him. The victim was under constant stress because she could not share her problems with anybody. She could not complain to the Choudhry's wife for fear that she will be accused of having a loose character and it will be all over the village.

Then one day when she went to work the Choudhry was alone as his wife had gone out. The Choudhry grabbed her but she managed to escape. Her problem did not end there, the Choudhry ridiculed and taunted her for not having enough breasts to attract men. He accused her of having relationships with other men. The people in her village believed the Choudhry and criticised her. She stopped working as a domestic servant and took up embroidery work at home.



Apart from the above cases domestic workers are generally mistreated by their employers. They are beaten, yelled at and left to suffer from physical and emotional bruises. "we are treated like animals, it is hard to choose between self respect and survival", speaks one victim.

Cases of Office Workers in Private and Public sectors

There is also large scale prevalence of sexual harassment of women working in offices. Ninety three percent of women working both in private and public sectors interviewed had experienced some form of harassment. In most cases the harasser was a boss or senior colleague. These victims were asked out on dates, threatened at refusing a sexual proposition by their bosses and faced sexually suggestive comments. It was devastating for these victims especially when complaints were launched to seek redress within the organisation, the management tried to ignore or side track the complaints for fear of upsetting the harasser, who were generally in a senior position.



An example of the above situation

Sameera was offered to work in an International Bank. She quit her present job and started working in this bank. From the very first day she found her unit manager's attitude strange. He tried to engage her in personal conversation on which she felt extremely uncomfortable. She gave clear indications that she wanted only a professional relationship and no friendship.

The first week was busy as she was trying to learn work from her colleagues and was required to manage attending and receiving calls which were no less than 200 a day. It was in the second week she started facing grave problems The manager started making phone calls from his phone with nothing official to tell her. He would pass suggestive remarks mostly about her appearance, he would make sexual propositions like pressing her for an affair. He would ask her out for lunch or coffee, the victim refused firmly by stating she was not interested in him at all, but the harasser was persistent in his pursuits. He would call her ten times a day repeatedly making his offers when she refused to comply, he blamed her for making personal calls by showing a fake telephone calls' list around. The other colleagues became concerned the victim revealed that she used her cell phone for personal calls but never the office phone.

Nothing discouraged the Manager he not only continued harassing but it became very difficult for her to handle. He would offer her a lift in his car to her house, his conversation always held sexual innuendoes. He tried to convince her that if she had a sexual relationship with him nothing would change, in other words it will not be apparent. Once he went out of the city on an official visit he brought two dresses as gifts, one for his wife and the other for Sameera. She refused to accept his gift. Instead he sent it by post to her. She told him she didnt want it, he said he felt hurt and rejected by her constant refusals.

One day he crossed all limits by asking her to spend a night with him in his house as his wife was in the hospital and his children were with his parents. Not being able to stand it any more Sameera had a severe argument and decided to take action against him. She talked to the General Manager who advised her to discuss it also with another branch manager who was visiting this branch. This manager advised her to launch a complain at the head office. When the complaint reached the head office she was asked to go on leave and she was afraid that it was her who was being implicated. Her fears were true the management tried to blame her instead of the offender. She decided to take her fiancée into confidence. His first reaction was of anger, fortunately she managed to convince him of her innocence. With his help she launched a complaint to all Pakistani branches of the bank and to the head office in London. The bank held an inquiry, the manager was found guilty but it was unfortunate that the victim was also forced to resign.



Case Study (Office Workers)

In December, 1997, eleven women in an International Development Organisation filed a sexual harassment case against a Pakistani senior management staff. The perpetrator was a permanent, national staff in the organisation and was part of the senior management.

Enjoying the trust and backing of the senior management. He consciously abused his powerful position to demand favours of sexual nature from women staff, fully knowing that they would not be able to escape. His usual entry to women in sexual conversation as they waited for their work to be done by the operations staff, was to tell them sad stories about his failing marriage. The conversation would then move into the sexual details of his relationship with his wife or his current girl friends. At times he would force the women to stay in his room while he would call up a girl-friend on his cell phone and talk to her in sexually explicit language. The perpetrator frequently pushed women to go out with him as a means of intimidation

He especially took advantage of his power when a woman staff member was in a vulnerable position or in need. Several women started talking to each other and found out that most of them had been experiencing exactly the same intimidation for years. With so many of them together, at least eleven found the courage to lodge a written complaint against him. Eight of them were Pakistani and. three were international staff. They worked in various sections of the organisation.

The move to launch a complaint against the perpetrator was triggered by two incidents. First, the dismissal of the senior secretary, to the head of the organisation who refused to comply with the perpetrator's invitations for sexual favours and second the discovery by staff that the organisation had a sexual harassment policy.

The response of the senior management to the complainants was negative. It was an attempt by them to hide and salvage an "embarrassing situation", rather than dealing professionally with a management problem. Worst a lawyer for the perpetrator was personally arranged by the senior management through the Panel of Counsels, while the victims had to repeatedly request for a lawyer for ten months before they were assigned one In addition to this, no assistance was given to the complainants by the local office in providing them with relevant rules and regulations.

The victims had to face constant pressure from the senior management; one of them was bribed to sign a post-dated statement that she should not contest her case administratively. While some were threatened of termination and of bad evaluation comments. Parallel case against some of the complainants were started which were later dropped. One by one, most of the women chose to leave the organisation rather than giving into the pressure and backing off from the case. Their departure was because of the retaliation they experienced from the local management and not by the perpetrator.

The headquarters in USA responded to the initial complaint by sending a Fact-Finding Panel to Pakistan for investigation. The Panel found clear evidence of sexual harassment in four of the eleven cases while in others, the panel determined that the evidence provided in the reported incidents made them clearly inappropriate, but they could not categorise the objectionable behaviour of the perpetrator as 'sexual harassment'.

Information regarding the inquiry process was not shared with the complainants in most cases. The complainants continued to pursue the case despite all social and management pressures. Many left their jobs but persisted to take this case to a conclusion. After about two years these women won the case and the perpetrator was fired by the head office.



In some cases it was noted that attempts by women to resist harassment or go public with it, were met with outright abuse of power by the harasser to suppress this dissent. The threat and/or punishment was frequently disrupting the woman's career advancement and bringing her professional credibility into question.



Indicative situational example for the above is

Maira joined a public company in Karachi purely on merit basis as grade III officer eleven years ago. She was doing well in her eleventh year, until a new GM took over. It was discovered that because of his high position he talked some of the female staff into having sexual relationships with him and often used his office for such purposes. He started visiting Maira's office frequently. His conversation had nothing to do with her work instead he would openly comment about her appearance. He tried to get physically close to her and used vulgar and sexually suggestive language. It was very uncomfortable for the victim, who firmly refused to act according to his advancements. He withheld her increment and promotions and further threatened to spoil her Annual Credential Report (A.C.R), if she refused to comply with his wishes. The victim continued resisting him. He retaliated by including false letters and fictitious remarks in her A.C.R. Even though she was on the job everyday but he marked her as absent, in this regard he influenced other employees and unionists, who turned against her. Thinking that he had got her helpless, he approached her saying if she wanted to survive she should act according to his will that is spending few nights in a month with him, in some hotel or he could arrange a house for this purpose. When she refused to accept his offer he sent her on sick leave for two months.

Following this he had her transferred to another company, where the union leaders were under his direct influence and he could easily use them against her. They cut off her telephone and electricity connections and threatened to kidnap her family members. After all this unfair treatment he had meted out to her, he then summoned her in his office where he crossed all limits of vulgarity by undressing himself in front of her. He asked her to take off her clothes and advanced towards her, she slapped his faced, pushed him aside and rushed out of his room. The abuser reacted by withholding her three months salary, and after this time period he paid her less than she deserved. He hired men who would follow her wherever she went.

When it became unbearable the victim launched a complaint with the head of department and with some government officials. But no one responded in her favour.

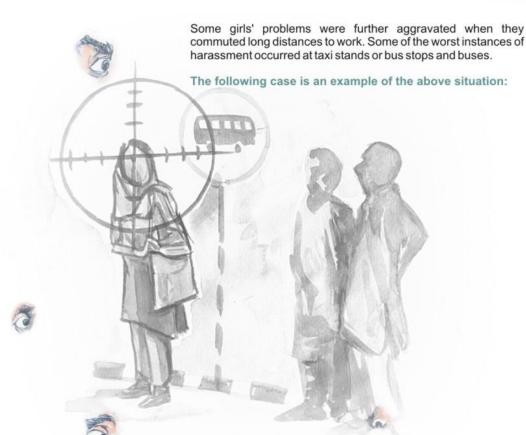
She then took up her complaint with several human rights organisations and I.G. Police who were sympathetic but the G.M's strong position and influence killed all quarters of justice and help. Consequently she was extremely traumatised and stated her feelings in her words:

"I was forced to live a miserable life and went through extreme mental torture that affected my physical and mental health. I have been suffering from high blood pressure, insomnia and migraine. In the end he spoiled my reputation, career and future. After serving for a long time in this company I was forced to resign. Rather than taking action against such a corrupt person, I was the one punished. And the harasser is scot-free and even enjoying a promotion in the same company".

Another category of workers but equally important interviewed was sales girls. These girls faced harassment from their colleagues, customers and even the owners of the departmental stores. The harassers usually passed comments and jokes that carried sexual innuendoes. They sometimes got over friendly to engage the girl into conversation. Deliberate pressing of the hand when handing over an item purchased was the most common form of harassment. The harassers usually belonged to the upper cadres of society aged 30-40.







Rizwana working as a sales girl in a superstore shared her experience in three different situations. When she first joined she noticed that all the males and females knew each other well and shared jokes, which made her uncomfortable. Her male colleagues would openly discuss their personal lives and how anxiously they were waiting to meet their wives. Rizwana found such an atmosphere disturbing and unwelcome, "It was as if they were enjoying my being a girl".

Parallel to this she discussed facing harassment from a customer, who deliberately pressed her hand while she passed him an item, she asked him straight away why did he do that. The customer not expecting that came up with an excuse saying it was an accident. After this incident everytime the same customer came to the store she would leave her counter to avoid any unpleasant encounter. When asked why didnt she complain to her employer, Rizwana explained that incidents of sexual harassment are ignored because we are instructed to be polite and friendly with the customers. There is also a risk for the victim getting blamed.

Rizwana not only experienced harassment from her clients and co-workers, but also would get harassed commuting from home to work. It was a Sunday and her brother refused to drop for at the store in his car, this led to an argument. Rizwana left on her own and decided to take a cab. While she was waiting at the taxi stand, a policeman walked by, taking her for a "free game" he asked her meaningfully where was she going. She asked him to mind his businees at this he scolded and threatened her. Meanwhile his two accomplices who were in ordinary clothes joined him. He asked them to drag her in the car and let us enjoy the day off. Her brother realising that she was on her own came after her and saw her arguing with the policemen. He enquired as to what was going on, to this the policemen advised him to mind his own business but when he told them he was her brother they let go of the victim. Rizwana's family launched a complain at the police station and got the policeman suspended.



Cases of Working Women in Fields and Brick kilns

The problem of sexual harassment is more acute for women working in the rural areas. About twenty women working on the fields in a village in Punjab were interviewed ninety five percent had faced some form of sexual harassment. Women field workers, especially those belonging to lower castes, such as brick kilns workers, were habitually harassed, and even raped and tortured. The harassers were usually landlords, munshies, contractors and co-workers. They use vulgar language, call names, make dirty jokes, stare at their bodies and when they are alone with the victim they try to touch them. "Face or beauty does not matter, it is enough that you are a woman" speaks one field worker.



Farida a girl working on the fields was harassed by her male co-worker. She had just finished working on the field one day and was returning home, when she was stopped on the way by her co-worker who asked her to elope with him to the city. The girl refused, he forcefully started dragging her to the road. She cried for help but no one was around. Fortunately her brother was passing by she recognised him and told the harasser to leave her or else she will complain to her brother, he let her go. Farida continues working on the field. The harasser still works on the same field and looks at her meaningfully. She is afraid to go anywhere by herself.

Field workers are usually low paid. When they demand a wage increase from the landlord, in return the the landlord expects sexual favours from them. Owing to their financial constraints some girls are forced into this situation. In cases of rape or kidnapping no action takes place. Parents always conceal these incidents for fear of losing theirs and the girl's reputation. And if they report to the police, they are insulted and humiliated by the landlords who are in powerful position to exert their influence.

Example of the above situation is given below

I8 year old Noreen working on the field was raped by the son of a Numberdar. The victim used to work on the field on daily wages, one day while she was working on her own the culprit caught hold of her and raped her. The victim became pregnant. Her parents kept her locked in the house until she gave birth to a baby. Fearing for theirs and the girl's reputation the parents strangled the baby to death. Somehow the case reached the police. They harassed the girl and her parents for heavy bribe but no one questioned the man who was responsible for this because he was the numberdar's son and had contacts with the police.

The cases were worst for families forced into bonded labour. The brick factory owners operate through a Mafia who force people into bonded labour When they come to find work with no money, they are trapped by the factory owners who lend them money as an advance, in return these poor people are at their mercy sometimes for life. They work at the crack of dawn untill dusk making one thousand bricks for Rs. 100/- out of which the owners extract Rs. 40/- as loan payment. Although afraid of their supervisors these families openly talked of their problems, "we are treated like slaves, our lives belong to the owners of the brick factories. They have the authority to sell our family to other brickiln owners if we commit a mistake".







Indicative example of the above situation is given below

Sajjida belongs to a poor Christian family. She had been working on brick kilns since she was a child like her own children. She had suffered emotional and physical setbacks due to the owners and contractors of the brick kilns, who mistreat the men and harass the women working for them. They openly make dirty jokes, pass colored remarks, and touch the private parts of the women's bodies. They sexually molest them in front of their men, who are powerless to do anything, even if they raise their voices to such atrocities they are "beaten like animals".

Sajjida narrated an incident in which she and her family had gone to visit their relatives to another brickiln. During their visit it started raining and they returned home late. The contractor along with the owner came with few other men. They dragged the family out of their house and beat both men and women mercilessly. They tore off Sajjida's cloths in front of other people touched her body. The reason for this episode was the owners suspected that the family had run away to other brickilns without paying back their money. "Even after this disgrace we are bound to work for the same employer, because we cannot repay our debt".





Apart from the above a visit was undertaken to a factory manufacturing and exporting bedsheets . The female factory workers were reluctant to talk because an incident of seven christian girls raped by the supervisor and his men had taken place. The receptionist was apprehensive about letting out any information and the researchers were cut short.

In another pharmaceutical company the admin manager stated that in his fifteen years of working in the factory he had never heard of sexual harassment. He informed that there were 25 girls working in the factory all of them well-educated and earning more than the male colleagues. They are given equal opportunities by following the labour rights of the state and protected both inside and outside the factory. The admin manager painted a perfect picture of peace and harmony, when asked to meet the girls he stated nervously "it was not possible to see them at the moment because once out of the lab they had to be sterilised".





Conclusion

According to the survey from a total of 74 women interviewed 78.38% had faced sexual harassment and only 21% did not want to talk about it. None of the organisations or hospitals had any policy on sexual harassment, some of the victims had no knowledge of such thing as a policy.

Despite increasing participation of women in all fields of work, changes in social attitudes towards women have not shown much progress. If anything, they have worsened, with harassment and violence at the workplace probably on the increase. Women in the labour force are continuously seen as immoral and free game for all. This attitude can only be curbed by very specific and firm policies and regulations. In addition the political will of the government specifically the commitment from relevant Ministries will ensure a change in administrative and social culture.

Enacting proper legislative framework to curb sexual harassment and other gender based violence is essential. Although in the legislative field, certain provisions of the Pakistan Penal Code are stated in dealing with offensive acts. But the code does not fully define the act of Sexual Harassment and other forms of gender based violence in all its implicit/explicit manifestations.



onsequences of Sexual Harassment on Victim and Employers or Organisation

Victim

Consequences of sexual harassment on the victims revealed emotional and physical stress as well as stress-related illnesses. This included feelings of revulsion, guilt, self blame, violation of their rights and dignity, disgust, shock, anger and powerlessness. In addition emotional trauma, anxiety, nervousness, depression, and low self-esteem were also apparent. Physical disability such as marks on the body from being beaten, sleeplessness, lack of concentration, headaches and physical weakness. Other irreparable harm can result from the strain of controversies and unfair dealings of the institution in a case of sexual harassment. Accompanying problems-such as relocation, search for a new job and moving difficulties; anxiety caused by lack of justice, information, uncertainity, and difficulty planning a career education, social disruptions and adjustments problems within the family or any relationships.

Employers or O

The employers/managers loose a good employee the work output gets effected. The overall hostile environment makes a unit less productive with low commitment by the employee for the













The solution does not lie in retreating into the safety of the home. This is a battle that needs to be fought and won. The following are a few recommendations that can be realistically adopted:

- Awareness raising of this problem, sexual harassment has to be recognised as an offence. For this reason it is necessary that women start talking about their experiences. The woman must battle against the harasser by not letting him get away with it
- Counseling on the victim can work on two levels to make the man who is guilty responsible for his action, and to get support from other people or organisations working on this issue to help in this endeavor. At the emotional level, sessions should be held with the victim to convince her that it is not her fault, that she should not blame herself for what happened and she should not be afraid of her own feelings.
- Sexual harassment is a reflection of how a woman's role and status is perceived in both the social and cultural context in the country. Any change would have to involve change in attitudes, change in the perception of women. And the overall empowerment of women.
- Sexual harassment becomes a problem when it is institutionlised. Proper policies and laws need to be drafted. It is important to have a Code of Conduct for Gender Justice at the Workplace in place this was stated by a Human Rights Activist and Country Director of ActionAid Dr. Fouzia Saeed.
- Human Rights Organisations like ILO, ActionAid Pakistan and UNDP having a strong interest in developing sexual harassment policies, should provide support, resources and trainings integrating sexual harassment for local women as well as other interested organisations.

International obligations must be adopted as an effective step to eradicate this practice. The Convention on the Elimination of all Forms of Discrimination Against Women 1979 (CEDAW) duly ratified by the Government of Pakistan, obliges the State to take effective measures for curbing sex discrimination and the abuse/exploitation of Women. Article 2 of the Convention obliges Member States to take effective measures, both legislative and administrative, to end all forms of discrimination against women. Article 11 specifically calls for eliminating discrimination against women in field of employment, thereby ensuring their right to work, promotion, job security, equal remuneration, social security and other benefits.









ole of Organisations in Combatting Sexual Harassment

A number of organisations had been working on this issue, but a strong initiative needed to work on policy and law. In view of this a group of like-minded organisations formed a network Alliance Against Sexual Harassment (AASHA) comprising eight organisations that included: ActionAid, Bedari, Islamabad Women's Welfare Agency, Working Women Association, Working Women Organisation, Lawyers for Human Rights & Legal Aid, Pakistan Institute of Labour & Education Research and Conscience Promoters. These organisations are actively working on the issues of violence against women. This network launched a national level campaign on the issue of Sexual Harassment at the Workplace which culminated in a 2 day National Workshop on December 28th-29th 2001. The main purpose was to bring sexual harassment in the mainstream agenda and also in the attention span of the government. The workshop was quite successful, about 250 participants from different NGOs, activists and government functionaries attended the workshop.

The Minister for Women Development Social Welfare and Special Education, who was also the chief guest at the workshop asked AASHA to draft a Code of Conduct on Sexual Harassment at the Workplace, which the members did. The Minister was pleased to see the Code of Conduct and stated that it should be mandatory for all registered public and private organisations to have a code in the workplace. She went ahead with the Code after a revision, through holding provincial consultations. AASHA Members were facilitating this process with the Government. The objectives of holding the consultations is as follows

To get inputs from key stakeholders in the provinces on ideas of addressing Sexual Harassment in general and how to bring about the implementation of the draft Code of Conduct specifically.

To get ideas how to raise awareness on the issue and take the process forward after the policy is in place.

The national consultation will follow the provincial consultations with the recommendations drafted and presented to the Minister for Women Development.

The following document outlines the Draft Code of Conduct for Gender Justice:



CODE OF CONDUCT FOR GENDER JUSTICE AT THE WORKPLACE

It has been observed that one of the biggest impediments to women who wish to join the national workforce is harassment at the workplace. Those who do start employment find this to be one of the most difficult aspects to deal with. Unfortunately, when women are harassed, society in general often inappropriately blames the women themselves for being the cause of the situation. Thus the issue becomes stigmatized, making it very difficult for women to report or even talk about it. The silence that builds around this issue supports the perpetrators, making it very difficult for women to participate in all spheres of public life, which is their constitutional right as citizens of Pakistan. All religions, particularly Islam safeguards equality and dignity of women.

The Constitution of Pakistan provides equal opportunities to men and women.

Article 25: Equality of Citizens: All citizens are equal before law and are entitled to equal protection of law. There shall be no discrimination on the basis of sex alone and nothing in this article shall prevent the State from making special provisions for the protection of women and children.

Article 26: Non-Discrimination: In respect of access to public places. In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizens. Nothing in this clause shall prevent the State from making any special provision for women and children.

Article 27: Non-Discrimination in Employment: No citizen otherwise qualified for appointment in the services of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.

Right to work with dignity is a universally recognized human right. Pakistan has ratified international Convention for Elimination of All Forms of Discrimination Against Women (CEDAW), which makes it an obligation for us to create a safe and healthy work environment for men and women, and where women are not discriminated against or intimidated:

Article 11: State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of equality of men and women...

CEDAW Committee adopted General Recommendation No. 19 in 1992 in which it called on all States to take measures to protect women from sexual harassment, which was recognized as a form of violence. The Committee poses questions to the National representatives who present reports on how their countries are addressing the issue.

The UN Declaration on Violence Against Women includes sexual harassment among the other forms of violations. It specifically mentions in article 2, "...sexual harassment and intimidation at work."

ILO's Conventions cover fundamental rights of men and women at work through Convention 100. Convention 111 specifically articulates actions to avoid discrimination on the basis of gender and conditions, which lead to sexual harassment. In 1996, the ILO Committee of Experts, in its Special Survey on the Application of Convention No. 111 on Discrimination in Employment and Occupation, stated that "Sexual Harassment undermines equality at the workplace by calling into question individual integrity and the wellbeing of workers: it damages an enterprise by weakening the bases upon which work relationships are built and impairing productively." This Committee has acknowledged and appreciated countries, which are taking specific measures to combat sexual harassment.



Most developed countries and several developing countries of the world already have passed laws and Codes against sexual harassment. In Asia, Malaysia has a firm progressive Code of Practice on Prevention and Eradication of Sexual Harassment in the Workplace. This requires all the employers to establish in-house mechanisms at the enterprise level to combat sexual harassment. India's Supreme Court passed a ruling in 1997 making it mandatory for all organizations to develop their own policies to address sexual harassment at work and educational institutions. It has condemned sexual harassment and gender discrimination and has given firm guidelines to be followed by the employers. Bangladesh strengthened its procedures to eradicate sexual harassment by legislation. A law on violence against women was adopted in Malaysia. Sri Lanka amended its Penal Code to cover sexual harassment.

In Pakistan, some private organizations have included provisions in their personnel policies addressing certain limited aspects of gender discrimination, mostly in relation to maternity benefits. The Government's regulations for its employees, Civil Establishment Code, includes misconduct of employees as an offense (Government servants (efficiency and discipline) rules, 1973, and the powers exercised thereafter). However, it does not address harassment, specifically the relationships between supervisors and their staff. Realizing the complex dynamics of harassment at work and the high frequency of the problem, this Code intends to elaborate on the existing regulations and fill the vacuum in the existing policies and codes. Later, legislation will be prepared to supplement this Code.

This Code of Conduct for Gender Justice builds on the principles of equal opportunity for men and women and their right to earn a livelihood without fear of abuse and harassment. It reflects the provisions of the constitution of Pakistan, where non-discrimination on the basis of gender in public and work places is mentioned. This Code complies with EEOC standards and reflects the Government's commitment to high international labour standards. It also adheres to the Human Rights Declaration and the United Nation's Convention for Elimination of all forms of Discrimination Against Women.

Definitions:

Workplace: Here workplace means the place of work or the premises where an organization/employer operates, this might be specific building, factory, open area or a larger geographical area where the activities of the organization are carried out.

Employee: An employee is a person who is hired by an organization/company on permanent or temporary basis. This includes contract workers also. S/he is obligated to abide by the organization's policy and the country's regulations related to work.

Gender justice: Having no bias or prejudice on the basis of gender, may it be at the level of policy and regulations available or at a social and cultural level.

Harassment: Unwelcome and unwanted act, behaviour or language that is intimidating for the other person

Accused: The employee of an organization against whom an action is being taken under this code.

The objective of this Code is to create an environment for men and woman employees which is free of abuse, harassment and intimidation. The employers as well as the employees, both men and women, have to work together to create such an environment where dignity of each employee is preserved. It should also create provisions for some privacy for both genders if possible.

This Code will be applicable to Government employees, private sector organizations, educational institutions, non-government organizations and any other registered bodies. All the employees of such organizations/institutions, including the management and the owners of businesses will abide by this Code.



Definition of Sexual Harassment

This Code defines sexual harassment as "any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, when it interferes with work performance, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

Sexual harassment can take many forms and may include, but is not limited to: unwelcome sexual advances, the forcing of sexual attention, verbal or physical, on an unwilling person; or the attempt to punish the refusal to comply

There are two significant manifestations of sexual harassment in the work environment, which are important to describe:

i) Abuse of authority

A demand by a person in authority, such as a supervisor, for sexual favours in order for the victim to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

ii) Creating 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.

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, a single offensive incident will constitute a violation.

- The refusal to grant a sexual favor can result in retaliation which may include limiting the employees options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting her access to his/her rights. Such behaviour is also a part of the harassment and is covered in this Code.
- It must be emphasized that behaviour or conduct of a sexual nature that is unwelcomed by a staff member may constitute sexual harassment, whether or not the alleged offender believes that such behaviour or conduct is inoffensive or otherwise appropriate. The staff member is encouraged to inform the alleged offender that such behaviour or conduct is unwelcome; however, there may be instances where the work relationship of the two parties may make such direct confrontation difficult. In such instances, or when verbal confrontation does not seem to stop the harassment, the staff member is encouraged to review the procedures for dealing with sexual harassment in this Code of Conduct and take appropriate action.
- Passing on pornographic material in print or electronic form, or passing on written offensive messages of a sexual nature would also be considered sexual harassment.
- Any expression that suggests superiority of one gender over the other should be avoided. Such expressions may include jokes that demean one gender, and unwelcome references to a person's appearance or body, where they cause psychological harassment and serve to deny colleagues their dignity and respect and contribute to an atmosphere in which inequality is emphasized. Such expressions, if pervasive, may constitute sexual harassment.
- Management will be responsible to follow this policy in letter and spirit to ensure that each complaint is addressed responsibly. The management will be impartial in the process and will facilitate a just and fair inquiry process without retaliation.



- Though the Code is specifically for the employees and owners of registered organizations, in view of Pakistani culture, under special circumstances, intimidation or abuse by a close relative of the owner or a manager could also be investigated under this Code. There have been cases where a family relative of a factory owner may take liberties with junior women factory workers. Though the son or a close relative may not be an employee, the power s/he uses is linked to a person in a senior post. Under such cases, an investigation can be held under this Code, however a penalty cannot be enforced. If the accused is found guilty separate proceedings must be held to assess the involvement of the manager/owner, whereas a court case should be filed by the organization on behalf of the victim against the accused at company's expenditure.
- Any person who directs or induces another to commit any act of sexual harassment, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be liable under this Code.
- An individual who believes that he or she is being harassed is encouraged to immediately notify the alleged offender that this behaviour is unwelcome. It is recognized, however, that power or status disparities may make direct confrontation difficult. Thus, it is also advisable to keep a written record of events, as soon as possible after the incidents, noting dates, places, a short description of what happened, date and form of notification to the alleged offender, names of staff members and anyone to whom the incident may have been mentioned.
- Whether or not the alleged offender has been notified of the unwelcome behaviour, the individual may wish to discuss the matter with a colleague, a friend, or with a member of management.
- Organizations should form a Standing Committee for the complaints related to Gender Justice. Three members with high credibility and gender sensitivity should be appointed. At least one member should be a woman. Any of these members could be from outside the organization. This committee should be convened on a regular basis. Providing information about the Committee and the Code to all supervisors and staff will be the responsibility of the management.

REGULATIONS FOR EFFECTIVE IMPLEMENTATION OF THE POLICY

The following are the regulations for addressing complaints of sexual harassment.

14 Informal Way of Dealing with Sexual Harassment

- i) An informal approach to resolving sexual harassment intends to resolve a complaint of sexual harassment through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis.
- ii) A staff member can report an incident of sexual harassment informally to his/her supervisor, or a member of the Committee (set up for dealing with sexual harassment, described later in this policy), in which case the supervisor or the Committee member can address the issue at his discretion in the spirit of this Code. The request may be made orally or in writing.
- iii) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The matter will be reviewed and the alleged offender will be approached with the intention of resolving the matter in a confidential manner.
- iv) If the incident or the case reported does constitute sexual harassment of a higher degree and the officers reviewing the case feel it needs to be pursued formally for a disciplinary action, with the agreement of the complainant, the case can be taken as a formal complaint.



Formal Approach

15 Launching the complaint

If the staff member wants to launch a formal complaint s/he can submit the complaint to his/her supervisor, in which case the supervisor should forward the case to the Standing Committee to deal with the cases of Sexual harassment. The supervisor should facilitate the process and is obligated not to cover up or obstruct the inquiry.

If for some reason the complainant does not feel comfortable submitting the complaint to the supervisor, s/he can submit a formal complaint of the incident to the Standing Committee. Whereby the Committee member approached is obligated to trigger the process of investigation.

16 Procedure of Investigation

- i) The above mentioned three member Standing Committee for Gender Justice should be established by the Government and Private organizations. This will deal with all sexual harassment cases. The members will be senior staff who are gender sensitive, highly credible and who fully understand the Code and inquiry procedures, in letter and in spirit. These members ensure that each complaint is acknowledged and follows proper investigation and subsequent action.
- ii) The Standing Committee will have at least one woman member. Not all three members have to be from the organization in question. Senior members from outside can be co-opted for this responsibility. The Standing Committee will then divide the responsibility among themselves or co-opt additional support for the inquiry. If additional person or persons are co-opted for a particular case, both the victim and the accused have to agree to the specific persons being added.
- iii) In case a complaint is launched against a senior manager, the Standing Committee will arrange for a three member inquiry committee, constituted of at least two neutral and credible senior members from outside the Department/Organization. No member of the inquiry team should be in a position where they are directly or indirectly reporting to the accused.
- iv) In selecting the Inquiry Committee members, the Standing Committee has to make sure that there is no conflict of interest.

17 Conducive environment for inquiry

- i) The management should do its best to temporarily make adjustments so that the accused and the complainants do not have to interact intensely for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge (over and above his/her contract) which may give one party excessive powers over the other's job conditions. The management can also decide to send the accused on leave if required.
- ii) Retaliation from either party has to be strictly monitored. During the process of the investigation work, evaluations, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side. Also, in case that the senior management has been accused of being a party, it is essential that outside monitoring and control be exercised

18 Evidence

- i) It is acknowledged that sexual harassment usually occurs between colleagues when they are alone, therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to launch a formal complaint at the time. Although not reporting immediately should not affect the merits of the case.
- a) Detailed account of the complainant and the accused form a part of the evidence.
- b) Witness statements



- c) Statements of persons with whom the complainant might have discussed the incident, statements of persons from whom advice may have informally sought, should be considered as evidence.
- d) Any other documentary, audio or video records can be submitted. Expert advice can be sought for such submissions.

19 Inquiry

- The committee shall ask the complainant to prepare a detailed statement of complaint within two
 weeks of the formal complaint and will provide a copy of that to the supervisors of both the staff
 members.
- ii) The accused will be asked to prepare a response to the complaint' statements and submit to the Committee within two weeks, which is also shared with the supervisors of the complainant and the
- iii) The statements and other evidence acquired in the inquiry process will be considered confidential materials.
- iv) The Committee will organize verbal hearings with both parties.
- v) The Committee will take testimonies of other relevant persons and review the evidence. Care should be taken to avoid any retaliation against the witnesses.
- vi) The Committee will take the decision after carefully reviewing the circumstances, evidence and relevant statements in all fairness.

Sexual harassment can include and is not limited to: verbal harassment or abuse, subtle pressure for sexual activities, sexual advances in the pretext of narrating sexual incidents, unnecessary touching, patting, or pinching, leering at a person's body, constant brushing up against a person's body, demanding sexual favours accompanied by subtle or overt threats concerning employment or advancement; and physical assault, including rape.

The 'Abuse of Authority' cases of sexual harassment could be more complex because of the power imbalance between the complainant and the accused, therefore the inquiry would have additional steps and if proved, more severe disciplinary actions could be taken. In this form of sexual harassment, a pattern of offensive acts or behaviour would constitute sexual harassment, although one incident of a severe nature could also constitute sexual harassment.

For either type of sexual harassment to be applicable, the gender-based conduct must be "unwelcome." "Unwelcome" means that the person did not invite or solicit the advances. This is determined by an objective standard and not by the victim's subjective feelings. On the other hand, acquiescence or even voluntary participation in sexual activity does not mean that the advances were not unwelcome. The exploration of fact should consider whether the person indicated that the advances were unwelcome when they occurred notwithstanding subsequent acquiescence.

- Vii) It is possible that during the inquiry other matters related to mismanagement may surface. These matters should be reported in the inquiry report if relevant. These matters should be reported separately to the relevant authorities for further investigation; however the direction of the inquiry should not be diverted to investigate these matters.
- Viii) The investigation procedure should not take more than three months.
- ix) After a decision is reached regarding the complaint. The committee will recommend disciplinary action in case the accused is found guilty. This action can vary from leave without pay to demotion and separation from services. The decision will be submitted to the relevant authorities for action and will be binding on them.

ALLIANCE AGAINST SEXUAL HARASSMENT AT THE WORKPLACE

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22nd December is considered a day to mark the struggle for sexual harassment by local organisations in Pakistan.





