

WOMEN'S RIGHTS AND WORKPLACE HARASSMENT: A STUDY OF WOMEN'S RIGHTS LITIGATION IN PAKISTAN

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ABSTRACT

Harassment at work is still a big obstacle to the attainment of women's constitutional rights, equality, dignity, and participation in Pakistan's labor market. This paper discusses how the issue of workplace harassment has been addressed in Pakistan through the constitutional, statutory, institutional and judicial framework, with a particular focus on the development of the rights of women. It specifically examines the interplay between fundamental rights guaranteed in Article 4, 9, 14, 25 and 34 of the Constitution and the Protection against Harassment of Women at the Workplace Act, 2010 (amended in 2022). The analysis shows that the statutory system has provided for a number of mechanisms, such as the organizational Inquiry Committees, competent authorities, the Federal and Provincial Ombudspersons, appeals and judicial review. These protections have been reinforced by judicial interpretation, which has found workplace harassment to be closely related to the constitutional rights to dignity and equality. In particular, the dignity of Article 14 was highlighted in *Uzma Naveed Chaudhary v Federation of Pakistan* (PLD 2022 SC 783), and a wider definition of gender-based harassment was given in *Nadia Naz v President of Pakistan* (PLD 2023 SC 588). The data from the institutions show that this demand for remedies is continuing between 2011 and 2023. FOSPAH received 3,571 cases of workplace harassment, of which 2,716 were submitted by women. Underreporting and retaliation, institutional weaknesses, and slow procedures, along with unequal power relations in the workplace, continue to limit effective protection despite legislative and judicial improvements. Finally, the paper argues that constitutional guarantees of equality and dignity have to be translated into substantive protection for women in the workplace, which can be done through strengthening institutional independence, allowing for complaints to be voiced, ensuring proper enforcement, and having consistent judiciary and preventive governance in the workplace.

Keywords: Women's rights; workplace harassment; gender equality; human dignity; workplace discrimination; women's rights litigation; constitutional rights; judicial interpretation; FOSPAH

INTRODUCTION

Workplace harassment is a major obstacle to achieving women's rights, equality, dignity and

productive engagement in economic and work life. Despite the evolution of women's workforce participation over the years, women's participation in jobs is still constrained by structural

inequalities, unequal power dynamics, gender discrimination and lack of institutional responses to harassment. Workplace harassment is not just an employee versus an alleged harasser issue, but an issue of constitutional equality, human dignity, personal liberty, and access to justice, and the State's responsibility to ensure that individuals are not subject to discriminatory and degrading treatment in the workplace ("Constitution of the Islamic Republic of Pakistan, 1973," 1973). In this context, the litigation on the issue of workplace harassment has become an important process in understanding and expanding the legal framework of protection for women. The Constitution of Pakistan offers a strong ground for safeguarding the rights of women from discriminatory and degrading treatment. Constitution of the Islamic Republic of Pakistan, 1973 has made provisions of equality before law and equal protection of law in Article 25 and has specifically provided (Expressly) to the State to make special provisions with regard to the protection of women and children (Abdul Khaliq et al., 2023).

Article 14 guarantees the inviolability of the dignity of man, and Article 4 and Article 9 offer more comprehensive guarantees regarding the treatment of and security of persons in accordance with law. The workplace provision of the Constitution is significant in the context of workplace harassment because it protects a woman's dignity, security, professional status, economic independence and equality of opportunity, which are all directly impacted by workplace harassment. Protection from harassment needs to be seen, therefore, not just as a statutory employment issue, but as a broader issue of fundamental rights (Adams & Walia, 2025). The enactment of the Protection against Harassment of Women at the Workplace Act 2010 greatly enhanced the legislative framework in Pakistan that deals with workplace harassment. The Act was an important step in the institutional development and acknowledged workplace harassment as a legal wrong and provided avenues for complaints to be investigated and adjudicated. It called for organizations to implement codes of conduct and establish inquiry mechanisms, and for the creation of the office of the Federal

Ombudsperson for Protection against Harassment of Women at the Workplace (Ahmad, 2022).

The provincial institutional arrangements have since evolved over the federal system. The legislation thus made a significant change from an informal, even only a disciplinary, approach to a more formal process of prevention, complaint, investigation, adjudication and appeal. The importance of the legal framework can be understood better in the context of litigation. The effectiveness of legislation will be determined not just by the wording used in the statute, but also by the interpretation and application of the statute in court (Ali & Khan, 2025). Pakistani courts have thus been a crucial part in shaping the definition of workplace harassment, the nature of dignity, the standing rules of any inquiry process, the rights of complainants and accused, and the extent of the institutional duty to adhere to principles of fairness or due process. Judicial rulings have also helped to foster a wider appreciation that the rights of women to be free from harassment are as much a matter of law as of administration and that the protection of women against harassment is integral to the rights of women to equality and dignity (Ali, 2021).

Litigation of women's rights should also be considered in the context of social and institutional frameworks in which workplace harassment happens. Women might not report harassment as they fear retaliation, losing their jobs, harm to their reputation, social stigma, economic dependence, or a lack of confidence in institutional complaints mechanisms. In hierarchical settings, a person who is alleged to have harmed the complainant could have a position of power over the complainant. As a result, obtaining legal redress may be challenging in such situations. While remedies are available under law in some instances, it does not always mean that women can avail of a remedy (Anwer et al., 2024). A further aspect relates to the link between work harassment and overall gender equality. Harassment may deter women from entering or staying in work; limit their upward mobility in the workplace; and help to create a workplace culture that is discriminatory. Its effects could thus impact not only the complainant but

also other people. In the absence of the proper response from workplace institutions, workplace-based experiences can help to normalize gender-based misconduct and undermine women's trust in legal and administrative avenues. However, it can also foster institutional accountability and women's equal involvement in the professional and economic life of society through good enforcement (Asif & Rehman, 2022).

The international obligations of Pakistan need to be taken into account as well in the context of the Pakistani law. Pakistan is a State Party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which lays down general commitments regarding the elimination of discrimination against women (Cheema, Munir, & Khan, 2020). Violence and harassment in the world of work have also increasingly become a topic of discussion on international labor standards, highlighting the need for effective legal and institutional responses. They are international agreements that offer an important context for understanding the scope of protection women receive from domestic laws and practices in the context of preventing workplace harassment (Bahria et al., 2025). Therefore, this paper analyzes the concept of women's rights and workplace harassment in the light of legal and judicial aspects in the Pakistani context. It examines the constitutional underpinnings of women's rights, the law and institutions behind workplace harassment, and the evolution of women's rights litigation in the courts. Special focus is placed on how cases involving harassment allegations are handled by courts, the procedural protections, evidentiary issues, institutional obligations, and the safeguarding of fundamental rights. Issues that remain practical and still hinder the efficiency of the remedies are also discussed. Drawing on legislation and judicial practice, the paper aims to illustrate that the protection of women from workplace harassment is intrinsically linked with the idea of promoting equality, dignity, justice and meaningful participation of women in Pakistani society.

Women's Constitutional and Legal Rights in Pakistan

Constitutional Guarantees of Equality, Dignity and Women's Participation

The Constitution of Pakistan protects women's rights on the basis of the fundamental rights framework of the Constitution of the Islamic Republic of Pakistan, 1973. All citizens are equal before the law and have equal protection of the law (Article 25(1)), and there is a specific ban on sex discrimination (Article 25(2)). Significant is the inclusion of Article 25(3), which gives power to the State to make special provision for the protection of women and children. This is a constitutional formulation that is significant because it allows for substantive equality (not just formal) in that measures which offer protection against discrimination or harassment of women in the workplace can be constitutionally compatible with equality and may be necessary to equalize the situation. It is worth mentioning how constitutional protection applies to the issue of workplace harassment, considering Article 14 alongside Article 25. Article 14 takes for granted the inviolable dignity of a person. This dignity can be compromised in the workplace by unwanted behavior, intimidation, sexual advances, unfavorable working conditions, abuse of authority and/or work-related conduct which has a negative impact on the security of a woman (Bouzzine et al., 2024).

Dignity is therefore a more expansive concept of protection than treating harassment as merely an employment dispute. Articles 4 and 9 continue with the principle that a person be treated according to the law and have the right to life and to the liberty of the person. In a litigative context, these cumulative factors can be used to other issues, such as workplace harassment, as having to do with fundamental rights instead of just a housekeeping matter. These guarantees are accentuated by the very low level of female labor force participation in Pakistan. According to the World Bank data (based on ILO data models) the gender labor force participation gap is more than 56 percentage points in Pakistan, as female labor force participation is around 24% and male is 80.1%. The World Bank also estimated that there

are about 47 million women not in the labor force in Pakistan, and female labor force participation is 25.4%, and the share of women in agriculture was as high as 68%, while women earned 22% less than men who were employed (Bruschini et al., 2026).

As these statistics make clear, constitutional equality needs to be linked to the appropriate level of protection in the workplace: without workplace protection, a woman's right to an economic opportunity to work is not meaningful. There are also general principles related to women in the national life in the Constitution. Article 34 mandates the promotion of women's participation in various sectors of national life, and the Constitution on equality of opportunity and protection of vulnerable groups strengthens the positive obligation of the State. So, beyond the prevention of direct discrimination, there is a constitutional protection for indirect discrimination. It brings in a general duty to ensure that women have the right to engage in employment without affecting their dignity, equality, or personal security (Burns, 2022).

Statutory Protection and the Legal Right to a Harassment-Free Workplace

The Protection against Harassment of Women at the Workplace Act, 2010 is the principal statute that deals with workplace harassment. The Act was passed on 6 March 2010 and is a specific law on preventing and remedying harassment, which has been applicable across Pakistan. The importance is that it turns the constitutional principles of dignity and equality into practical workplace duties, complaint methods, institutional methods and penalties. The Protection against Harassment of Women at the Workplace (Amendment) Act, 2022, extended the scope of protection. The amended law broadened the definition of "employee" to regular, contract, temporary, part-time, freelance, gig, piece rate, domestic, home-based, performers, artists, sportspersons, apprentices, etc., of students, trainees, interns, and domestic workers, etc. The amendment also includes protections for former employees who have been dismissed, removed or resigned in connection with a complaint and protections for

minors via parents/guardians. This growth is especially important as traditional job classification does not include non-conventional jobs that women are working in Pakistan outside the formal job market (Channar et al., 2011).

The Act provides for the establishment of an Inquiry Committee in an organization for investigation of complaints and a requirement to keep a record of the reasons for the findings. The competent authority shall submit its findings/recommendations to the competent authority within 30 days of launching the inquiry, and the competent authority shall impose the recommended penalty within one week from receipt of the committee's findings/recommendations. Penalties include censure, denial of promotion or increments, compulsory retirement, reduction, and removal or dismissal, as well as suspension or cancellation of professional license, and fines. If the fine is being issued, therefore, part of the fine could be set aside for the complainant as compensation. The framework also allows for reimbursement of salary loss and other losses/damages and mandates psychosocial counseling, medical treatment, or further medical leave if the complainant is in trauma (Cortina & Areguin, 2021).

The legal protection is thus multi-dimensional, giving women protections on the constitutional level, based on dignity, through statutory complaints, institutional inquiry, disciplinary sanctions, compensation, and through appellate and ombudsperson mechanisms. Pakistan has also ratified ILO Conventions Nos. 100 (Equal Remuneration) and 111 (Discrimination (Employment and Occupation)) which are both still in force. Pakistan has not ratified Convention No. 190, the Violence and Harassment Convention, 2019, which particularly addresses international legislation for the prevention and elimination of violence and harassment in the world of work. This framework is consequently fairly robust at the domestic level, but the extent to which it is effective relies on the extent to which it is implemented through institutions, remedies are available and judicial enforcement takes place (Debnath et al., 2025).

Legal and Institutional Framework for Workplace Harassment

Protection against Harassment of Women at the Workplace Act, 2010 and the 2022 Amendment

The Protection against Harassment of Women at the Workplace Act 2010 (Act IV of 2010) is the main legislative measure in response to the issue of workplace harassment in Pakistan. Specific legislation was set up to define harassment, accept complaints, carry out investigations, fine, and provide appellate remedies. It is important for changing the nature of harassment, from something which is normally handled internally through administrative action, to a legally recognized form of misconduct, with specific procedures and external oversight. The Act applies to government departments, corporations, autonomous and semi-autonomous bodies, educational institutions, medical facilities, civil-society organizations, commercial and industrial establishments, companies and registered private-sector organizations. The Protection against Harassment of Women at the Workplace (Amendment) Act 2022 (Act V of 2022) was a significant amendment. The term “employee” and “workplace” were significantly expanded in the amendment (Gillani et al., 2026).

The present framework will cover regular, contractual, temporary, part-time, freelance, gig and piece rate workers, students, interns, trainees, domestic workers, home-based workers, performers, artists, sportspersons, apprentices, etc. The scope of the definition of workplace was also broadened to embrace educational institutions, gigs, concerts, studios, performance facilities, courts, highways, sporting facilities and gymnasiums as well as situations related to work beyond the traditional office environment. It additionally clearly covers online businesses. This growth is significant in Pakistan as a considerable number of women are outside the formal employment system. The new law takes a broader view than the employer-employee dynamic, acknowledging that harassment can exist in the modern and non-traditional workplace. The 2022 amendment thus expands the scope of the workplace to a wider world-of-work concept, which can also respond to harassment in the

professional, educational, contractual, digital and informal environments (Gondal & Hatta, 2024).

The Act also sets out accurate timelines for procedures. Each organization must form a three-member Inquiry Committee comprising at least one woman, a member of senior management, and an employee. Notification of a written complaint to the accused must be made within 3 days and the accused is required to give a written response within 7 days. The committee can consider written and oral statements, and both parties have the right of cross-examination. The inquiry committee has to present its findings and recommendations to the competent authority within 30 days from the commencement of the inquiry, and the competent authority has to impose the recommended penalty within 1 week of receiving the recommendations from the inquiry committee. The law has a stepped-up approach to sanctions. Minor penalties are censure, failure to advance or fail to advance for a designated period, stoppage at an efficiency level, and return of wages to the accused. The penalties include reduction in rank, compulsory retirement, removal, dismissal, suspension or cancellation of a professional license, fines, among others (Haroon, 2026).

Institutional Mechanisms: Inquiry Committees, Ombudspersons and Appeals

The institutional framework provided by the Act is at two interrelated levels: the internal institutional mechanisms and the external institutional mechanisms (ombudsperson mechanisms). All covered organizations are required by law to carry out the law and include the Code of Conduct in their management policy, form an Inquiry Committee and appoint a competent authority. This imposes an affirmative duty on employers, not only that they must provide protection, but it must be provided to the woman, as well. The Inquiry Committee is the first institutional forum of investigation. It is intentionally made up of members from management and employees and must include at least one woman. The committee has strong investigative powers and can summon people, call for documents to be produced before it, can hear

evidence on affidavits, and can record evidence. Proceedings, evidence and confidentiality need to be observed, and the committee must ensure that the employer or accused does not make it an environment where the complainant is put under pressure to withdraw her complaint. The law further ensures that complainants/ witnesses are not subject to adverse action in the course of proceedings (Hashmi et al., 2025).

The second institutional element is the Federal and Provincial Ombudsperson system. The governments are obliged to appoint an Ombudsperson under Section 7 of the Act, and the requirements for appointment are that the individual must be a High Court judge or must meet the qualifications for appointment as a High Court judge. This requirement results in the institution having a judicial dimension. The complainant is not only given the important choice of going to the organizational Inquiry Committee or the Ombudsperson but can also choose to do both. The written show cause notice shall be issued within 3 days of receipt of the complaint, and a written defense shall be filed by the accused within 5 days from the date of the issue of the written notice of show cause on complaint at the Ombudsperson level. The Ombudsperson has powers similar to those of a civil court for specific purposes such as summoning persons, compelling production of evidence, accepting affidavits, issuing commissions for examination of witnesses and inspections (Hussain et al., 2026a).

The Ombudsperson may also give smaller and larger penalties as prescribed in the Act. This external mechanism is especially relevant when the person accused of harassment has a strong influence in the organization, and/or a committee of the organization is not viewed as independent. An extra level of protection is offered by the appellate structure. If a party is dissatisfied with the decision of the competent authority, it may appeal to the Ombudsperson within 30 days of being informed of the decision in writing. The appellate authority can confirm, set aside, vary or modify the decision and must inform the parties and the employer of its decision. Therefore, the statutory system has multiple procedural steps

(complaint, inquiry, determination, penalty, appeal, and external adjudication) in addition to just workplace-harassment issues being handled by the employer (Hussain et al., 2026b).

Women's Rights Litigation and Judicial Interpretation in Pakistan

The issue of workplace harassment is one that has come to the fore in women's rights litigation in Pakistan and is a growing part of the country's constitutional and administrative jurisprudence. The courts have increasingly extended their definition of harassment from just an employment rights issue to a link to the wider constitutional rights to dignity, equality, non-discrimination and access to justice. This particular judicial development is important due to the creation of special institutional remedies in the Protection against Harassment of Women at the Workplace Act, 2010, and the principles set out in constitutional litigation for the interpretation and implementation of these remedies (Salman, 2019). The Federal Ombudsperson Secretariat for Protection against Harassment (FOSPAH) is testament to this litigation process: the volume of complaints that it receives highlights the importance of such a mechanism. Between 2011 and 2023, FOSPAH registered 3,571 cases, disposed of 3,368, and had 203 cases pending. Approximately 76.1% of the reported complainants were women, with 2,716 women and 855 men reported during this period. 2,643 complaints were from the private sector while 982 were from the government sector. A total of 1,973 women and 743 men made complaints in the private sector. The statistics show that harassment cases are not only brought against public institutions and that employment is a major concern of women's rights protection in the private sector (Ijaz et al., 2026).

The most important ones in the judicial interpretation of the Supreme Court of Pakistan are *Uzma Naveed Chaudhary and others v Federation of Pakistan and others*, PLD 2022 SC 783, and *Zainab Hussain v Pakistani State Counter-Intelligence agency*, PLD 2020 SC 775. The case was that of women television anchorpersons who alleged that they had been

subjected to harassment in the workplace for a prolonged period, including inappropriate comments, advances and threats. The Federal Ombudsman has confirmed the complaints to be substantiated and originally issued Rs. 100,000 as compensation and an apology. 250,000 for the complainants. The President, on appeal, increased the penalty to "removal from service. Thereafter, the case was before the Islamabad High Court and finally, the Supreme Court. The Supreme Court allowed the finding of harassment and amended the order of the respondent (retired) and his stay abroad and restored a tougher action because the harassment was found to be more severe. Finally, the Court gave compulsory retirement and doubled the compensation to Rs. 500,000 for each petitioner(Iqbal et al., 2025).

The significance of Uzma Naveed Chaudhary is not just in the dispute but also in the broader context of social issues. Supreme Court highlighted that human dignity is an intrinsic and inalienable right in accordance with Article 14 of the Constitution. It saw sexual harassment as being contrary to dignity and gender equality and acknowledged that sexual harassment is a manifestation of power inequalities in the workplace. This is a strong argument for women's rights litigation because it sets out that harassment can not only be a violation of an employment statute, but also a violation of a fundamental constitutional right. As a result, courts have a basis for questioning labor practices and institutional reactions to what is going on in the workplace, and this basis is constitutional dignity. This was subsequently elaborated upon by the Supreme Court in Nadia Naz and others v President of Pakistan and others, PLD 2023 SC 588. The Court did not agree to an overly narrow interpretation of the word "sexual" in the definition of harassment in the statute(Iqbal & Chhotani, 2024).

Judicial interpretation also has underscored the importance of procedural fairness in the context of providing effective protection to complainants. Workplace-harassment proceedings are not typical criminal proceedings. It has been held that the Ombudsperson need not observe the strict technicalities of civil or criminal courts, such as

the technicalities of the Qanun-e-Shahadat Order, 1984, in the strict letter of the law. Meanwhile, there is a need to maintain principles of natural justice, fairness, and an opportunity to respond. This balance is important as it is important to consider that if too much detail was put in place for a harassment claim, then it would become difficult to bring such a claim, and if too little detail was provided, then the rights of the accused would be undermined. Also, the litigation structure provides for a forum choice. The statutory scheme provides for an employee to contact either the organization's Inquiry Committee or the Ombudsperson. These mechanisms have been recognized to have a special administrative-disciplinary role apart from criminal proceedings(Jamshaid, 2026).

Therefore, the existence or pendency of criminal proceedings does not automatically remove the Ombudsperson's jurisdiction since there are two different goals that may be achieved by different procedures and/or with different types of accountabilities. This is significant because workplace harassment may also constitute an institutional violation of employment and behavior which may incur criminal liability. The Federal Ombudsperson's 2024 reporting also shows that FOSPAH dealt with 673 cases throughout 2024, highlighting the ongoing need for its specialized adjudication. FOSPAH also said that, in its activities since the institution's inception, thousands of cases had been dealt with, making the institution a major avenue for women to access justice(Junejo & Fatima, 2025).

Evidentiary, Procedural, and Institutional Issues in Workplace Harassment Litigation

Evidentiary Challenges and the Nature of Proof

A major challenge in employment harassment cases in Pakistan is the lack of collection and evaluation of evidence. Harassment is often different from other types of conflicts, and happens in private situations, informal conversations, electronic communication, or in a hierarchical situation where there is no independent witness. Consequently, complainants often have to present their own testimony, contemporaneous messages, e-mail, call

records, workplace records, or evidence of subsequent retaliation. This will result in a legal challenge as there is no direct eyewitness evidence to conclude that there was no harassment. Generally, “harassment” case proceedings have been considered as special administrative or quasi-judicial proceedings in the Pakistani courts and also by the Federal Ombudsperson Secretariat for Protection Against Harassment (FOSPAH)(Kahsay et al., 2020).

As a result, the rules, which are very technical, of criminal evidence are not always uniformly interpreted. When deciding whether misconduct has been established, Inquiry Committees and the Ombudsperson may take into consideration the surrounding circumstances, consistency of the parties' accounts, oral testimony, documentary evidence and electronic communications. These bodies have statutory powers to call witnesses, demand documents, take affidavits and review documents and so on. The evidentiary problem is best demonstrated by the number of cases that are handled by FOSPAH. There were 3,571 cases of workplace harassment reported between 2011 and 2023, of which 3,368 were resolved, and 203 cases are ongoing. The majority of complainants (around 76%) were women who made a total of 2,716 complaints(Kazmi et al., 2021).

Procedural Fairness and Statutory Timelines

Some institutions have Inquiry Committees set up in response to complaints, usually not as a permanent body, and this may further delay the process. Procedural fairness is also to protect both parties. The complainant has the right to be kept confidential and protected from retaliation, and the respondent has the right to be informed of the allegations against him and provide a defense. Inquiry may allow for examination of witnesses and cross-examination of witnesses as appropriate. Courts have stressed that harassment proceedings are not quite as formal as criminal proceedings, but there are elements of natural justice that must still be followed. Too little, too late can lead to judicial review of any decision made without affording the accused a meaningful opportunity to respond, while too much process can frustrate the intent of the law(Khalil et al., 2021).

Institutional Capacity and Independence of Inquiry Mechanisms

Mechanisms of workplace harassment are strong or weak, and the success of litigation relies on their quality and independence. All covered organizations must have a three-member Inquiry Committee, of which at least one member must be a woman, which will investigate complaints. The committee is expected to be a mixture of management and employees to ensure that it is not run entirely by the employer. Institutional shortcomings are a major issue, despite this statutory design. In smaller private organizations, committees can be made up of senior officials who have intimate working relationships with the person being accused of harassment. Employees might not have confidence in the committee's independence, especially if the respondent holds a high position. Some people think this way, and this can prevent them from complaining even though a formal process is in place to do so(Khan, 2007).

Retaliation, Confidentiality and Access to Justice

One more procedural/institutional issue is retaliation against complainants. Women might be worried about being transferred, not getting good reviews, not getting promoted, having their contracts not renewed, or losing their jobs because they reported harassment. An important gap in the previous legislation was that the law did not cover contractual, temporary, freelance, gig, domestic and home-based workers – but this gap was addressed with the 2022 amendment(Khan et al., 2019).

Challenges and Prospects for Effective Protection of Women's Workplace Rights

Persistent Legal, Social and Institutional Challenges

While a relatively extensive and comprehensive legal framework has been established, the effective implementation and protection of women's rights in the workplace remains a significant challenge due to structural, social and institutional impediments in Pakistan. The first big hurdle is the continued disparity in formal equality and women's involvement in economic life(Rahman et

al., 2024). The 2025 Global Gender Gap Report released by the World Economic Forum has placed Pakistan at position 148/148, scored 56.7% for overall gender parity. This score for Economic Participation and Opportunity fell 1.3 percentage points from the year before and the perceived score for wage inequality rose 4 percentage points. These are signs that constitutional rights to equality are yet to be put into practice as equal economic opportunities for women. Workplace harassment needs to be viewed in the context of broader issues of gender inequality. This is because, if they are in an insecure position with lower pay, it can have an immediate impact on their finances if they report harassment and lose their jobs. This is especially significant if the alleged perpetrator is someone who has managerial or supervisory responsibility (Khan & Ahmed, 2016).

The complainant might be worried about being fired, not rehired, not promoted, not given a good evaluation, or being isolated. But not all incidents will necessarily be reported, and having a statutory complaint mechanism doesn't necessarily imply that every complaint is made. Based on available institutional data, there is evidence of the size of the problem and the ongoing need for innovative solutions. During the period 2011-2023, FOSPAH reported 3,571 cases, 3,368 of which have been disposed of and 203 remain pending. About 76.1% (2,716) of the complainants were women. The private sector had 2,643 complaints, with 1,973 of these from women, and the government sector had 982 complaints, of which 743 were from women. The high numbers of private-sector cases is noteworthy, as women may be vulnerable to institutional retaliation due to the power structures within the organizations, the contractual insecurity, and lack of strong employee representation (Liang, 2024).

Underreporting and limited awareness are another challenge. Administrative complaint statistics should not be assumed to be the number of complaints being received by FOSPAH, as this does not necessarily indicate the prevalence of workplace harassment incidents. Worry about social stigma, the risk of damage to reputation, and professional consequences may stall the start of

proceedings by women. Women who are involved in domestic work, rural activities, home-based work, and other non-agricultural work activities are more likely to suffer from this problem. The statutory definition of an employee was expanded in the 2022 amendment to cover domestic, home-based, freelance, gig, and other non-traditional workers; however, in practice, these protections are not easily accessed. Another major difficulty is the capacity within institutions. Covered organizations are legally obligated to have Inquiry Committees; however, they must be independent, knowledgeable, and willing to investigate complaints objectively in order to be effective. When the accused holds a strong position within the organization, a committee with strong senior leadership might not be seen as independent enough (Mahmood, 2022).

Prospects for Stronger Enforcement, Accessibility and Women's Empowerment

However, the opportunities for successful protection are still high because Pakistan already has the building blocks of a rights-based workplace-harassment system. But the main concern should be on building implementation, not simply increasing the legislation. The 2022 amendment significantly expanded the definition of protected workplaces and workers, which is crucial for ensuring that women in the informal, contractual, digital, and non-traditional sectors are well covered. Such legal protection should now be put into practice so that workers who are not traditionally part of organizational structures are covered. It is recommended to strengthen the independence of institutions by compulsory training and public selection of the members of the Inquiry Committee. Committees should have members who have been trained to deal with documentary, electronic and testimonial evidence and who can ensure the confidentiality of the evidence. Body language, victim blaming, retaliation and the difference between constructive supervision and harassment should also be a focus of regular training, as should be any unconscious gender bias (Mullally, 2005).

FOSPAH has started to spread awareness and training programs, as reported in the 2024 edition,

which include workplace training programs relating to harassment and gender-based discrimination. It is important to establish such programs as regular awareness-raising campaigns, rather than one-off events. There are additional good prospects of digitalization. The 2023–24 annual report of FOSPAH details the adoption of complaint-management systems (CMS) in FOSPAH offices and an online CMS and helpline. Digital filing can help overcome geographical limitations, especially for women who may not be able to safely and conveniently go to government offices. It can also help with tracking cases and enhance administrative transparency. However, there should be robust confidentiality and data-protection measures on secure digital platforms, which must continue to be developed (Munir et al., 2024).

Access to justice at the geographical level also needs to be addressed. FOSPAH is currently operating with regional offices in Lahore, Karachi, and Peshawar, and recently restructured the office by reactivating the regional offices and also appointed technical resources. Enhancing these regional systems may shorten the distance between complainants and adjudicatory bodies, and increase the availability of formal remedies in cities other than Islamabad. Last but not least, in order to be effective, protection must be translated from a reactive litigative approach to a preventive governance approach in the workplace (Neill et al., 2026). Employers should be obligated to implement Inquiry Committees not only after complaints are made, but to actively comply by having written policies, training employees about the process, providing employee reporting mechanisms, conducting regular workplace evaluations, and creating a workplace environment free from retaliation. Judicial interpretation should continue to uphold the constitutional underpinning of dignity and equality and provide a level playing field for all.

Conclusion

The case of women's rights and litigation on harassment in the workplace in Pakistan shows that Pakistan has a good framework of constitutional, statutory and institutional

provisions to protect women against harassment and discrimination in the workplace. The basic principles are guaranteed in the Constitution, namely in Article 4 (Lawful treatment), Article 9 (Life and liberty), Article 14 (Equality), Article 25 (Human dignity) and Article 34 (Women's participation in national life). The Protection against Harassment of Women at the Workplace Act, 2010, which was significantly amended in 2022, has given these constitutional principles specific procedures, institutional responsibilities and legal remedies. The analysis also reveals that Pakistani courts have been instrumental in the shift from workplace issues to the fundamental rights question in the field of workplace harassment. The definition of dignity, equality and gender-based harassment is further supported by the Supreme Court decisions such as *Uzma Naveed Chaudhary v Federation of Pakistan* (PLD 2022 SC 783) and *Nadia Naz v President of Pakistan* (PLD 2023 SC 588). The judiciary has given new impetus to the rights-based basis for the protection of women in the workplace through announcing that harassment can be a violation of the right to equality, as enshrined in Article 14 of the Convention. However, there are still major difficulties to overcome. The number of cases registered by FOSPAH from 2011 to 2023, including 2,716 cases filed by women, shows that there is still a need for legal remedies. Meanwhile, lack of reporting, fear of reprisal, institutional conflicts of interest, procedural delays, lack of awareness, and unequal power relations in the workplace persist in limiting access to effective remedies. It is vital that there are stronger Inquiry Committees, independent and institutional oversight, easy digital complaint systems, judicial consistency, accountability of employers and protection against workplace retaliation. But to achieve meaningful protection, the promises of equality and dignity in the constitution must become a reality in the world of work. Finally, women's rights litigation can continue to play an important role in bringing about such a change, if it is able to respond to the new types of work, discrimination and harassment.

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