



Code of Conduct (Harassment at Work Place)

Approved on August 07, 2024

Zero Tolerance for Sexual Harassment

Code of Conduct

Adoption of this Code makes POAMCL entirely in compliance with the “Protection Against Harassment of Women at Workplace Act 2010”



Pak Oman Asset Management Company Limited
Icone House, 83-C, 12th Commercial Street, Phase-II Extension, DHA, Karachi.
Tel: +92 21 35899641-44 / Fax: +92 2135899645 / info@pakomanfunds.com / www.pakomanfunds.com



Pak Oman Asset Management Company Limited
Icone House, 83-C, 12th Commercial Street, Phase-II Extension, DHA, Karachi.
Tel: +92 21 35899641-44 / Fax: +92 2135899645 / info@pakomanfunds.com / www.pakomanfunds.com

IMPLEMENTATION WATCH COMMITTEE

Established on the advice of the Prime Minister in May 2010 from the platform of the National Commission on the Status of Women, it will facilitate and monitor compliance with this Code at a national level. The Regulatory Authorities will look for compliance within their fields.

AASHA

Alliance Against Sexual Harassment

Preamble

It is the first time in the history of Pakistan that sexual harassment has been defined in our Law. Up to now, sexual harassment was not considered a crime but only a social evil that was justified by blaming women for causing it. No law specifically covered harassment in the workplace. The issue was brought to national attention through a campaign over the past ten years. In 2000, hardly any organization, other than the UN, had an anti-sexual harassment policy. AASHA--an Alliance Against Sexual Harassment raised awareness on this issue, developed a policy with national consensus and introduced it to private sector organizations. Over the years, more than 300 organizations adopted it. Most found it quite effective in sorting out sexual harassment cases, transforming the work environment, and creating a more satisfied and productive workforce. The progressive employers who volunteered to adopt and implement such a Code over the years were the leaders who opened the doors for such a change to take root.

AASHA worked closely with the Government, where senior political leaders took ownership of the suggested legislation and passed the law through the Parliament within two years. With the passage of the 'Protection Against Harassment of Women at the Workplace Act 2010', every organization must adopt the Code of Conduct prescribed by the Law. It prohibits owners, managers, and fellow employees from sexually harassing others at the workplace.

The Act is for all employees, women, and men, and it puts the responsibility of cleaning the menace of sexual harassment from the organizational environment on the shoulders of management. Thus, the emphasis is on holding individuals accountable for their behavior through professional mechanisms. It is believed that as the mindset of our society shifts from blaming women to uprooting inappropriate behavior, organizations will be proactive in changing the system. They should not feel ashamed of having cases of sexual harassment and should not try to discourage reporting to maintain a façade that does not occur in their organization. Instead, they should feel proud that they have systems to deal with such cases effectively and justly. That will be the measure of professionalism in organizations. The enforcement of this Law will improve the productivity of organizations, transform organizational culture, and significantly improve employees' job satisfaction.

Adopting this Code of Conduct provides your organization with the necessary compliance to comply with the Act fully. It covers all the requirements for implementing the law in more reader-friendly language and logical sequence. All organizations are welcome to contact AASHA for further help in implementing, acquiring awareness materials, training Human Resource experts, or dealing with complex cases. A soft copy of this Code can be downloaded from AASHA's website.

This Alliance has been committed to implementing the policy and passing legislation, and it remains committed to implementing the laws. While it is now a requirement, each organization that adopts this Code becomes a part of this



struggle to transform our society so that men and women can earn a living and move around with dignity without fearing harassment, intimidation, or abuse.

Dr. Fouzia Saeed

Chairman Implementation Watch Committee

Member, National Commission on the Status of Women

Member AASHA

www.AASHA.org.pk

Aasha.connect@gmail.com



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Background

A significant impediment to women who wish to join the national workforce is sexual harassment in the workplace. Those who gain employment are often harassed, and society, in general, inappropriately blames the women themselves. Thus, the issue becomes stigmatized, making it very difficult for women to report or even talk about it.

We understand that in Pakistan, most of the sexual harassment is faced by women. However, to be fair to all employees, sexual harassment can be experienced by men also. Therefore, this Code is for both men and women to ensure that inappropriate behavior remains the focus. It focuses on sexual harassment experienced at the workplace by employees and facilitates the transformation of the work environment so that it is free of sexual harassment, intimidation, and abuse.

In early 2010, the Pakistan government passed the Protection Against Harassment of Women at Workplace Act 2010. The Law intends to provide an opportunity for all organizations, public, private, and civil society, to develop a self-regulatory mechanism for handling internal problems related to sexual harassment. Adoption of this Code has become mandatory for all organizations. It requires management to transform their institutional culture and make it dignified for women and men.

The Code follows the theme and provisions identified in the government's national policies for citizen equality.

Therefore, recognizing the principles of equal opportunity for men and women and their right to earn a livelihood with dignity, without fear of abuse and harassment,

In cognizance of the provisions of the Constitution of Pakistan, where non-discrimination based on sex in public and workplace is stated in Articles 25, 26, and 27.

Acknowledging the government's commitment to international conventions, including ILO Conventions 100 and 111 and the United Nations Convention for Elimination of all Forms of Discrimination Against Women (CEDAW),

Henceforth, in addition to existing provisions, this Code of Conduct aims to create a safe and dignified working environment for men and women workers free of sexual harassment, abuse, and intimidation, enabling higher productivity and a better quality of life at work.

Therefore, following the Law of this country, which mandates every organization to have this Code implemented in letter and spirit, this Code of Conduct is being issued as a part of implementing the 'Protection Against Harassment of Women at Workplace Act 2010'.

The Code provides a guideline for the behavior of all employees, including management and the owners of an organization, to ensure a work environment free of sexual harassment and intimidation.

DEFINITIONS

1. Specific terms used in this Code have been defined here:

- a) A complaint means an employee or employer of an organization against whom a complaint has been made under this Code.
- b) "Act" refers to the "Protection Against Harassment of Women at Workplace Act 2010"
- c) CBA means Collective Bargaining Agency as provided in the Industrial Relations Act 2008 or any other law for the



time being in force.

- d) "Code" means the Code of Conduct prescribed in this document.
- e) "Competent Authority" is the authority management may use to designate this Code.
- f) "Complainant" means a woman or a man who has complained to the Inquiry Committee about being aggrieved by an act of harassment.
- g) "Employee" means a regular or contractual employee, whether employed daily, weekly, monthly, or hourly and includes an intern or an apprentice.
- h) "Employer" concerning an organization means any person or body of persons, whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whatsoever and includes
 - i. an heir, successor, or assignee of such person or body as aforesaid.
 - ii. any person responsible for the direction, administration, management, and control of the management.
 - iii. the authority concerning an organization, or a group of organizations run by or under the authority of any Ministry or department of the Federal Government or a Provincial government appointed on this behalf or, where no authority is appointed, the head of the Ministry or department.
 - iv. the office bearer, concerning an organization run by or on behalf of the local authority, appointed on this behalf, or where no officer is so appointed, the chief executive officer bearer of that authority.
 - v. the proprietor, concerning any other organization, of such organization and every director, manager, secretary, agent office bearer, or person concerned with managing the affairs thereof.
 - vi. a contractor or an organization of a contractor who or which undertakes to procure the labor or services of employees for use by another person or in another organization for any purpose whatsoever and payment in any form and on any basis whatsoever; and
 - vii. office bearers of a department of a Division of a Federal or a Provincial or local authority who belong to the managerial, secretarial, or directional cadre or categories of supervisors or agents and those who have been notified for this purpose in the official Gazette.
- i) "Sexual harassment" means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile, or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment.
- j) "Inquiry Committee" means the Inquiry Committee established under this Code and the 'Protection Against Harassment of Women at Workplace Act, 2010.
- k) "Management" means a person or body responsible for managing an organization's affairs, including an employer.
- l) "Ombudsperson" means (Mohtasib) a government appointee who investigates complaints. The Ombudsperson is appointed under section 7 of the Act.
- m) "Organization" means a Federal or Provincial Government Ministry, Division or department, a corporation or any autonomous or semi-autonomous body, Educational Institution, Medical facilities established or controlled by the Federal or Provincial Governments or District Governments or registered civil society associations or privately managed a commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 and includes any other registered private sector organization or institution;



- n) "Workplace" means the place of work or the premises where an organization or employer operates and includes a building, factory, open area, or a larger geographical area where the activities of the organization or the employer are carried out and including any situation that is linked to official work or official activity outside the office.



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THE UNACCEPTABLE BEHAVIOUR

2. Sexual Harassment, the behavior described in Clause 1, i.e.

“any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment, is unacceptable behavior in the workplace, including any interaction or situation that is linked to official work or official activity outside the office.”

It constitutes a violation of this Code. For further explanation of such behavior, see Annex I

3. The management of organizations mentioned in clause 1 (M) must incorporate this Code of Conduct into their workplace policy.

RESPONSIBILITIES OF THE MANAGEMENT

4. Management will be responsible for following this Code in letter and spirit to ensure that each sexual harassment complaint is addressed responsibly. Management will be impartial and facilitate a fair inquiry without retaliation. Management will not victimize the complainant or the witnesses in the case.

ESTABLISHING AN INQUIRY COMMITTEE

5. The organization shall constitute a standing Inquiry Committee to investigate complaints under this Code. The Committee shall consist of three members, of whom at least one member shall be a woman. One member shall be from senior management, and one shall be a senior representative of the employees or a senior employee with no CBA. One or more members can be co-opted from outside the organization if the organization cannot designate three members from within as described above. A Chairperson of the Committee shall be selected from among them.

6. If a complaint is made against one of the members of the Inquiry Committee, another shall replace the member for that case. Such a member may be from within or outside the organization.

DESIGNATING COMPETENT AUTHORITY

7. The management should designate a Competent Authority to implement this Code as the Act prescribes.

AWARENESS RAISING AND EDUCATION OF THE EMPLOYEES REGARDING THIS ISSUE

8. Management shall display copies of the Code in English and languages understood by most employees at conspicuous places in the organization and the workplace within one month of the commencement of the Act.

9. The management will conduct awareness sessions about the Code and the consequences of such harassment in the workplace for its employees.

MANAGEMENT’S OBLIGATION TOWARDS THE OMBUDSPERSON

10. The Government shall establish an Office of Ombudsperson to address sexual harassment cases. An employee may request the Ombudsperson to hear cases where an employee feels a fair hearing cannot be obtained within the organization. The management shall respond to any queries of the Ombudsperson. If an employee files a complaint directly with the Ombudsperson or if an employee, after being dissatisfied with the decision of the Inquiry Committee,



files an appeal with the Ombudsperson, the management shall abide by the decision made by the Ombudsperson.

PUNISHMENT FOR NON-COMPLIANCE

11. If an employer fails to comply with the provisions of this Code, any employee of an organization may file a petition before a District Court. If found guilty, the employer shall be liable to a fine that may extend to one hundred thousand rupees but shall not be less than twenty-five thousand rupees.
12. If the management fails to follow instructions from the Ombudsperson for information related to the inquiry process or fails to abide by his/her decision, the management will be punished with the same punishment as contempt of the high court.

INFORMAL PROCEDURE OF COMPLAINT

13. An informal approach to resolving a harassment complaint may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis.
 - i. A complainant or a staff member designated by the complainant for this purpose may report an incident of harassment informally to his/her supervisor or a member of the Inquiry Committee. In this case, the supervisor or the Committee member may address the issue at his/her discretion in the spirit of this Code. The request may be made orally or in writing.
 - ii. If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will investigate discreetly. The alleged accused will be approached to resolve the matter confidentially.
 - iii. If the incident or the case reported does constitute sexual harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for disciplinary action, with the complainant's consent, the case can be taken as a formal complaint.
 - iv. A complainant does not necessarily have to take a harassment complaint through the informal channel. S/he can launch a formal complaint at any time.
 - v. The complainant may make a formal complaint through her supervisor, CBA nominee, worker's representative, or directly to any member of the Inquiry Committee. The Committee member approached us and is obligated to initiate the investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry.
 - vi. Any organization member who can assist in the inquiry procedure should be contacted.
 - vii. The employer shall do its best to temporarily adjust so that the accused and the complainant do not have to interact for official purposes during the investigation period. This will include temporarily changing the office if both sit in one office or taking away any extra charge over and above their contract, which may give one party excessive power over the other's job conditions. The employer can also decide to send the accused on leave or suspend the accused following the applicable procedures for dealing with misconduct cases if required.
 - viii. Retaliation from either party should be strictly monitored. During the investigation work, evaluation, daily duties, reporting structure, and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side.
 - ix. The 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 offensive behavior immediately to



someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case.

FORMAL INQUIRY PROCEDURE

Working of the Inquiry Committee

14. The Inquiry Committee, as set up under clause (5), will elect a chairperson and fix the meeting time and place.
15. The Inquiry Committee, after the receipt of a written complaint, shall
 - i. Within three days, communicate the charges and statement of allegations to the accused in writing.
 - ii. require the accused, within seven days from the day the charge is communicated to him/her, to submit a written defense, and of his failure to do so without reasonable cause, the Committee shall proceed ex-parte.
 - iii. enquire into the charge and may examine such oral or documentary evidence in support of the charge or defense of the accused as the Committee may consider necessary. Each party shall be entitled to cross-examine the witnesses against him/her.
16. The Inquiry Committee shall have the power to:
 - i. summon and enforce the attendance of any person and examine him on oath.
 - ii. it requires the discovery and production of any document.
 - iii. receive evidence on affidavits and record evidence.
 - iv. get the complaint or the accused medically examined by an authorized doctor, if necessary,
17. The Inquiry Committee shall be able to inquire into harassment under this Code and may recommend appropriate penalties against the accused. The following provisions, among other things, shall be followed by the Committee concerning the inquiry (more elaborate guidelines are provided in Annex II):
 - i. The statements and other evidence acquired in the inquiry process shall be confidential.
 - ii. The Inquiry Committee can instruct us to treat all proceedings confidentially, if necessary.
 - iii. An organization officer may be nominated to advise and assist both parties if necessary.
 - iv. Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a Collective Bargaining Agency representative, a friend, or a colleague.
 - v. Adverse action shall not be taken against the complainant or the witnesses.
 - vi. The Inquiry Committee shall ensure that neither the employer nor the accused shall initiate any action that would create a hostile environment for the complainant to pressurize him/her from freely pursuing his/her complaint and
 - vii. The Inquiry Committee shall write its findings by recording reasons.

FINDINGS, RECOMMENDATIONS AND PENALTIES

18. The Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days



of initiating the inquiry. If the Inquiry Committee finds the accused to be guilty, it shall recommend to the Competent Authority for imposing one or more of the following penalties:

- i. Minor penalties:
 - i. censure.
 - ii. withholding for a specific period, promotion, or increment.
 - iii. hold, for a specific period, at an efficiency bar in the
 - iv. time-scale.
 - v. recovery of the compensation payable to the complainant from pay or any other source of the accused.
- ii. Major penalties:
 - i. reduction to a lower post, timescale, or stage in a timeframe.
 - ii. compulsory retirement.
 - iii. removal from service, and
 - iv. dismissal from service.
 - v. Payment of a fine. A part of the fine can be used as compensation for the complainant. In the case of the owner, the fine shall be payable to the complainant.

IMPLEMENTATION OF THE DECISION

19. The Competent Authority shall impose the penalty recommended by the Inquiry Committee under clause (18) within one week of receiving the recommendations.
20. The Inquiry Committee shall meet regularly and monitor the situation until they are satisfied that their recommendations, subject to a decision, if any, of the Competent Authority and Appellate Authority, if applicable, have been implemented.
21. If the complainant is traumatized, the organization will arrange for psychosocial counseling, medical treatment, and additional medical leave.
22. The organization may also compensate the complainant for loss of salary or other damages.

APPEAL

23. Any party on whom the minor or major penalty is imposed and is dissatisfied by the decision of the Competent Authority may, within thirty days of written communication of the decision, file an appeal to the Ombudsperson established for this purpose by the respective Governments at the Federal and Provincial levels.
24. The Appellate Authority may, considering the appeal and any other relevant material, confirm, set aside, vary, or modify the decision within thirty days regarding which such appeal is made. It shall communicate the decision to both the parties and the employer.



25. Until the Ombudsperson is appointed, the District Court shall have the jurisdiction to hear appeals against the decisions of the Competent Authority.

MALA FIDE ACCUSATION

26. The Inquiry Committee may recommend appropriate action against the complainant to the Ombudsperson if allegations leveled against the accused are found to be false and made with mala-fide intentions.

COMPLAINTS TO OMBUDSPERSON

27. Employees can file a complaint to the Inquiry Committee or the Ombudsperson. In case of filing a complaint with the Ombudsperson, the management will respond to any inquiries that the Ombudsperson might have regarding information related to the case (as per clause 10). It will be mandatory for the management to abide by the decision of the Ombudsperson. For details on the powers and procedures that the Ombudsperson will follow, see Annex III.

ANNEX I

(referred to in clause 2 of the Code)

DETAILED DEFINITION OF SEXUAL HARASSMENT

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

There are three significant manifestations of sexual harassment in the work environment:

(a) Abuse of authority

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

(b) Creating a hostile environment

Any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature that interferes with an individual's work performance or creates an intimidating, hostile, abusive, or offensive work environment.

The typical "hostile environment" claim generally requires finding a pattern of offensive conduct. However, in cases where the harassment is particularly severe, such as physical contact cases, a single offensive incident will constitute a violation.

(c) Retaliation

Refusal to grant a sexual favor can result in retaliation, which may include limiting the employee's options for future promotions or training, distorting evaluation reports, generating gossip against the employee, or limiting access to his/her rights. Such behavior is also part of harassment.

2. 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.



3. Any expression that suggests the 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 persistent, may constitute sexual harassment.



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ANNEX II

(referred to in clause 17 of the Code)

HELPFUL GUIDELINES FOR THE INQUIRY PROCESS

1. The Inquiry Committee members should make the environment of the inquiry process conducive and unthreatening. The members should not reflect any bias in their attitude or their questioning. It is acknowledged that society mostly blames women for whatever happens to them and usually assumes that sexual harassment happens to women who are immoral or have encouraged an innocent man to provoke this behavior. The Committee members need to be careful not to exhibit such biases and should remain neutral.
2. 'Abuse of authority' cases are complex because of the power imbalance between complainant and accused and may require severe disciplinary actions. Such cases could be linked with the hiring and firing employees, promotion, work duties, relocation, leave, training, and other aspects affecting employment. In such cases, the Committee members need to be aware that a reaction from the victim is not easy when the offensive behavior takes place because of fear or power of a senior person over a junior employee. Therefore, strict measures of why the victim let it happen or why s/he didn't scream might not be relevant.
3. Cases that create a 'hostile work environment' could range from patterns of offensive behavior over a period to single severe incidents of harassment.
4. Annex I describes types of harassment that are not always distinct and can co-occur. Additionally, sexual harassment can happen to men and women at all levels of job hierarchy and between all relationships of equal and unequal power.
5. Harassment can occur outside working hours and at the workplace. Relevant here is a perpetrator's access to the person being harassed by a job situation or relationship.
6. To constitute sexual harassment, the conduct must be 'unwelcome.' Exploration of a case must consider whether the person indicated to the other that the advances were unwelcome. It is possible that initially, the victim might have regarded the behavior as permissible. Still, later, the person may want to stop that behavior due to personal reasons, personal choices, or escalating advances. In such situations, it is helpful to remember that the initial permission should not be taken as a life license. A welcomed response for a friendly advance should not be considered an assumed door opener for physical links. Whenever a person feels that her/his limits are being crossed and chooses not to go any further, s/he has the right to convey this to the other person. If that person does not stop that behavior, it should be considered sexual harassment.
7. Supervisory employees and co-workers should be asked about their knowledge of alleged harassment. When witnesses are not identified, testimony may be obtained from persons who observed a change in the charging party's demeanor after the alleged incident. Other people with whom the charging party discussed the incident should be interviewed.



8. It is acknowledged that sexual harassment usually occurs between colleagues when they are alone; therefore, it is generally difficult to produce evidence. It is strongly recommended that staff report offensive behavior immediately to someone they trust, even if they do not wish to launch a formal complaint at the time. However, not reporting immediately should not affect the merits of the case.
 - a. Detailed accounts of the complainant and the accused form a part of the evidence.
 - b. Witness statements
 - c. Statements of people with whom the complainant might have discussed the incident and statements of people from whom advice may have informally been sought should be considered evidence.
 - d. Any other documentary, audio, or video recording can be submitted. Expert technical advice can be sought for such submissions.
9. The complainant should inform the accused about conduct constituting sexual harassment. Records should be maintained in writing, including all incidents, noting dates, places, descriptions of acts, notifications to the accused, and names of those to whom the incident may have been mentioned.
10. In some cases, a sexual harassment determination can be based solely on the credibility of the complainant's allegation if the account is sufficiently detailed and internally consistent.
11. Lack of corroborative evidence where such evidence should exist could undermine the allegations. A general denial by the accused will carry little weight when contradicted by other evidence.
12. When dealing with harassment through a series of incidents, the investigator should not consider the series of incidents as separate specific incidents but should consider the pattern. The cumulative impact of such incidents on the victim can make the work environment hostile.
13. Any person who aids or abets and covers the commission of any such act perpetrated by another, without which it could not have been committed, might also be considered liable under this Code.
14. While probing the matter of sexual harassment, if the investigation involves any close relative or any associated person to the owner or management in committing that act of sexual harassment, the Committee could recommend commencing legal proceedings against them at the cost of the management.
15. If other matters surface during the inquiry, they may be reported in an inquiry report if relevant; otherwise, these should be reported to separate authorities.
16. the organization will arrange counseling and additional medical leave if the complainant is traumatized. This may be suggested as part of the decision.
17. The organization can also compensate the complainant for loss of salary or other damages resulting from the harassment. The complainant can also be offered compensation if the employer fails in its duty to prevent the

sexual harassment of the complainant.



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ANNEX III

(Referred to in para 27 of the Code)

OFFICE OF THE OMBUDSPERSON

It is acknowledged that not every organization might have a sturdy mechanism prescribed for addressing sexual harassment. At times, the perpetrator or the organization's owner is too senior. In such a case, it might not be possible for the Inquiry Committee to hold the person accountable. Similarly, if the Committee is not made up of credible people and an employee does not develop trust in them, there is a provision in the Law for directly approaching the Office of the Ombudsperson.

The Office of the Ombudsperson will be established at the Federal and Provincial levels to handle sexual harassment complaints. Someone with the same qualifications as a Judge of a High Court will head it.

FUNCTIONS OF THE OMBUDSPERSON

This office will deal with:

Appeals from the persons aggrieved by the Inquiry Committee's decision.

Complaints are made directly for sexual harassment cases at formal workplaces.

Complaints from the management of an organization, in case it is believed that a complainant has made a malicious attempt to defame someone intentionally.

POWERS OF THE OMBUDSPERSON

The Ombudsperson shall, for the "Protection Against Harassment of Women at Workplace Act, 2010, have the same powers as are vested in a Civil Court under the Code of Civil Procedures, 1908 (Act V of 1908), in respect of the following matters, namely:

- i. Summoning and enforcing the attendance of any person and examining him on oath.
- ii. Compelling the production of evidence.
- iii. Receiving evidence on affidavits; and
- iv. Issuing commission for the examination of witnesses
- v. Entering any premises to make any inspection or investigation, enter any premises where the Ombudsperson has a reason to believe that any information relevant to the case may be found, and
- vi. The Ombudsperson shall have the same powers as the High Court has to punish any person for their contempt.

INQUIRY PROCEDURES FOR THE OMBUDSPERSON

1. The Ombudsperson shall issue a written show-cause notice to the accused within three days of receiving a complaint. The Accused shall submit a written defense to the Ombudsperson within five days after receiving the written notice, and his failure to do so without reasonable cause would allow the Ombudsperson to proceed ex



parte. Both parties can represent themselves before the Ombudsperson.

2. The Ombudsperson shall inquire into the matter according to the rules made under the Protection Against Harassment of Women at Workplace Act 2010 and conduct proceedings as the Ombudsperson deems proper.
3. For an investigation under the Act, the Ombudsperson may require any office or member of an organization concerned to furnish any information or to produce any document that, in the Ombudsperson's opinion, is relevant and helpful in conducting the investigation.

DECISION OF THE OMBUDSPERSON

1. When deciding on the complaint, the Ombudsperson may impose any minor or significant penalties specified for the Inquiry Committee within the organization.
2. The Ombudsperson shall record his/her decision and inform both parties and the management of the concerned organization about implementing the orders. The organization's management is bound to abide by the decision of the Ombudsperson. If the decision is not implemented, the high court will charge the management with contempt.

PROVISION FOR APPEAL

When a case is taken directly to the Ombudsperson instead of an inquiry Committee, and the complainant or the accused is aggrieved by an Ombudsperson's decision, within thirty days of the decision, the complainant or the accused could make a representation to the President or Governor who may pass such order thereon as s/he may deem fit.



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ANNEX IV

FILING COMPLAINTS OF SEXUAL HARASSMENT THROUGH THE POLICE

The Protection against Harassment of Women at Workplace Act 2010 was passed with the intention that self-regulatory mechanisms within organizations could provide women and men working in an organization with a culturally sensitive platform for raising any complaints of sexual harassment. Through the operation of an internal Inquiry Committee within each organization, employees could comfortably communicate their grievances and find a resolution. This mechanism, which involves a Code of Conduct within an organization and a three-member Committee, provides an effective mode for addressing and dealing with sexual harassment complaints.

However, employees should know that on January 29, 2010, the Government passed an amendment to the Pakistan Penal Code, section 509, which makes sexual harassment at any place, including a workplace, a crime. It is punishable by a fine up to Rupees 500,000 or imprisonment up to 3 years or both.

If an employee is sexually harassed, the organization's management would prefer that the complaint be filed within the organization. Still, it is obligated to educate its employees that they can go to the police and file a police report against the perpetrator under section 509.



Pak Oman Asset Management Company Limited
Icone House, 83-C, 12th Commercial Street, Phase-II Extension, DHA, Karachi.
Tel: +92 21 35899641-44 / Fax: +92 2135899645 / info@pakomanfunds.com / www.pakomanfunds.com