

**Harassment Awareness Volunteer Program
(HAVP)**

Feb. 21, 2015

**“Protection Against Harassment of Women
at Workplace Act, 2010”**

**One-Day Capacity Building
Training Workshop
of Volunteers**



District DG Khan

TITLE OF THE ACTIVITY

One Day Capacity Building Training Workshop of Volunteers on **“Protection Against Harassment of Women at Workplace Act, 2010”**

OBJECTIVES OF THE ACTIVITY

- Capacity Building of 17 male/female young volunteers to orientate 30 establishments on “Protection Against Harassment of Women at Workplace Act, 2010”
- Better understanding of “Protection Against Harassment of Women at Workplace Act, 2010”
- Enabling women to understand and find out the support mechanism
- Support create sexual harassment free environment at 30 workplaces

ACTIVITY DATE

February 21, 2015

VENUE

Pakeeza Hotel, Dera Ghazi Khan

METHODOLOGIES

Following methodologies were used during the training:

- Visual presentation
- Interactive Lecture & Discussion
- Case Studies/ Success Stories
- Brainstorming
- Question & Answers
- Role Play

RESOURCE PERSON

- Mr. Mudassar Farooq

PROCEEDINGS

On February 21, 2015 one day capacity building training workshop of volunteers under Harassment Awareness Volunteer Program (HAVP) was organized at Pakeeza Hotel, Dera Ghazi Khan. The training was based on orientation about legal framework regarding sexual harassment at workplace (**Protection Against Harassment of Women at Workplace Act, 2010**). Seventeen (17) volunteers (09 male & 08 female) from different parts of district Dera Ghazi Khan attended the capacity building training workshop. During the training following topics were discussed in detail.

- Definition of Sexual Harassment
- Myths & Facts about Sexual Harassment
- Orientation on Legal Framework regarding Sexual Harassment “Protection Against Harassment of Women at Workplace Act, 2010
- Available Mechanism to Stop Harassment within Organizations
- Understanding on Legislation (Role Play)

Definition of Harassment

The session started with discussion to define Sexual Harassment. After detailed discussion the resource person told the legal definition of Sexual Harassment under “Protection Against Harassment of Women at Workplace Act 2010”.

Definition of Sexual Harassment

“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.”

Explanation pertaining to Harassment in the Work Environment**a) Abuse of authority**

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

C) Retaliation

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee’s options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights.

Myths & Facts about sexual harassment

During the session Myth and facts about sexual harassment were discussed in detail. After discussion and detailed arguments all the participants were in opinion that women have to face sexual harassment and all the existing Myths are totally wrong. Following Myths were discussed during the training;

Myth : some women ask to be sexually harassed

Fact: 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 wants to discourage sexual harassment , she could

Fact: Often, the harasser is in the 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.

Fact: 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

Fact: while the interaction between the sexes is inevitable, uninvited sexual overtures are not

The Protection Against Harassment of Women at Workplace Act 210

The resource person also highlighted the key points of “The Protection Against Harassment of Women at Workplace Act 2010”

Inquiry Committee:

According to this law each organization shall constitute an Inquiry Committee within thirty days of the enactment of this Act to enquire into complaints under this Act.

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 where there is no CBA. One or more members can be co-opted from outside the organization if the organization is unable to designate three members from within as described above. A Chairperson shall be designated from amongst them.

In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that particular case. Such member may be from within or outside the organization.

Procedure for Holding Inquiry:

The Inquiry Committee, within three days of receipt of a written complaint, shall–

- (a) communicate to the accused the charges and statement of allegations leveled against him, the formal written receipt of which will be given;
- (b) require the accused within seven days from the day the charge is communicated to him to submit a written defense and on his failure to do so without reasonable cause, the Committee shall proceed ex-parte; and

(c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him.

- The Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days of the initiation of inquiry.
- The Competent Authority shall impose the penalty recommended by Inquiry Committee within one week of the receipt of the recommendations of the Inquiry Committee.

Minor Penalties:

- (a) censure;
- (b) withholding, for a specific period, promotion or increment;
- (c) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
- (d) recovery of the compensation payable to the complainant from pay or any other source of the accused;

Major Penalties:

- (a) reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (b) compulsory retirement;
- (c) removal from service;
- (d) dismissal from service; and
- (e) Fine. A part of the fine can be used as compensation for the complainant. In case of the owner, the fine shall be payable to the complainant.

Appeal against minor and major penalties:

Any party aggrieved by decision of the Competent Authority on whom minor or major penalty is imposed may within thirty days of written communication of decision prefer an appeal to an Ombudsperson.

The Appellate Authority may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within thirty days in respect of which such appeal is made. It shall communicate the decision to both the parties and the employer

The resource person told the participants that according to “The Punjab Protection Against Harassment Of Women At the Workplace (Amendment) Act, 2012” the Ombudsperson has been appointed by the Punjab Government on 22-2-2013 .

Role of Ombudsperson:

- To receive direct complaints from employees of all organizations
- To hear appeals where the accused or complainant are not satisfied with decision of Inquiry Committee of an organization
- Any employee shall have the option to file a complaint either to the inquiry committee or the Ombudsperson

Powers of Ombudsperson:

- Summoning and enforcing the attendance of any person and examining him on oath;
- Compelling the production of evidence; Receiving evidence on affidavits;
- Issuing commission for the examination of witnesses
- entering any premises for the purpose of making 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
- The Ombudsperson shall have the same powers as the High Court has to punish any person for its contempt.
- Ombudsperson shall while making the decision on the complaint may impose any of the minor or major penalties

Representation to Governor:

Any person aggrieved by a decision of Ombudsperson may, within thirty days of decision, make a representation to the Governor, whose decision shall be final.

Role Play

At the end of the training participants were asked to reflect their learning about legal framework through performing role plays. 3 groups were formed and all the groups successfully portrayed how to conduct further orientation sessions with organizations for the compliance of code of conduct.

Compliance of Code of Conduct

At the end participants were briefed that during outreach they have to ensure following steps for code of conduct's compliance

1. Incorporate of Code of Conduct for "Protection Against Harassment of Women at Workplace Act, 2010" as a part of Management, HR and Gender Policies
2. Constitution of 3 Member Standing Inquiry Committee
3. Designation of a competent Authority
4. Display the code of conduct
5. Orientation to all the staff members including support staff

IEC Material

During the training all the participants were given the copies of presentations on "Protection Against Harassment of Women at Workplace Act, 2010", 1 pager leaflet regarding steps to compliance for code of conduct, banners for orientation meetings and posters of code of conduct for display in the establishments. The Code of Conduct Compliance Evaluation Proformas were also given to the volunteers to ensure all the steps of compliance.

Certificate Ceremony

The certificate distribution ceremony was held on February 24, 2015 during district level seminar at 'DG Khan Arts Council', Dera Ghazi Khan. Mr. Muhammad Saqib Aziz, Commissioner, Dera Ghazi Khan presented the certificates among the participants.

OUTCOMES/RESULTS

- All the volunteers got complete orientation on “Protection Against Harassment of Women at Workplace Act, 2010” and were excited to go for orientation of 30 organizations/ establishments regarding code of conduct’s compliance.
- After that training, 9 teams of volunteers along with the WISE team members visited 30 workplaces including 12 banks, 05 Hospitals, 05 Colleges, 08 factories/ industries, where the volunteers conducted brief sessions on the topic of the compliance of anti-harassment laws. And copies of code of conduct were displayed in the workplaces. The management of the establishments expressed their commitment to ensure all the steps for the compliance of code of conduct.

PICTORIAL VIEW







