



Understanding Harassment at the workplace and its impacts in the context of Pakistan: Do we lack adequate legislation or effective implementation?

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ABSTRACT

It used to be a prevalent notion that Men are the only breadwinners of a family in the older times. However, as the world progressed it became obvious that no real progress is possible without a more inclusive gender representation at work. With more women entering the professional arena the rise of harassment the incumbent gender faced became glaring. Considering the diverse psychological impacts with the socio-economic bearing such acts of harassment incur, it was given the status of a grave crime and special enactments were made on the subjects. In order to curb workplace harassment, there are special laws in countries, Pakistan is no exception as it has Protection Against Harassment at the Workplace Act, which serves to curb the issue. The writer describes the Harassment by highlighting its finest details. Furthermore, it also sheds light on the laws present on the subject which tend to explain that legislation has been adequate on the subject and it demands actions to curb harassment which is a step forward from the legislation.



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1. Introduction

The world is going through a continuous and never-ending process of evolution. In the past, the men were attributed as the bread earners. While the gender role associated with women was that of House Keeping. As time passed it dawned upon humanity that true progress can never be achieved without including the other gender in the process. Hence, the whole composition of workplaces began to alter with this realization. The inclusion of women in different fields of life turned out to be a great revolution. Women became the drivers of the economy. It is an emerging idea in developing countries and a well-versed principle in developed countries that the inclusion of women as a necessary contributor to a nation's economy is pivotal for the economy. C.S.K.K. (2009). Estimates and studies indicate that the wealth of almost twelve trillion dollars can be generated globally by doing so. Unfortunately, the other side of the picture tells a different story. Alongside the progress, the menace of harassment began to show its ugly head. Harassment in the workplace especially in developing and underdeveloped countries became a norm. Therefore, it became necessary to perform strict legislation to nip the evil off. Although the instances of reported workplace harassment incidents can be seen in almost every sector. For instance, let us take the example of harassment in the Education Sector. The orientation could be harassment faced by female teachers from colleagues and students and harassment faced by female students from male professors and fellow male students. Anju Thomas. (2015).

Harassment in the workplace is a relatively new subject the contemporary issues. Especially in Pakistan, the issue arose with the influx of more working women in a variety of fields. (Akhtar, N., & Métraux, D. A 2013). Hence, there remains a lot of undiscovered ground

which must be ascertained. The dimensions such as continuous data collection, analysis, and carving out a clearer picture of the issue must be explored. Understanding the issues of women who are a victim of the menace must be listened and their voice must reach the policymakers to lay out the policies after understanding which they have been blind-sighted.

2. Types of Harassment

There are several kinds of harassment that a person might face in the workplace. Discrimination provoked Harassment is a kind of harassment that occurs because of the sensitive identity of a person such as race, age, gender, etc. A person's race can be a cause of harassment. Therefore, it must be ascertained that such harassment is identified and curbed. In the regions with a predominant brown population, those with a darker skin tone may be a subject of ridicule or mocking. (Zippel,2006). A person's sexuality or preference can be a cause of harassment and bullying. Harassment has seen a considerable increase in recent times. A person's age i.e., a young apprentice or an old person may face harassment based on them being in the most vulnerable position. Such bullying and harassment cannot be disregarded. The most common and insensitive form of harassment includes harassing a person based on his/her physical disability without realizing the toll many words might have on a person, i.e., ridiculing a person with Down syndrome or imitating a disabled person's walk. Harassment Based on Religion where a person may be a victim of harassment based on their religion and faith. i.e., Managers who refuse to give Muslim employees leave or a half-day on religious holidays such as Eid al-Fitr.

Islamophobia is an unfortunate example of such harassment where a person may be ridiculed because of his religion and religious faith. Wearing Hijabs and having a beard is seen as a reason for mocking Muslims in many countries with an increasing trend of Islamophobia There is another kind of harassment including harassment faced by a person because of his personality attributes and demeanor. In addition, a person misusing his power to cause undue influence on a person to make him perform something his moral compass will not allow him to perform in normal circumstances amounts to such harassment. Furthermore, psychological Harassment is harassment, where a person is caused some mental trauma and makes him feel uncomfortable, which would amount to such form of harassment. Such type of harassment cannot be identified with ease.

Harassment can extend from remarks and stares to even physical assaults on a person. Such a physical attack in any form is physical harassment. Although, sexual assault in the workplace is often regarded as sexual harassment however both of them have unique attributes the former being a more grave offense. (Harned, M. S., Ormerod, A. J., Palmieri, P. A., Collinsworth, L. L., & Reed, M. (2002)

3. Impacts of Workplace Harassment on Victims

Harassment has a serious bearing on a person's psychology, cognitive patterns, and efficiency. To combat a crime in a society, it is crucial to study the society in which such evil exists in addition to its history. It can be construed that the fear of repetition of sexual harassment causes fear, anger, and anxiety-reducing quality of work in addition to other associated impacts. (Barling, J., Rogers, A. G., & Kelloway, E. K. (2001). Consequently, such a victim will be in continuous fear of harassment from the perpetrator. (McDonald, Paula, 2012) Thus, reduced working performance and at worst getting fired. It has become significantly crucial that women must play a pivotal role in the socio-economic progress of any developing country. In developing countries like Pakistan, the results of such harassment are far-reaching as that will result in gender segregation as we are already struggling to be a more inclusive society. As studies have suggested such trends occur. Lach, D. H., & Gwartney-Gibbs, P. A. (1993). Harassments' impact on a victim's psychology is now proven by several studies (Bowling, Nathan A., and Terry A. Beehr.2006) Already women are paid significantly less than men. The difference is almost glaring. Desai, S. (1994).

4. Societal Trends

To properly ascertain the issue of Harassment in letter and spirit in the context of Pakistan, it is important to understand the societal trends. Because the problem cannot be addressed until we don't reach the heart of the issue. The world has progressed so rapidly

that it has become easier for women to stand and complain in circumstances where they suffer such harassment. (Mernissi, 1987). However, it is considered to be an act of utmost audacity to even talk about facing such an incident in Pakistan. Women especially lack confidence that they can stand up and complain about harassment to the authorities. Sadruddin, M. M. (2013). That has been one of the main reasons why such trends continue. Although, there have been efforts to ensure that perpetrators don't get a scot free if such cases of harassment. From dealing with such cases with anonymity to ease in registration, there have been efforts by law enforcement agencies. However, the consequences women have to face if anything goes south are so immense that none will dare to stand up. In Pakistan, the participation of women in the economy is already nominal. Fearing a loss of job and support from families the cases go unreported. Raza, F. (2007). No matter how much effort is made on the paper, the reality is glaringly different from what sense a person might acquire by looking into the laws. In reality, victims of harassment: predominantly women consider themselves at great risk from their protectors- the Police. Abbas, H. (2011). It can be ascertained from the aforementioned discussion that there is a great need of closing the gap between the institutional reforms presented in such a fashion that they look good rather than being good. The negative trends of the society can be effectively dealt with by a combined leap of educating the masses and working with commitment. Otherwise, the evil remains intact making it an illustration of glossing off the problem with paracetamol.

The work on harassment in Pakistan has certain limitations to it as well, such as, most of the cases are tried in camera and fewer facts are usually revealed ensuring the privacy of the victim. This prevents crucial data from disclosing and many dimensions for improvements and lacunas remain uncovered. In addition to it, very few cases are usually reported because of sociological and cultural restraints. The limitations leave a gap that can't be covered because of the nature of the issue. However, the organizations have a role to play to help the cause by highlighting the question of laws in the cases that come to the surface, so that the lacunas in legislation can be highlighted, and, they must adjust their by-laws accordingly. According to reliable news sources, it is confirmed that Pakistan lacks the basic data on the subject because of less incidents being reported. In addition, the pendency rate coupled with distorted realities in cases make the victims fearsome.

5. Laws against Harassment in Pakistan

Pakistan is no exception to the rest of the world which has drafted laws to define the acts causing harassment and their penalties. The laws provide a wide array of things that fall in the ambit of Harassment such as defining its domain. The laws include:

5.1. Pakistan Penal Code 1860

Pakistan Penal Code comprises the definition of offenses and their penalties. Laws in Pakistan cater to the issue; Harassment both by general and special laws. Pakistan Penal Code, the major penal substantive law defines and describes punishments for offenses relating to harassment. Such sections include 294, 354, 366A, 509, 510

5.2. The Protection against Harassment of Women at Workplace Act 2010

The Protection against Harassment of Women at Workplace Act 2010 is a special law on the subject that defines Harassment and draws a line between other kinds of Harassment and Harassment at the workplace. Apart from PPC, special law also provides legal cover to the women facing harassment in workplaces. It defines such harassment and describes penalties for perpetrators.

5.3. International law against Workplace Harassment

Modern civilized nations do not just abide by the laws drafted by their legislature, in addition. They also abide by the international laws they have ratified and are signatory. Sensing the gravity of the issue there are several international conventions and treaties combating discrimination and prejudice against women in the workplace. Over time, more and more countries are ratifying such conventions. The laws ensure that the issue in all parts

of the world put an impetus on the issue equally especially the places where women are marginalized.

6. Adequate Legislation Vs Effective Implementation

In the discussion of curbing harassment in our society, the attention is automatically converged to the legislation in this regard. The proponents of the idea put considerable emphasis on the fact that the laws on the subject in our country lack the grave penalty and mechanisms of action. It is further argued that the standards which we tend to apply to our society while laying out policies are those of developed countries that have already curbed the issue up to a considerable extent. Hence, using the same standards by no means can be an effective policy. They demand that there must be severe and assured penalties for those who have acted in a manner that became a violation of said laws. In contrast, there is an opposite view, whereby it is argued that no amount of strict legislation is sufficient to curb such menace from the society if there is any doubt about the implementation and adherence to such laws. In addition, the introduction of draconian punishments is discouraged in all societies nowadays.

The solution, however, requires a more nuanced approach whereby both views must be harmonized. As the aforementioned approaches tend to disregard several concepts in the discourse. As the former approach merely relies upon deterrence while completely ignoring reformative change that can be fostered in a person by reinforcing one's behavior. In addition, the importance of educating the masses and raising awareness in them about the issue is also absent in the foundation of that view. The latter, however, merely hinges hope on the implementation while completely disregarding the fact that legislations are of substantive and procedural kinds. No number of substantive penalties may be sufficient if the policies lack a positive approach to the procedures ensuring its implementation. In addition to it, the importance of broad-based legislation cannot be denied because the degree and definition of harassment may vary from place to place to a certain degree. A gesture that might be considered friendly in one culture may be a grave offense in another. The world has become a global village and people from different identities are working together, therefore, the laws must be comprehensive and certain. (Nauman & Abbasi, 2014)

7. Conclusion

In our country, it has been observed that a huge number of women face harassment of different kinds. Among the types, one is the harassment at the workplace which has impeded the path of several women to achieve their maximum potential. To curb harassment at the workplace, provisions are present in the laws at both national and international levels. The organizations have framed their own set of rules following the national and international laws on the subject, to combat harassment as well. A major factor for the setback of all the efforts to curb harassment including the penalizations, is that women often succumb to the perils associated with speaking up. The real progress of women is not possible without making the laws and legal framework subtle alongside ensuring its complete implementation. For that, the available laws must be analyzed with the case studies to carve out a plan for its better implementation. The laws about the subject cater to the demands of issues arising at the organizational level about the issue. The project primarily focuses on the harassment at the workplace and describes the legislation on the issue and the cases that have been reported about the issue. The organization laws have been analyzed and the conformity of the aforementioned laws with the national and international laws.

The harassment at the workplace has perpetuated and, is rotting the roots of the foundation of women empowerment in our country. The legislation about the issue took place in 2010 which highlights the novelty of the issue and the room for research and understanding on the issue. There are so many aspects of the topic that putting them together might not be humanely possible. However, with a keen eye, each one of the issues can be catered to by digging deep and accepting the nuances.

Apart from proactive legislation and effective implementation of such, the masses must be educated. This will foster a dynamic and comprehensive change in the cognitive patterns of the masses. Society will become more inclusive, as it will realize the importance

of synergized efforts that the modern world realized long ago. This is only possible, to begin with from the grass-root level (Mernissi, 1987).

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