**Silence of the working woman**

BY B E E N I S H Z l A 2020-11-23

SELECTIVE justice is no justice at all. In today`s age, a chance of getting any kind of protection for women is increasingly dependent on the level of publicity an incident receives. Recently, a video clip of a male employee groping a female colleague at a bank went viral on social media. It caught the attention of all relevant authorities including the bank, police and the concerned ministry. The speedy response and sanctions were undoubtedly commendable; what is problematic is that such a video needed to circulate rapidly before attention was drawn and action taken. We all know this is not the only incident of its kind and that such behaviour is, in fact, rampant. Rights protection and relief should not depend on social media reactions.

Take Punjab`s example. Since 2012, the province has had a special law regulating protection against the harassment of women at the workplace. Under this law, every organisation needs to form an internal inquiry committee. The law outlines the entire procedure in detail for holding an inquiry, the powers of the committee, penalties and appeal processes involving both the ombudsperson and governor. It is accompanied by a detailed code of conduct. Following this, since 2013, Punjab has had an active Ombudsperson Of fice where it is possible to directly go to file a complaint. While all these established mechanisms exist, female employees still have to work in and endure unsafe, sexist environments. Why? In my view, the problem is two-tiered: legal loopholes and on-ground practicalities; our attempts to find solutions should look at both.

Regarding legal loopholes, the Ombudsperson`s Of fice, in order to start an inquiry into an organisation`s failure to implement the anti-harassment law, depends on complaints made by employees.

Unfortunately, the law does not mandate a penalty for non-compliance. This has led to the vast majority of organisations ignoring the very existence of this law, thus limiting the ombudsperson`s capacity to take affirmative action.

The Punjab ombudsperson`s narrow interpretation of the special law has also discouraged women from coming forward. As reported by UN Women, the Punjab Ombudsperson`s Office received 4,630 complaints between 2014 and mid-2020 whereasonly 338 complaints were admitted for hearing as relevant complaints of harassment. For the duration of 2018-2019, the Federal Ombudsperson`s Office registered 158 cases in Islamabad only whereas the provincial of fice for Punjab registered 123 cases for the same duration. The Punjab Ombudsperson`s Office needs to be more courageous and active in implementing the true essence of the law and communicating their work more proactively so that women feel comfortable coming forward and reporting cases. It could also consider offering recognition for organisations that voluntarily ensure compliance with the law and work with the relevant government departments to provide bonus points for this in accessing public con-tracts and businesses. In a nutshell, in the absence of legally binding requirements, the ombudsperson of fices should consider identif ying creative ways to develop incentives for responsible behaviour.

Another major legal loophole is the lack of vital data accumulation regarding harassment at the workplace. There is no requirement or mechanism for the state to be informed about the initiation or outcome of a complaint lodge d with an organisation`s internal inquiry committee thus creating space for suppression and abuse. Only when a complaint or an appeal is filed with the Ombudsperson`s Office does data begin to be accumulated. A proper mechanism needs to be developed for efficient and authentic reporting of harassment cases to eliminate all possibilities of foul play. Otherwise, we are not learning from our efforts or improving our policymaking.

Moving on to practical and cultural f actors, some prominent social media reactions to being harassed include victim-blaming and character assassination. As a result, families double down further on restrictions already in place for working femalerelatives, and a significant number of women don`t come forward with their complaint. The misogynistic and patriarchal mindset of society influences the sufferer`s reactions to the harassment faced.

The bank harassment incident was no different.

Every bank has numerous CCTVs installed. It is highly unlikely no one saw this incident in person or as recorded footage before the video went viral. But no action was taken until it started to damage the bank`s image. One cannot help but mention the recent notification issued by the same bank forcing female employees to wear the abaya, while not looking at the behaviour of the men employees. Gender bias and hypocrisy could not be more blatant. How can one expect women to report incidents of harassment when it is as clear as day that they will be the ones who will suf fer? Another major practical problem is the location of the Punjab Ombudsperson`s Office in Lahore.

Punjab is a huge province, and one cannot reasonably expect women to travel f rom the f arthest ends of the province to come to Lahore to file a complaint or an appeal given the type of society we live in. Practical hurdles like accessibility of the office act as a deterrent for women facing harassment at the workplace. We need to find ways to make it more accessible for women across the province.

These practical hurdles can be minimised at the very least by, firstly, making the existence of this law more prominent and well-known while promoting the female perspective in this regard, giving women greater confidence to come forward and name their harassers. Secondly, the Ombudsperson`s Of fice can introduce a virtual procedure for holding an inquiry to accommodate women from different districts of Punjab.

The severity of the situation can be gauged by the resistance against establishing internal inquiry committees received in parliament, the judiciary, bar councils and political parties. When those with power hide behind technicalities instead of constituting such committees in good faith, how can we expect other workplaces to do the right thing?  The writer is a lawyer and an associate at AGHS Legal Aid CeII in Lahore.

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