



**OFFICE OF THE FEDERAL OMBUDSPERSON
FOR PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE, ISLAMABAD**

FORM OF ORDER SHEET

Complaint No. **FOH-ONL-H/0842/2025**

Ms. Mariam Ramzan

V/S

Manager, Kohinoor Textile Mills Ltd & Others

Date of Institution: 20-11-2025

Name of Organization: Kohinoor Textile Mills Ltd.

ORDER

Date: 22/06/2026

Sr. No: 22

FINAL ORDER

1. The Complainant, Ms. Marriam Ramzan, has been serving as an Accountant with Kohinoor Textile Mills Limited since 19-09-2020. She filed the present complaint alleging harassment and gender-based discrimination by the Organization Kohinoor Textile Mills Ltd (hereinafter referred to as the Accused). According to her, she was on duly approved maternity leave from 19-08-2025 to 19-11-2025. During her maternity leave, she received a telephone call on 27-10-2025 informing her that her services had been terminated. She alleged that no written notice, termination letter, or lawful justification was provided. When she approached the office on the following day, she was allegedly pressured to resign or accept the termination. She further stated that senior officials had verbally assured her that the matter would be resolved; however,

she was subsequently informed by phone and message that the termination decision was final.

2. The Complainant further averred that she served a legal notice upon the Company seeking reinstatement and an apology, but no response was received. Thereafter, on 17-11-2025, the Human Resources Department contacted her and informed her that office transport would pick her up the following day. However, no clarification was provided regarding her employment status or whether she had been reinstated. According to the Complainant, this uncertainty caused her severe mental distress and amounted to psychological harassment intended to destabilize her.

3. The Complainant further alleged that the harassment continued after her delivery and surgery. She stated that the office transport continued to use a route containing rough and uneven road conditions despite her medical condition and despite her repeated requests for consideration. According to her, the jerks caused by the route could have adversely affected her post-surgical recovery. She further alleged that her newborn child's daycare documentation was not processed on time, thereby affecting her ability to continue working. She also complained of salary deductions and asserted that she was awarded a 0% increment despite having received the highest increment in the preceding year on the basis of her performance. According to the Complainant, these actions constituted a continuing pattern of abuse of authority, victimization, and gender-based discrimination. She prayed that her alleged unlawful termination and subsequent retaliatory conduct be investigated, that the Respondent be restrained from further retaliation, and that her maternity and employment rights, including salary, benefits, increment, and workplace access, be restored. The Complainant did not join her duty, when she was not given transport services.

4. The Respondents were summoned and filed a written reply raising preliminary objections regarding maintainability and jurisdiction. They categorically denied all allegations and maintained that the Complainant was never terminated from service. According to the Respondents, no order of termination was ever issued, nor was the Complainant ever compelled to resign. It was asserted that she continues to remain on the rolls of the Company.

5. The Respondents further submitted that the Complainant was granted paid maternity leave from 19-08-2025 to 19-11-2025. After availing maternity leave, she resumed her duties for a few days but subsequently remained absent without obtaining prior approval for leave. It was contended that salary deductions were made only in respect of periods of unauthorized absence. The Respondents further denied any discrimination and asserted that daycare facilities were available to and availed by the Complainant and her child. They also maintained that transport facilities were provided to female employees in a proper and dignified manner and that no complaint regarding transportation or any other workplace issue was ever submitted by the Complainant.

5. The objection regarding maintainability of the complaint was decided vide order dated 02-02-2026. Evidence of the parties was recorded. Learned representatives of both sides were heard at length, and the record was carefully examined.

6. The following questions arise for determination:

- a) Whether the Complainant was terminated during pregnancy leave?
- b) Whether the Complainant was subjected to gender-based discrimination, victimization, or harassment within the meaning of the Protection Against Harassment of Women at the Workplace Act, 2010, as amended.

7. The first question which need determination is whether the denial of any of the rights to a pregnant woman amounts to gender discrimination.

To become a mother is the most natural phenomenon in the life of a woman. Whatever is needed to facilitate the birth of a child to a woman who is in service, the employer has to be considerate and sympathetic towards her and must realize the physical difficulties which a working woman would face in performing her duties at the workplace while carrying a baby in the womb or while rearing the child after birth.

8. Pregnancy and maternity are conditions unique to women. Any adverse treatment connected with pregnancy, childbirth, maternity leave, post-partum recovery, breastfeeding, or childcare responsibilities constitutes gender-based discrimination because it is treatment directed at a woman on account of a biological condition

intrinsically linked to her sex. The denial, impairment, or threatened deprivation of rights associated with maternity, therefore, falls squarely within the concept of discrimination against women.

*9. The law recognizes that a woman during pregnancy and immediately after childbirth occupies a particularly vulnerable position. International and domestic legal instruments impose a corresponding obligation upon employers to protect, rather than undermine, her dignity, security, and well-being. **Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) obligates State Parties to eliminate discrimination against women and ensure effective legal protection of their rights. Article 35 of the Constitution of the Islamic Republic of Pakistan mandates the protection of the mother and child. Section 38 of the West Pakistan Social Security Ordinance, 1965, recognizes maternity-related medical protection, while Section 7 of the West Pakistan Maternity Benefit Act, 1958, specifically prohibits dismissal during maternity leave.***

10. The rationale behind these protections is self-evident. Pregnancy and childbirth involve profound physical, emotional, and psychological changes. The post-partum period is a medically recognized phase during which a woman recovers from childbirth and, in many cases, major surgical procedures such as caesarean delivery. Medical literature establishes that stress, anxiety, uncertainty regarding employment, and fear of loss of income can significantly impair maternal recovery and adversely affect both mother and child. The article "Workplace Discrimination Against Pregnant and Postpartum Employees: Links to Well-Being" ([Kimberly T Schneider](#), [Sarah C Williams](#), [Rory E Kuhn](#) ,<https://pmc.ncbi.nlm.nih.gov/articles/PMC12385767/>) highlights that pregnancy-related discrimination frequently results in financial insecurity, emotional distress, anxiety, and deterioration of post-partum well-being.

11. Against this legal and social backdrop, the conduct of the Respondent Organization must be examined.

12. The first allegation of the Complainant is that she was terminated from service during her maternity leave and was thereby subjected to discrimination on account of her pregnancy and maternity status. The evidence on record establishes that while the

Complainant was availing approved maternity leave, she received a telephone call informing her that her name had been included in a proposed restructuring exercise and that her services were likely to be terminated. This fact stands corroborated not only by the testimony of the Complainant but also by the statement of DW-2, Mr. Muhammad Asif, who admitted during his evidence that the Complainant had been informed that her services were being terminated due to downsizing. More importantly, Ms. Zahida Bashir, who was summoned as a Court Witness, candidly acknowledged that she had contacted the Complainant on 27 October 2025 while the latter was on maternity leave and informed her that her name had appeared in an initial list of employees proposed for separation from service.

13. The Respondents have strongly relied upon the fact that no written termination order was ever issued and that the Complainant ultimately remained on the rolls of the Company. It is true that no formal order of termination was produced before this Forum and that the evidence does not establish that the Complainant's employment was legally brought to an end. However, the issue before this Forum is not confined to whether a lawful termination took place. The question is whether the conduct of the Respondent Organization during the Complainant's maternity leave amounted to discrimination, victimization, or harassment on account of her pregnancy and maternity status.

14. The evidence establishes that the company issued a list of employees to be terminated due to downsizing or for other reasons. That list included the name of the complainant. She was notified by phone of this termination. She has produced on record the transcript of the WhatsApp conversation, which shows that she was informed that the list is final and that her code will be closed on the day her maternity leave ended. Mr. Sohaib Nasir informed her after her repeated requests that the matter be confirmed with HR. He informed her on 05-11-2025 that:

“Yes, the list is final, and no further changes can be made”

The Complainant then sent a legal notice to the Dy. Manager HR on 07-11-2025, against this gender discrimination and termination during pregnancy. According to the affidavit submitted by her, she received no response. She was informed on 17-11-2025 that the transport would pick her up the next day without clarifying her employment

status. She was not cross-examined on this assertion. It proves her stance that only after she sent a legal notice to the accused was the decision to terminate her withdrawn.

15. Section 7 of **the West Pakistan Maternity Benefit Act, 1958**, provides:

No notice of dismissal to be given to a woman in certain cases. – (1) When a woman absents herself from work in accordance with the provisions of this Ordinance, it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

In the present case, the verbal notice of dismissal sent to her was illegal. It amounts to gender discrimination

16. *Even if the Respondent ultimately decided not to terminate the Complainant, the fact remains that while she was on protected maternity leave recovering from childbirth, she was informed by a representative of the Company that her employment was being discontinued. At that stage, the Complainant had no reason to believe that the information conveyed to her was tentative or unofficial. The communication emanated from the Human Resources function of the Company and concerned the continuation of her employment. A reasonable employee placed in such circumstances would naturally believe that she was losing her livelihood. In fact, she was to be terminated on the date her maternity leave expired, had she not served them a notice of harassment.*

17. *The Respondent Organization has attempted to characterize the matter as an internal misunderstanding arising from a restructuring exercise. This explanation does not absolve the responsibility of Organization. Employment decisions affecting employees on maternity leave require heightened sensitivity and caution. A pregnant or post-partum employee should not be exposed to uncertainty regarding her job security through informal verbal communications, speculative discussions, or premature notifications. The very act of conveying a possible termination during maternity leave creates distress and insecurity, which maternity protection laws seek to prevent.*

18. The High Courts of this country have deprecated this practice. In the case of **Amina Saleem Khan vs National University of Science and Technology(NUST) & 4 others**, 2021 PLC(CS) 212 Islamabad, it was held:

“The maternity benefits could not be stopped in any manner, nor any female employee or a woman worker could be deprived of her right to livelihood if any female employee has been terminated, it amounts to a violation of Article 9 of The Constitution of Pakistan”

19. This Forum is therefore satisfied that the communication made to the Complainant during her maternity leave constituted adverse and insensitive treatment connected with her maternity status. Even though the termination was not ultimately implemented, the threatened loss of employment during a period of statutory maternity protection amounted to gender-based discrimination and caused psychological distress. Such conduct falls within the definition of harassment and discrimination recognized under the Protection Against Harassment of Women at the Workplace Act, 2010, as amended in 2022.

20. The second allegation relates to the events that occurred after the Complainant resumed work following maternity leave. The Complainant alleged that transport arrangements were not suitable for her post-surgical condition, that daycare documentation was delayed, that salary deductions were made, and that she was granted a 0% increment.

21. A woman recovering from childbirth or surgery may require additional accommodation and sensitivity. It was argued on behalf of the accused that joint transportation is provided to the employees. Other workers were using the same transportation. The route of the complainant could not be changed. It was also argued that no written request was sent by her, and that the provision of transport was not provided in the appointment contract.

22. It is an admitted position that prior to proceeding on maternity leave, the Complainant was being provided transportation through a route that did not give rise to any complaint. The Complainant has consistently maintained that upon her return from

maternity leave, the transportation route was changed and included a rough and uneven stretch of road. The record contains chat communications produced by the Complainant which establish that she brought this issue to the notice of her supervisor and specifically explained that, owing to her recent childbirth and post-surgical recovery, the severe jerks experienced on that route were causing her discomfort and posed a risk to the healing of her stitches. She further stated that she was compelled on occasions to disembark from the transport before reaching her destination in order to avoid further physical distress.

23. The significance of this allegation must be assessed in light of the Complainant's postpartum condition. An employer owes a heightened duty of care towards a female employee who has recently returned from maternity leave, particularly where the employer has actual knowledge of her medical condition and recovery needs. Once the Respondent Organization was informed that the transportation arrangement was adversely affecting the Complainant's post-partum recovery, it was incumbent upon the management to meaningfully consider her concerns and explore reasonable accommodation. The record does not indicate that any such effort was made.

24. Harassment under the Act is not confined to overtly hostile acts. It also encompasses conduct, including discriminatory omissions and abuse of authority, that creates an intimidating, hostile, degrading, humiliating, or offensive working environment. In the present case, the failure to address a medically significant concern raised by a recently returned maternity employee, despite knowledge of her vulnerable condition, demonstrates indifference to her dignity, health, and wellbeing. Viewed in conjunction with the earlier communication regarding the proposed termination of her services during maternity leave, the Respondent's conduct forms part of a pattern of treatment that undermined the Complainant's sense of security and well-being at the workplace. The Forum is therefore persuaded that the Respondent's disregard of the Complainant's repeated requests regarding transportation amounted to gender-based discrimination and contributed to a hostile and intimidating work environment, thereby constituting harassment within the meaning of the Protection Against Harassment of Women at the Workplace Act, 2010, as amended.

25. As regards the daycare facility, although the Complainant ultimately succeeded in availing the facility, the evidence shows that the necessary documentation was not processed with the promptness reasonably expected in the case of a female employee returning from maternity leave. Access to childcare support is intrinsically connected with a woman's ability to resume employment after childbirth. Any unnecessary delay in processing her request causes a hostile work environment affecting the overall performance of the employee.

26. The allegation regarding the denial of an increment must also be examined in the overall factual context rather than as an isolated service matter. The Complainant has asserted that in the year preceding her maternity leave, she had been awarded the highest increment on account of her performance. However, immediately following her pregnancy, maternity leave, and subsequent return to work, she was awarded a 0% increment. The Respondents have not placed on record any contemporaneous performance evaluation, objective assessment criteria, or other material explaining the abrupt departure from her previously acknowledged performance standards.

27. While the mere denial of an increment may not by itself establish harassment, where such action occurs in proximity to pregnancy and maternity leave and is accompanied by other adverse treatment, it assumes evidentiary significance. The threatened termination during maternity leave, the failure to adequately address the Complainant's post-partum transportation concerns, the uncertainty surrounding her employment status, and the denial of increment collectively form a sequence of events that cannot be viewed in isolation. Rather, they reveal a pattern of conduct suggesting that the Complainant's pregnancy and maternity status became a factor adversely affecting her treatment at the workplace.

28. The principle that adverse employment consequences flowing from pregnancy or maternity constitute discrimination is well recognized. In **Rupa Syed v. Pakistan International Airlines Corporation (2009 PLC (C.S.) 928)**, the Sindh High Court held that deferment of the regularization of a female employee on account of maternity leave amounted to discriminatory treatment. The Court recognized that a woman cannot be penalized in her employment for availing a statutory benefit intrinsically linked to her biological role as a mother. Any disadvantage imposed upon a woman because of

pregnancy, childbirth, or maternity leave is, by its very nature, discrimination on the basis of gender.

29. Applying the same principle to the present case, the unexplained denial of an increment immediately following maternity leave reinforces the inference that the Complainant was subjected to differential and prejudicial treatment. When viewed cumulatively, the evidence demonstrates not a series of unrelated workplace grievances but a consistent pattern of conduct directed against the Complainant during and after her pregnancy.

30. The question that now arises is whether the organization can be saddled with the responsibility of these acts, as the accused describes them as acts of individuals who are not party to this complaint. The answer is positive. In view of the foregoing discussion, the Accused Organization has failed to discharge its statutory duty to provide the Complainant a workplace free from harassment and discrimination. The evidence on record establishes that the discriminatory treatment suffered by the Complainant was not confined to the actions of a single individual but arose from decisions, communications, and omissions attributable to the Organization itself acting through its management and human resource function.

31. Under the Protection Against Harassment of Women at the Workplace Act, 2010, an employer bears a positive obligation not only to refrain from discriminatory conduct but also to ensure that women employees are protected against harassment, abuse of authority, and gender-based discrimination. This obligation assumes even greater significance in the case of pregnant and postpartum employees, who are entitled to special protection under domestic law, constitutional guarantees, and international human rights standards.

32. In the present case, the communication regarding the proposed termination of the Complainant's services during her maternity leave admittedly originated from within the Respondent Organization. Although the Respondent subsequently contended that no formal termination order was issued, the fact remains that a representative of the Organization conveyed information to the Complainant that reasonably led her to believe that her employment was being discontinued while she was availing a statutory

maternity benefit. Such communication could not have been made without the authority or apparent authority derived from the Organization. The resulting anxiety, uncertainty, and emotional distress were therefore consequences of organizational conduct for which the employer must bear responsibility.

33. Likewise, after the Complainant returned from maternity leave, the Organization failed to adequately respond to concerns raised regarding her post-partum recovery and transportation arrangements despite having knowledge of her medical condition. The Organization further failed to provide a satisfactory explanation for the abrupt denial of an increment to an employee who had previously been assessed as a high performer. These actions and omissions, viewed cumulatively, demonstrate a lack of institutional sensitivity towards pregnancy and maternity-related needs and reflect a workplace environment in which the Complainant's maternity status adversely affected the treatment accorded to her.

34. An organization acts through its officers, managers, and employees. Where discriminatory conduct emanates from persons acting in the course of their employment, and the employer either authorizes, condones, ratifies, or fails to rectify such conduct, responsibility attaches to the organization itself. An employer cannot avoid liability by attributing discriminatory treatment to miscommunication, administrative oversight, or individual error where the consequences of such conduct are borne by the employee and no timely corrective measures are taken.

*35. The Forum is therefore satisfied that the Respondent Organization, through its acts and omissions, failed to ensure a safe, dignified, and discrimination-free working environment for the Complainant. The cumulative effect of the threatened termination during maternity leave, the disregard of her post-partum concerns, and the adverse employment consequences that followed establishes organizational responsibility for gender-based discrimination and psychological harassment. Accordingly, the Accused Organization is held guilty of gender-based discrimination and harassment within the meaning of the Protection Against Harassment of Women at the Workplace Act, 2010, as amended and major penalty of fine amounting to **Rs. 1.2 million** is imposed on the Accused under S. 4(ii) (e) of the Act of 2010. Out of this fine **0.2 million** will be*

deposited in the government treasury and the remaining will be paid to the complainant as compensation.

Additionally, the convicted Organization is directed:

a. To ensure that all future communications affecting employees on maternity leave are made strictly through formal written channels and in compliance with maternity protection laws.

b. To conduct awareness and sensitization training for managerial and human resource personnel regarding pregnancy discrimination, maternity protection, post-partum workplace accommodation, and the obligations arising under the Protection Against Harassment of Women at the Workplace Act, 2010, as amended.

c. To refrain from any retaliatory action against the Complainant on account of filing the present complaint.

The competent management of the Organization is further advised to formulate and implement workplace policies addressing pregnancy-related accommodations, post-partum recovery needs, childcare support, and non-discrimination safeguards so as to ensure a safe, dignified, and inclusive working environment for female employees.

The complaint stands disposed of in the above terms.

**FAUZIA VIQAR
FEDERAL OMBUDSPERSON**