



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

FORM OF ORDER SHEET

Complaint No.0001/2026

MS. NAYAB KHALID

V/S

MR. WAQAS HUSSAIN & OTHERS

Date of Institution: 02-01-2026

Name of Organization: MCB Bank, Quetta.

FINAL ORDER

Date: 07 /04/2026

Sr. No: 08

Subject: Final Order

1. The present complaint has been filed by Ms. Nayab Khalid (hereinafter referred to as "the Complainant"), currently serving as Customer Services Officer (CSO) at MCB Islamic Bank, Manan Chowk Branch, Quetta, alleging workplace harassment against Mr. Waqas Hussain, Area Manager (Accused No. 1), Mr. Sohail Khalid, the then Regional Head of MCB Islamic Bank, Regional Office, Quetta (Accused No. 2) and Mr. Imran Tanoli, Regional Operational Manager (Accused No. 3). The controversy stems from the Complainant's prior posting as Regional Coordinator at the Regional Office, where she alleges that she was subjected to harassment by senior officials and, upon raising a complaint before the Bank's Staff Grievance Panel, was allegedly demoted and transferred in retaliation.
2. According to the Complainant, she was initially posted in the Regional Office of MCB Islamic Bank as Regional Coordinator, where she was subjected to workplace harassment by her senior officials, primarily including the Accused No. 1 & 2. The Complainant had filed a formal workplace harassment complaint

against both officials with the Bank's Staff Grievance Panel. She stated that the Staff Grievance Panel, instead of conducting a fair inquiry, favoured the said officials and vide order dated 25-09-2024, demoted the Complainant to the position of Customer Services Officer (CSO) and transferred her to the Manan Chowk Branch. She alleged that the said action was aimed at victimizing and silencing her for reporting harassment.

- 3. Additionally, she stated that she has been working in the MCB, Manan Chowk Branch, as Customer Services Officer for over one year, and no adverse remarks or disciplinary action have been taken against her. The Complainant, therefore requested that the Accused No. 1, serving as the Regional Head, restore her previous position in the Head Office of MCB Islamic Bank Limited. However, her request was declined due to the personal bias and past hostility arising from her previous workplace harassment complaint against him.*
- 4. She further alleged that the Complainant and her family were subjected to extreme stress and humiliation at the hands of Accused Nos. 1 and 2. Her father suffered serious health complications, and due to the humiliation and continuous stress, he passed away during the same period. Furthermore, the conduct of Management has created an atmosphere of fear, mental distress, and professional insecurity for the Complainant. Consequently, she prayed that a fair and unbiased trial be held to ensure justice and lawful redress.*
- 5. During the preliminary hearing of the complaint, the Complainant stated that the Staff Grievance Panel of the Bank had passed its decision on the complaint filed by her against Accused No. 1 and Mr. Sohail Khalid; however, the same was not communicated to her. The Complainant, therefore requested to summon the record of MCB Islamic Bank regarding her harassment complaint.*
- 6. Meanwhile, the Complainant also filed a Retaliation application against the Accused No. 1 and Accused No. 2, alleging that after the initiation of proceedings before FOSPAH, she has been subjected to retaliatory actions. She contended that she was being continuously threatened and exposed to a hostile work environment, including repeated calls made to the branch through PTCL and IP phones, allegedly following the same pattern as previously complained.*
- 7. However, the Accused persons, through their mutual written response, denied all allegations levelled against them by the Complainant. They submitted that*

the Complainant has failed to point out any specific act on the part of the Accused persons which may amount to harassment under the Protection Against Harassment of Women at the Workplace Act, 2010. They further stated that the Complainant has not been observing office timing, thus violating Rule 12 of the Code of Conduct of MCB Islamic Bank Limited. Furthermore, the Complainant, on several occasions, had misbehaved with them and other staff members, creating an unhealthy and uncongenial atmosphere in the Bank. They further added that the Complainant had also tendered an apology on account of her rude behaviour to an employee on 29-01-2024.

- 8. Another significant contention raised by the Accused persons is that the Bank has ample powers to transfer any incumbent/bank employee anywhere deemed fit by the Bank, and such employee cannot claim posting at a particular station or position of his/her choice. Hence, the Complainant was transferred from MCB Islamic Bank Limited Jinnah Road to MCB Islamic Bank Limited Manan Chowk, Quetta, due to which she became vindictive and personal towards the Accused persons and has filed this baseless Complaint. The Complainant also exerted undue influence and threats upon the Accused persons and the other High-ups of the Bank to transfer her to her previous position in the Head Office of MCB Islamic Bank, and in this regard, she made certain correspondents through emails, which were duly replied to decently. It is further stated that through a reply dated 17-01-2026, Complainant was directed to continue working in her current position as Customer Services Officer (CSO) and demonstrated her performance accordingly, and to focus on proving herself in her existing role.*
- 9. The Accused persons further asserted that no retaliatory approach was ever taken by them against the Complainant. However, after the filing of a harassment complaint by the Complainant before the Staff Grievance Panel of the Bank, the matter was probed by an Investigating Officer in detail, and no allegation of harassment was proved against the Accused persons. Therefore, the Panel decided to transfer the Complainant to the MCB Islamic Bank, Manan Chowk Branch. It is also stated that the Complainant has not challenged the findings of the Panel before any forum; the same attains finality in the eyes of the law.*

10. *About causing mental stress and humiliation to the Complainant and her family, the Accused persons denied the allegations. They stated that the father of the Complainant might have died due to natural death and not by the alleged unjust treatment or humiliation by the Accused persons. They took the stance that the present complaint filed by Complainant, being devoid of merit, fabricated, and time-barred, may be dismissed in the interest of justice.*
11. *Both sides led their evidence in support of their respective pleadings through affidavits-in-evidence. The Complainant tendered her and her witness's affidavit-in-evidence and was subjected to detailed cross-examination.*
12. *Upon consideration of the pleadings, evidence, and submissions of the parties, the primary questions that arise for determination are:*
 - a. *Whether the conduct attributed to the Accused persons constitutes harassment within the meaning of Section 2(h) of the Act? and*
 - b. *Whether the Complainant has been able to substantiate her allegations through credible and reliable evidence?*
13. *The statutory definition requires conduct that is either sexual or gender-based in nature, or conduct that is sufficiently severe, pervasive, or retaliatory to create an intimidating, hostile, or offensive work environment.*
14. *The complainant has alleged gender based discrimination and creation of a hostile environment as a result thereof. Gender based discrimination is either explicit (e.g., denial of promotion) or implicit (unconscious stereotypes affecting decisions). This leads to creating a glass ceiling effect or creates a gendered workplace culture favouring men. The Complainant alleged that a gendered workplace culture existed in her organization, which prevented her from performing her duties effectively, and she was humiliated and belittled.*
15. *The Complainant specifically alleged that her Regional Head issued directives preventing her from effectively performing her duties, including instructions not to visit branches or attend sessions. In support of this contention, the Complainant produced emails explaining her Job Description (JD), including an email dated 19-07-2024, wherein she outlined her responsibilities as encompassing project management, communication, scheduling, documentation, resource management, problem-solving, compliance, support functions, process improvement, and training and development. It is her case that, to effectively discharge these functions, visits to branches and participation*

in sessions were necessary and, therefore, the restrictions imposed upon her amounted to interference with her official duties.

16. *However, a careful evaluation of the material produced by the Complainant reveals that while the enumerated responsibilities are broad and facilitative in nature, none of the documents explicitly establish that branch visits or attendance in sessions formed an integral or mandatory component of her assigned role. The assertion that such visits were necessary, remains inferential rather than substantiated through any formal job mandate or institutional directive. In contrast, the documentary evidence on record, particularly the official Job Description of the position of Regional Coordinator, demonstrates that the role primarily comprises administrative and coordination functions, including support in hiring processes, scheduling, record maintenance, and assistance in reimbursement and MIS-related tasks. This position is further reinforced by the email dated 17-05-2024, wherein the Complainant was expressly directed not to sit in branches and cautioned against deviation, as well as by the findings of the Staff Grievance Panel, which concluded that the Complainant had exceeded her assigned responsibilities and failed to substantiate her claim regarding branch visits being part of her duties. In these circumstances, although branch visits may have been perceived by the Complainant as facilitative to her role, the absence of any explicit inclusion in her JD, coupled with clear administrative directions to the contrary, leads to the conclusion that the restriction imposed was an administrative measure grounded in role delineation and does not constitute harassment within the meaning of the Act.*

17. *With respect to the incident dated 22-05-2024, the Complainant alleged that the Accused persons confronted her in her office and engaged in an aggressive altercation. In support of this allegation, reliance has been placed upon CCTV footage as well as witness testimony, particularly that of PW-2 and other witnesses produced during the proceedings. It is observed that the CCTV footage, though lacking audio, does visually depict the Accused persons entering the Complainant's office space and engaging in what appears to be a heated exchange, thereby corroborating the occurrence of an interaction between the parties. However, in the absence of audio, the footage does not establish the content, tone, or nature of the words exchanged, and therefore*

cannot independently prove the use of abusive, derogatory, or sexually inappropriate language.

- 18. Complainant has produced a witness in support of her contention. The PW-2 (Muhammad Faisal Qureshi) stated that on 22-05-2024, the Accused No. 1 instructed him to convey to the Complainant not to visit the branch and the Accused got "angry." It should be noted that the statement does not attribute any gender-based, abusive, or sexually inappropriate remarks to the Accused No.1.*
- 19. Similarly, the defence witnesses have either denied shouting or attributed the escalation to a workplace dispute regarding the Complainant's interference in branch matters.*
- 20. Insofar as the allegation of gender-based discrimination is concerned, the statutory framework contemplates both explicit and implicit forms of discriminatory conduct. Explicit discrimination may manifest in adverse actions such as exclusion from workplace participation, termination, demotion, or denial of professional opportunities on the basis of gender, whereas implicit discrimination may arise from patterns of conduct reflecting a discriminatory mindset resulting in prejudicial treatment. In the present case, the Complainant has alleged that her transfer and change in designation constituted discriminatory treatment; however, the evidentiary record does not substantiate this assertion. There is no material to demonstrate that the impugned actions were motivated by gender or that similarly situated employees were treated differently on such basis. Furthermore, the alleged demotion is not borne out from the record, as it is evident that the Complainant continued on the same pay scale, thereby negating any inference of adverse financial or professional downgrading. Even the Complainant, in her own statement, while asserting that an altercation took place, has not brought on record any specific words or conduct of a sexual or gender-based nature. The transfer, in the absence of any evidence of discriminatory intent or impact, remains an administrative action within the domain of the employer. Consequently, neither explicit nor implicit gender-based discrimination has been established on the basis of the material available on record.*
- 21. Thus, when the CCTV footage is read in conjunction with the witness testimonies, the evidence collectively establishes the occurrence of a verbal*

dispute arising out of disagreement over job responsibilities and authority, but falls short of demonstrating conduct that is derogatory, discriminatory, or sexual in nature. In the absence of such essential elements, and considering that the incident is singular and situational, the said occurrence constitutes an instance of workplace conflict rather than harassment within the meaning of the Act. Similarly, the incident dated 24-05-2024, relating to the Service Quality session, has been examined in light of the available evidence, including CCTV footage, prior complaints, and the statements of the parties. In this regard, the witness statements do not consistently support the allegation of targeted misconduct: PW-2 confirms that a dispute occurred but does not attribute any abusive or gender-based remarks to the Accused; the defence witnesses either deny shouting or attribute the incident to a disagreement over official duties; and one witness indicates that although an incident occurred, the precise conduct could not be fully observed. The record reflects that the Complainant attended the session without authorization and was permitted to leave; however, she chose to continue her participation, leading to a verbal altercation involving the Accused persons and her father. While CCTV evidence establishes that the Accused went up to the Complainant to talk, it is also evident that the dispute arose from a disagreement over authority and compliance with instructions. Notably, in her earlier complaint before the Staff Grievance Panel, the Complainant attributed the act of shouting primarily to Mr. Sohail Khalid, whereas the present complaint expands the allegation to include Accused No. 1, thereby raising concerns regarding consistency and credibility. In any event, the conduct in question, though reflective of unprofessional behaviour, lacks the essential elements of harassment as defined under the Act, particularly in the absence of any sexual or gender-based component or evidence of repetition.

22. *The broader allegation of a hostile work environment also does not withstand scrutiny when tested against the evidentiary record. The Complainant herself admitted during cross-examination that following her transfer to the Manan Chowk Branch, there had been no aggressive interaction between her and the Accused persons. This admission is significant, as it negates the existence of a continuing pattern of hostile conduct. The law requires harassment to be either inherently severe or sufficiently persistent and pervasive so as to alter*

the conditions of employment; isolated incidents, unless exceptionally grave, do not ordinarily meet this threshold (**Muhammad Din v Province of Punjab**). In the present case, the incidents relied upon are limited in number, context-specific, and rooted in administrative disagreements rather than discriminatory intent.

23. The documentary evidence relied upon by the Complainant, including emails dated 29-01-2024, 17-05-2024, 22-05-2024, 25-05-2024, and 27-05-2024, has also been carefully examined. These communications, on their face, pertain to matters of punctuality, discipline, role clarity, and workplace conduct, and do not contain any language that may reasonably be construed as harassing within the meaning of the Act. Likewise, the CCTV footage, while corroborating the occurrence of two instances of verbal altercation, does not demonstrate any continuity, severity, or discriminatory element necessary to establish a hostile work environment. The findings of the Staff Grievance Panel, which conducted a detailed inquiry involving multiple witnesses and a review of evidence, further support the conclusion that the dispute between the parties was rooted in interpersonal conflict and overlapping professional boundaries rather than harassment.
24. The allegation of retaliation has also been considered in light of the material placed on record. The emails relied upon by the Complainant in support of this claim appear to be administrative directions concerning attendance, punctuality, and adherence to office discipline. In the absence of any evidence demonstrating a causal link between the filing of the complaint and adverse treatment, these communications cannot be characterized as retaliatory within the meaning of the law. **Moreover, the Complainant's own admission that no aggressive interaction occurred after her transfer further weakens the allegation of continued victimization.**
25. In totality of the circumstances, the record reveals the existence of interpersonal discord, instances of unprofessional conduct, and administrative disagreements between the parties. However, the evidence falls short of establishing conduct that is sexual or gender-based, or that is sufficiently severe, continuous, or retaliatory so as to constitute harassment or a hostile work environment under Section 2(h) of the Protection Against Harassment of Women at the Workplace Act, 2010. Additionally, matters relating to transfer,

posting, and reinstatement are administrative in nature and fall outside the jurisdictional scope of this Forum.

26. Accordingly, both points for determination are decided in the negative. The Complainant has neither established the existence of a hostile work environment within the meaning of the Act nor substantiated her allegations through credible evidence.

Consequently, the complaint is dismissed for lack of substantiating evidence.

FAUZIA VIQAR

FEDERAL OMBUDSPERSON