

OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE, REGIONAL OFFICE LAHORE

ORDER SHEET

COMPLAINT NO: FOH-ONL/0000008/2025

Date of Institution: 15-01-2025

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson		
		SHEEZA ALTAF	VS.	AHZ ASSOCIATES ETC.
		DEPARTMENT: AHZ ASSOCIATES		
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24	21.11.2025	<u>SUBJECT: FINAL ORDER</u> This order shall dispose of a complaint filed by Sheeza Altaf, (Complainant) against AHZ Associates (Company) through its Country Manager, Mafijul (Accused No.1); Ahmad, Former Branch Manager (Accused No.2); Ahsan, Current Branch Manager (Accused No.3); Talha, Regional Manager (Accused No.4) and Ahmad Shehzad, HR Officer (Accused No.5), (Accused Nos. 1,3 to 5 shall collectively be referred to as Accused), all employees of AHZ Associates (Company), under section 8 of the Protection Against Harassment of Women at the Workplace Act, 2010 (Act of 2010). 1. The Complainant who worked in the Company as Trainee Education Counsellor asserts that she was subjected to		

		harassment by the Accused No. 2 who made repeated inappropriate communications with her and harassed her verbally. She maintains that he sent inappropriate text messages and made phone calls from 12.06.2024 till 15.08.2024 during odd hours stretching from 10:34 p.m. to 12:43 a.m. in the midnight, which has caused her significant distress including anxiety, depression and mental exhaustion. Ten midnight calls and a midday call made to her by the Accused No. 2 from 12.06.2024 till 15.08.2024 have been mentioned in the complaint in a tabulated form. Additionally, he harassed her verbally during office hours; making unprofessional comments about her appearance, extending intimidating remarks aimed at coercing her to comply with his inappropriate demands. Further, he created a hostile, intimidating and offensive work environment for her. 2. The Complainant asserts that despite her repeated attempts to report the alleged harassment to the Accused No.1 by engaging in discussion with him in a one-on-one session prior to the September 2024 intake, contacting him through WhatsApp on 06.11.2024 and sending an email on 08.12.2024, he failed to take any substantive action against him. It is maintained that Accused No.4 was also aware of the harassment but he ignored her complaints, thus showing a blatant disregard to her safety and well-being. On
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		06.01.2025 the Complainant reached out to Accused No.5 through WhatsApp regarding the alleged harassment and her unpaid salary but he dismissed her concern stating that the finance team handled such matters and referred her to another individual showing no urgency or concern regarding the matter. No allegation however has been made against the Accused No.3 in specific. 3. In the end, the Complainant has prayed that a heavy penalty be imposed upon the Accused No.1 and she be compensated for suffering workplace harassment, her salaries for the month of December 2024 and notice period of two months along with earned commissions be paid and that any order deemed appropriate be passed for the ends of justice. 4. The Accused Nos. 1, 3 to 5 have controverted the contention of the Complainant contending in their written reply that complaint is not maintainable being barred by law and has been filed with malafide intentions to blackmail and harass them. On facts, it is asserted that the Company terminated Accused No.2 from service in accordance with its bye laws, after receiving a harassment complaint from the Complainant. It is maintained that the Accused No.2 is the main accused in the complaint, therefore, they are not responsible for
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		any act of the alleged harassment caused by him as they have no nexus with his personal acts. 5. The Accused No.2 has also resisted the complaint maintaining in his written reply that allegations against him are without merit and made with malafide intentions to tarnish his reputation. Further, the inquiry proceedings against him were not conducted in accordance with law as the legal requirement under sections 3 and 4 of the Act of 2010 were not fulfilled. He claims that neither any formal complaint was communicated to him nor he was given the opportunity to bring forth his defense to the alleged allegations leveled against him. Additionally, he called the Complainant in matters relating only to official affairs from the phone number provided by the Company which facilitates the students in sending them abroad in collaboration with international agents based in the United Kingdom and the official affairs are therefore dealt only at late hours in the night. Consequently, the employees are required to remain in contact with him for guidance on various matters and he also calls them to give necessary instructions. 6. Further states that the Complainant has failed to provide specific details of the contents of calls and messages, which make their purpose and substance unclear. He asserts that she has also failed
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		to sufficiently explain her claim regarding intimidating remarks, comments on her appearance and use of force in order to comply with his inappropriate demands. He claims that he tendered his resignation on 04.12.2024 but due to the complaint filed against him by the Complainant he was terminated, however, his resignation was accepted on 03.01.2025. He contends that motive of filing the instant complaint is inability of the Complainant to perform effectively and not meeting the target of registering new students for admissions, a key requirement for all employees. In view of the foregoing, he has prayed for dismissal of the complaint with costs. 7. Thereafter, evidence of the parties was recorded. The Complainant as PW1 has deposed through affidavit Ex.P1. She has tendered an email dated 08.12.2024 addressed to Accused No.1 as Ex.P2, a pre action notice addressed to AHZ Associates by the Complainant through her counsel via an email dated 13.01.2025 as Ex.P3, WhatsApp chat with Accused No.5 as Ex.P4, copy of reply to legal notice dated 25.01.2025 as Ex.P5, WhatsApp call log and a message as Ex.P6, WhatsApp call log as Ex.P7, termination letter dated 31.12.2024 received through email as Ex.P8 and USB (comprising one video recording) as Ex.P9 revealing name of the
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		caller as “Sir Ahmed” on the cell phone. The Accused Nos.1, 3 to 5 have deposed through affidavits tendered as Ex.D4, Ex.D3, Ex.D2 and Ex.D1 respectively. Ahmad Shahzad HR Manager appeared as CW1 and tendered termination letter of Accused No.2 as Ex.C1. 8. It is pertinent to mention here that the Accused No.2 submitted his written defense to the complaint, cross examined the Complainant and tendered affidavits of himself and his witnesses Abdul Wasay, Kinza Mustafa, Haseeb Raza and Maham Arshad. When the case was fixed for his evidence, he absented himself and his counsel also did not appear. Opportunities were granted to him for the purpose but neither he nor his counsel appeared on multiple dates despite being repeatedly informed by this Forum of the fixed dates via official communication. Hence, on 27.06.2025 he was proceeded against ex parte. It goes without saying that mere submission of affidavits cannot be considered sufficient lawful evidence. 9. Finally, the counsels of parties advanced their arguments. Learned counsel of the Complainant has argued that management of the Company is vicariously liable for harassment caused by the Accused No.2 who supervised the Complainant directly and
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		caused harassment which is tantamount to an abuse of his managerial authority and that failure of management to prevent such acts impacted the trust attached to employment relationship. He further maintains that absence of Accused No.2 from the proceedings demonstrates that he had no defense and it also amounts to acceptance of the allegations made against him, therefore, the contention of Complainant stands unrebutted. As regards the Accused No.3 he argued that his testimony is riddled with contradictions and blanket denials which shows a clear attempt to conceal the truth. Furthermore, the admissions and contradictions of Accused No.4 prove that he acted with biasness, concealed material facts and failed to protect the Complainant from harassment. He argued that Accused No. 5 was supposed to act in a neutral and independent manner being custodian of employees' rights, instead he has been the architect of concealment, manipulation and retaliation and his actions, when properly analyzed, show a complete failure to uphold the provisions of the Act of 2010. Reliance is placed on case law reported as Uzma Naveed Chaudhary Vs. Federation of Pakistan (PLD 2022 SC 783), Nadia Naz Vs. President of Pakistan (PLD 2023 SC 588), Asif Saleem Vs. BOG, University of Lahore (PLD 2019 Lah. 407) and Muhammad Akram Vs. Zainab Bibi (2007 SCMR 1086).
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		10. Learned counsel of the Accused has argued that the Accused vigilantly responded to the complaint without any slackness and proceeded on it the very next day. He emphasized that such acts were against the protocols of a safe work environment which the Company strictly followed and considering gravity of the matter, services of the Accused No. 2 were terminated on the same day. He maintains that as the Accused did not cause any harassment to the Complainant, therefore, the complaint is liable to be dismissed to their extent. 11. Keeping in view the contention of parties, arguments advanced by their counsels as well as the material available on record, the questions requiring determination are formulated as follows: I. Whether the Accused No. 2 caused sexual harassment to the Complainant and created a hostile, intimidating and offensive work environment for her? II. Whether the Accused Nos. 1, 3 to 5 caused harassment to the Complainant by facilitating the Accused No.2?
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		12.The case revolves around sexual harassment, therefore, before adverting to the formulations, it is important to explicate the concept of harassment as contained in section 2 (h)(i) of the Act of 2010. The same is reproduced hereunder for ready reference: <i>“any unwelcome sexual advance, request for sexual favours, stalking or cyber stalking or other verbal, visual or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation 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;”</i> 13.As regards the first formulation, the Complainant has deposed in her affidavit Ex.P1 that she was subjected to continuous harassment by the Accused No. 2 who first made midnight calls to her but later changed his strategy and started harassing her directly, often summoned her to his office on false pretexts and discussed inappropriate topics involving sexual innuendos and on
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		her refusal to engage with him, would reprimand her for ignoring her calls while threatening to hinder her professional growth. 14. Additionally, he showed her pictures of his private parts on his mobile phone and warned her that if she complained against him, she would instantly receive her termination letter as the management would always trust his statement. Further, he created an intimidating work environment for her, coercing her to comply with his inappropriate demands. 15. In cross examination by the Accused No. 2, the Complainant stated that her first contact with him on phone was in the month of June 2024 when he called her on her personal number. She stated that he never sent any written message to her, only a question mark “?” when she did not respond to his call. Further, he never called her from any other number except the official phone nor contacted her on any social media platform. She stated that out of a target of seven students she could enroll only two for the January 2025 intake, however, denied that instant complaint has been filed against him as she was not meeting her targets and he being the Manager asked her multiple times to meet them and also warned her in this regard. In the detailed complaint Ex.P2, emailed to the Accused No.1, the Complainant has mentioned the abusive
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		behavior of the Accused No. 2 involving lewd remarks including personal and sexually explicit comments. The following extracts are a few instances to reveal his mindset: <i>“He asked me do I have any sexual fantasies. if I have any I am here to help. Whenever I asked him for work support he always said all of the rest getting financial gains the reward you going to get will be the best in the shape of sex and this is the best reward for me and I should be lucky for that.”</i> <i>“Since that phone call, he stopped calling me and started doing all these things verbally in his office cabin.... once he kept me in the office till 8 pm and told me to look now it’s you and me on the upper floor tea boy is downstairs and my cabin is the safest place to enjoy my fantasies if I have any, this is the safest place for sex where I can enjoy this moment...”</i> 16. There is no evidence of the Accused No. 2 as he has been proceeded against ex parte. As mentioned above, his affidavit and those of his witnesses, submitted for evidence before this Forum are of no evidentiary value as none has appeared to tender them in evidence. Reliance in this regard is placed on the case law cited as Barkat Ali Vs. Muhammad Nawaz (PLD 2004 SC 489). Relevant extract from the judgment is reproduced hereunder:
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“...The deponent Ch. Sikandar Hayat, Advocate, was never produced before the Court and due to his non-production, respondent could not avail the opportunity of cross-examination and thus his affidavit should have not been considered by the learned Appellate Court as evidence...”

In light of the dictum of law laid down in the aforementioned judgement, as the Complainant could not cross examine the Accused No. 2 and his witnesses, therefore, their affidavits shall be disregarded for evidentiary purposes.

17. In the circumstances, the evidence in its entirety has thus to be taken into consideration to determine the veracity of allegations against the Accused No. 2. The Accused Nos. 1, 3 to 5 have deposed through their affidavits on a consistent pattern. In cross examination, the Accused No. 1 has stated that after receiving the complaint on 08.12.2024, he sent it to the Accused No. 5 who informed him that it has been forwarded to the inquiry committee. He stated that there were four members of the committee including the Accused Nos. 4 and 5 and they held a meeting on 09.12.2024 to enquire into the complaint. He admitted that the Accused No. 2 was proved guilty by the committee. The Accused No. 4 admitted that after taking the evidence into consideration the Committee

		unanimously decided to terminate the services of Accused No.2, withhold his salary and not to issue experience letter to him. The Accused No.5 also made a similar statement. There is no allegation against the Accused No.3 in particular. However, in Ex.P1 the Complainant has contended that he discouraged her from pursuing the complaint, told her she would face the consequences and suggested that she should back off and get married, which contentions have however been denied by him. 18. Admittedly, the Accused No. 2 worked in the Company during the period the Accused Nos. 1, 4 and 5 worked there, therefore, their testimony is relevant for adjudging the accusations against him. Considering the gravity of allegations mentioned in the complaint, an inquiry was promptly conducted by the Accused Nos. 4 and 5 and others on the direction of Accused No.1. The Company proceeded against him on the basis of a unanimous decision of the inquiry committee. The decision of inquiry committee of immediate termination based on the evidence of grave harassment caused by him to the Complainant fortifies her contention and explicitly reveals that the Accused No. 2 caused sexual harassment to her by making repeated requests of sexual favors and his behavior also remained sexually demeaning. Further, his behavior caused interference with her work performance and created a hostile, intimidating and
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offensive work environment for her, which impacted her negatively, resulting in termination of her employment. Ex.P8 is her termination e-mail which specifies that she was terminated on the basis of her performance for the January 2025 intake. In response to the e-mail, the Complainant maintained that she had been facing significant challenges due to the behavior of Accused No.2 who made repeated inappropriate advances towards her and as she had refused to accede to his demands, she was not assigned good quality leads and was given either junk leads or none at all. In the case titled **Nadia Naz Vs. The President of Islamic Republic of Pakistan (PLD 2023 Supreme Court 588)** such harassment has been held to lead to a hostile or offensive environment. Relevant extract is reproduced hereunder for ready reference:

“....Such behaviour in law becomes harassment at the workplace when it causes interference with work performance or creates an intimidating, hostile or offensive work environment and has the effect of punishing the complainant for refusal to comply with a request...”

(emphasis supplied)

19. Consequences of such harassment have been well articulated in the case titled **Asif Saleem Vs. Chairman BOG University of**

Lahore (PLD 2019 Lahore 407). Relevant extract is reproduced hereunder for ready reference:

“13. It is a matter of fact that sexual harassment, and harassment on non-gender discriminatory grounds, pollute the working environment and can have a devastating effect on the health, confidence, morale and performance of those affected by it. Commonly, the anxiety and stress produced by sexual harassment and harassment may lead to those subjected to it taking time off work due to sickness and stress, being less efficient at work or leaving their job to seek work elsewhere.”

(emphasis supplied)

20. Similarly, in the instant case, sexual harassment caused to the Complainant by the Accused No.2 and the hostile, intimidating and offensive work environment created by him impacted her work performance negatively which resulted in inefficient work leading to her termination from service.

21. As regards the second formulation, the Complainant has deposed in her affidavit Ex. P1 that she lastly informed the Accused No.1 through an email dated 08.12.2024 and that after a week she was

		responded to inform that the matter is under investigation. She has further deposed that the Accused No.4 ignored her repeated complaints, allowing the Accused No. 2 to continue harassing her, which encouraged him to continue his inappropriate behavior. As regards the Accused No. 5, she has deposed that he took no follow up action which he promised on 18.12.2024 whereas the Accused No. 3 discouraged her from pursuing her complaint. She has maintained that negligence of the Company has contributed in the harassment caused to her. In cross examination, the Complainant stated that the Accused Nos. 1, 3, 4 and 5 never harassed her, however, she informed the department in writing for the first time on 08.12.2024. 22. The Accused have deposed in their affidavits that the Company is purely professional to its work and is not involved in any harassment. In cross examination, the Accused No.1 stated that on receiving the complaint against Accused No.2 he forwarded it to the Accused No.5 in the HR department who directed it to the inquiry committee the same day. The Accused No.5 also stated that after reviewing the seriousness of complaint, the committee decided against Accused No.2.
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		23. So far as Accused No.4 is concerned, he stated that the Complainant filed the complaint to the Accused No.1 on 08.12.2024 and Accused No.5 discussed the complaint with him around 07:00 p.m. to 08:00 p.m. and they held a meeting on 09.12.2024, which was attended by himself and Accused No.5 besides others. He further stated that members of inquiry committee acknowledged seriousness of the matter and after careful consideration of evidence unanimously decided to terminate the services of Accused No.2, withhold his salary and also not to issue experience letter to him. He admitted that they took immediate decision of termination to ensure a safe and secure work environment. However, in cross examination he stated that Accused No.2 sent an email of resignation to him and admitted that he accepted it. He also admitted that he chaired the meeting held on 09.12.2024 and that in a virtual meeting with Faisalabad office he told them that Accused No.2 had left the office due to his personal commitments. He also admitted that he was on good terms with him. He stated that in a face-to-face discussion, Complainant was asked about the harassment matter. As no documentary evidence regarding the termination or resignation of Accused No.2 was tendered in evidence, therefore, to determine the status of Accused No.2 according to the office record, HR Manager was summoned as court witness. It is pertinent to mention here that Accused No.5
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		Ahmad Shahzad HR Manager who appeared as DW1 has also appeared as CW1. Termination letter of Accused No.2 placed on record was verified by him and marked as Ex.C1. He stated that email of resignation sent by Accused No.2 to Accused No.4 was not shared with him, therefore, he had no information about it. He stated that as per the office record, the Accused No.2 was terminated from service on 09.12.2024 and that experience letter has not been issued to him nor he has been paid salary, commission and incentives. Ex.C1 thus fortifies that Accused No.2 holds the status of a terminated employee. 24. The Complainant has not alleged sexual harassment against the Accused Nos. 1, 3 to 5, however, her contention is that no action was taken by them on her verbal complaints made against the Accused No.2. She has not tendered corroborative evidence regarding her verbal complaints, therefore, in the circumstances the written complaint filed by her is given weightage as compared to her verbal complaints. Thus, considering the evidence on record it is revealed that the complaint was taken up the same day it was filed and was actively pursued by the Accused. On the next day, a meeting of inquiry committee was convened and through a
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		collective decision of the members, services of the Accused No.2 were terminated and letter of termination Ex. C1 was issued to him. 25. So far as the Accused Nos.1 and 5 are concerned it is revealed that they did not facilitate the Accused No. 2 in causing sexual harassment to her rather took prompt action to ensure a safe and secure work environment. Their evidence is consistent, confidence inspiring and duly establishes their version. The Accused No.3 joined the Company after Accused No.2 was terminated, therefore, he has no role in the alleged harassment. Further, there is no allegation against him in the complaint. 26. As regards Accused No.4, allegation of the Complainant that he ignored her repeated complaints, which encouraged him to continue harassing her is fortified from his admission of endorsing the email of resignation which the Accused No.2 sent to him. Knowing that he, along with inquiry committee members had recommended his termination for causing sexual harassment to the Complainant, he attempted to facilitate him by converting his status to a resigned employee. There is thus sufficient evidence to reveal that he facilitated Accused No.2 by ignoring her complaints, which
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		contributed in continuance of sexual harassment by the Accused No.2. 27. It is pertinent to mention here that the Accused No.2 was terminated from service in an administrative inquiry and not under the Act of 2010. Such termination and proceeding with the instant complaint cannot be termed as a case of double jeopardy as decision of the Company under a different law or policy has no bearing on merits of instant complaint in view of the dictum of law laid down in case titled Raja Tanveer Safdar Vs. Mrs. Tehmina Yasmeen (PLD 2024 SC 795). <i>“11...Even though the parties are the same, the cause of action is separate in each case before different forums with distinct penal consequences emanating out of its respective statutory laws. In view of the aforesaid, we find that the argument of double jeopardy is misplaced and without any basis.”</i> <i>(emphasis supplied)</i> 28. So far as issuance of direction for payment of salary to the Complainant for the month of December 2024 along with payments
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		of earned commissions is concerned, the Company is required to pay all her outstanding dues as per procedure. 29. In view of the foregoing discussion, I am of the considered opinion that Ahmad/Accused No.2 caused sexual harassment to the Complainant and created a hostile, intimidating and offensive work environment for her. As he is no more in service of the Company, therefore, a major penalty of fine of Rs. 5,00,000/- is imposed upon him. Of the Rs. 5,00,000/-, Rs.100,000/- shall be deposited in the Government Treasury while the remaining amount shall be paid to the Complainant. As regards Talha Bin Mujahid/Accused No.4, since he facilitated the Accused No.2 in causing sexual harassment to the Complainant, therefore, minor penalties of censure and compensation of Rs. 50,000/- are imposed upon him. This amount shall be paid to the Complainant. The complaint is thus accepted to the extent of the Accused Nos.2 and 4 and dismissed as regards the Accused Nos. 1, 3 and 5. 30. Additionally, it is revealed from the evidence that the Code of Conduct as envisaged in the Schedule to the Act of 2010 is not displayed in the Company nor an Inquiry Committee under the Act of 2010 has been constituted. The management is therefore
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		directed to display copies of the Code in English and Urdu at conspicuous places of the workplaces and constitute an Inquiry Committee under the Act of 2010. Compliance report shall be submitted to this Forum within 15 days from the date of this order. 31.Further, this Forum deems it necessary to advise the AHZ Associates to take concrete steps towards fostering a safer and more inclusive work environment free of harassment and intimidation. It is also recommended that gender-sensitization training for all employees be also carried out. Such proactive measures will serve to deter future incidents and ensure that all employees feel safe and respected in their workplace. FEDERAL OMBUDSPERSON
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