



OFFICE OF THE FEDERAL OMBUDSPERSON
FOR PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE, ISLAMABAD
FORM OF ORDER SHEET

Ms. Sannia Rehman

V/s

Mr. Sardar Mohi ud Din

Complaint No. FOH-HQR-H/00096/25

Date of Institution: 11-03-2025

Name of Organization: EXIM Bank

FINAL ORDER

Date: 04-08-2026

Sr. No: 32

Awais Awan Advocate for the Complainant.

Syed Zulaqamain Haider Advocate for the Accused.

1. This complaint has been filed by Ms. Sannia Rehman, presently serving as Manager Legal at the Export-Import Bank of Pakistan Limited (**hereinafter referred to as "the Complainant"**), under the provisions of the Protection Against Harassment of Women at the Workplace Act, 2010 (as amended in 2022), alleging workplace harassment, retaliation, gender-based discrimination, and the creation of a hostile work environment by Mr. Sardar Mohyuddin Syed, then serving as Manager Internal Audit (**hereinafter referred to as "the Accused"**).
2. The Complainant has averred that, during the period from January 2024 to April 2024, while both parties were seated in close proximity at the workplace, the Accused repeatedly made unwelcome, inappropriate, and gender-based remarks

concerning her personal and marital life. According to the complaint, the Accused questioned whether she would have married her husband, had he been serving as a Procurement Officer instead of Head of Procurement, thereby implying that her marriage was motivated by his professional status and financial standing. It is further alleged that the Accused remarked that the Complainant's mother and aunt had successfully "secured partners" for their children in "high-class families," insinuating that the Complainant and her family sought matrimonial alliances based on wealth and social status. The Complainant has further alleged that the Accused posed a hypothetical question asking whether she would leave her husband if another person owning a "V8 SUV" proposed marriage to her. According to the Complainant, these remarks were made in the presence of Mr. Muhammad Asghar (Head of Compliance – Acting) and Mr. Kashif Ahmed (Manager Communications). She alleges that these remarks not only created hostile work environment but also subjected her to embarrassment, humiliation, and considerable discomfort at her workplace. She has further pleaded that, upon her objection, the Accused ceased making such remarks and changed his seating position in May 2024, after which she discontinued all verbal communication with him.

3. The Complainant has further stated that on 11-02-2025, she formally approached the Manager Human Resources, requesting the constitution of an Inquiry Committee under Section 3 of the Protection Against Harassment of Women at the Workplace Act, 2010, to inquire into the conduct of the Accused. Pursuant thereto, the Competent Authority constituted an Inquiry Committee comprising Mr. Muzammil Khan (Head of Trade Credit Operations), Mr. Ahmed Turab (Head of IT), and Ms. Sarah Safdar (Relationship Manager). The Committee commenced proceedings on 12-02-2025, whereupon the Complainant recorded her statement regarding the alleged incidents.
4. It is further the case of the Complainant that, the procedure adopted by the Inquiry Committee was contrary to the mandatory provisions of the Act. According to her, the Committee was not constituted in accordance with Section 3(2) of the Act, as it lacked a senior representative of the employees. She has pleaded that despite

repeatedly bringing the matter to the attention of the Manager Human Resources and the President & Chief Executive Officer (Acting), no corrective measures were taken. The Complainant has also alleged that she was never supplied with a formal copy of the complaint, statement of allegations, charge-sheet, or the written defense submitted by the Accused. She further submits that, notwithstanding her objections, the Inquiry Committee continued with the proceedings, summoned witnesses, and directed her to cross-examine the Accused's witnesses. She claims to have filed a formal objection petition requesting that the proceedings be conducted strictly in accordance with law; however, according to her, the Committee ignored those objections and proceeded with the inquiry.

5. The Complainant has further alleged that the acts complained of were not isolated incidents but formed part of a continuing pattern of retaliation and victimization. According to her, following the change in the Bank's management in October 2024, the Accused began scrutinizing her employment record and initiated efforts to identify discrepancies relating to her appointment. She has pleaded that on 10-02-2025, nearly two years after her appointment, the Human Resources Department issued a letter seeking clarification regarding her recruitment and appointment. According to the Complainant, the matters raised in the said communication pertained to the Bank's recruitment process itself and not to her personally; yet she alone was subjected to such scrutiny. She asserts that the sequence of events clearly demonstrates that the Accused developed a personal vendetta against her after she objected to his inappropriate conduct in May 2024 and thereafter, attempted to undermine her position by questioning her recruitment. She has further stated that, although she submitted a detailed reply to the Human Resources Department, no response was provided to her. Instead, the Manager Human Resources subsequently appeared as a witness on behalf of the Accused before the internal Inquiry Committee, which according to her, further demonstrates bias and retaliation. On the basis of these assertions, the Complainant has prayed that this Forum inquire into the inappropriate comments allegedly made by the Accused, the subsequent acts of retaliation and gender-

based discrimination, and ensure that she is provided with a peaceful, dignified, and equitable working environment.

6. On the other hand, the Accused has filed a comprehensive written reply vehemently denying the allegations. As a preliminary objection, he has contended that the complaint does not disclose any act constituting "harassment" within the meaning of Section 2(h) of the Protection Against Harassment of Women at the Workplace Act, 2010, and is therefore, not maintainable. He has asserted that the complaint has been filed merely as a counterblast to the audit observations made by him in the discharge of his official duties as Manager Internal Audit.
7. According to the Accused, while conducting a routine internal audit of the Human Resources Department, he identified discrepancies relating to the Complainant's qualifications, experience, and particulars submitted during the recruitment process. These audit observations, according to him, were communicated to the Human Resources Department on 19-12-2024, whereupon the Human Resources Department, upon its independent examination, issued a show-cause notice to the Complainant on 10-02-2025. The Accused has emphasized that, on the very next day, i.e., 11-02-2025, the Complainant lodged the present harassment complaint, thereby demonstrating that the complaint was instituted solely to pressure him into withdrawing the audit observations and to frustrate the departmental proceedings initiated against her.
8. The Accused has categorically denied making any inappropriate, offensive, or gender-based remarks. According to him, the conversations referred to by the Complainant were ordinary and casual discussions voluntarily initiated by the Complainant herself concerning her husband, family members, and personal life. He has asserted that he merely congratulated the Complainant on her marriage, family events, and gifts received from her in-laws, and that none of the conversations contained any insulting, humiliating, or derogatory remarks. He has further pleaded that the Complainant has deliberately exaggerated routine workplace conversations and attributed meanings never intended by him. He has also relied upon his unblemished professional record, asserting that throughout his

service career he has never faced any allegation of misconduct or workplace harassment.

9. With regard to the proceedings before the internal Inquiry Committee, the Accused has maintained that the Committee was lawfully constituted by the Competent Authority and that both parties actively participated in the inquiry. According to him, written replies were exchanged, evidence was recorded, and witnesses were examined. He has further contended that the Complainant did not object to the constitution of the Committee at the commencement of the proceedings but raised such objections only after approximately twenty-two days, by which time the inquiry had substantially progressed. The Accused has also alleged that the objection petition relied upon by the Complainant neither bears any date nor any acknowledgment or receiving endorsement of the Inquiry Committee, thereby indicating that it was never actually filed before the Committee.
10. The Accused has further denied the allegations of retaliation and personal vendetta. According to him, his change in seating arrangement occurred because he had been assigned the audit of the Human Resources Department, which required him to be seated near the Human Resources office for confidentiality purposes. He has stated that, upon completion of the audit assignment, he resumed his previous seating arrangement and subsequently requested a separate office for official convenience. He has maintained that all audit observations concerning the Complainant's appointment were made objectively in the discharge of his official functions and bore no nexus whatsoever with the present complaint. According to him, the proceedings initiated by the Human Resources Department were based entirely upon the audit findings and cannot be construed as retaliatory or motivated by personal animosity.
11. On the basis of the foregoing pleadings, the Accused has prayed that the complaint be dismissed in its entirety, contending that the allegations are false, frivolous, and unsupported by evidence; that no actionable harassment within the meaning of the Act has been established; and that the complaint has been instituted with mala fide intent to obstruct lawful departmental proceedings arising out of the audit observations.

12. *The learned Counsel appearing on behalf of the Complainant argued that the present complaint is founded not merely upon isolated inappropriate remarks but also upon allegations of gender-based discrimination, creation of a hostile working environment, retaliation and abuse of authority, all of which fall within the purview of the Protection Against Harassment of Women at the Workplace Act, 2010. It was submitted that the Complainant initially informed the Human Resources Department about the Accused's conduct and thereafter, on 11-02-2025, formally invoked the provisions of the Act by requesting constitution of an Inquiry Committee under Section 3 of the Act. The learned Counsel contended that before the formal complaint, the Complainant had repeatedly raised her concerns informally with the Manager Human Resources regarding the inappropriate comments made by the Accused. Still, the Bank took no effective remedial action.*
13. *It was further argued that although the Internal Inquiry Committee was constituted pursuant to the Complainant's request and called upon her to submit her statement, the proceedings suffered from serious procedural irregularities. Eventually, owing to the procedural deficiencies and irregularities, the Complainant withdrew the complaint before the Internal Inquiry Committee on 10-03-2025, whereafter the Committee merely recorded the withdrawal and submitted its report, exhibited as Ex. PW-1/22, without adjudicating upon the merits of the allegations.*
14. *Finally, learned Counsel contended that the Accused, by extending his conduct beyond the legitimate scope of the audit process and by using his official position to initiate adverse actions against the Complainant following her resistance to his inappropriate behavior, misused the authority vested in him and created a hostile work environment. On the strength of the oral and documentary evidence produced on record, learned Counsel prayed that the complaint be accepted and that the Accused be held liable and punished in accordance with the provisions of the Protection Against Harassment of Women at the Workplace Act, 2010, for abuse of authority, workplace harassment and creation of a hostile working environment.*
15. *The learned Counsel for the Accused has vehemently contested the merits of the complaint. It was argued that the Accused was serving as Manager Internal Audit*

and, in the discharge of his official responsibilities, was duty-bound to conduct audits in accordance with the Bank's Internal Audit Policies. The learned Counsel submitted that the audit of appointments made in the year 2023 was undertaken as part of a routine audit exercise and that the Accused, being the Internal Auditor, was fully authorized to requisition employees' service records, examine previous audit reports, scrutinize appointment files and raise audit observations wherever discrepancies were found. It was contended that the audit objection concerning the Complainant formed part of the audit report dated 19-12-2024, whereas the discrepancy notice (**Ex. PW-1/4**) was independently issued by the Human Resources Department on 10-02-2025 under the applicable Bank policy. The present complaint, according to the Accused, was instituted only on **11-02-2025**, immediately after the issuance of the discrepancy notice, thereby establishing that the complaint was merely a counterblast intended to obstruct, delay and frustrate the audit proceedings and the departmental action initiated based on the audit observations.

16. The learned Counsel further challenged the jurisdiction of this Forum by contending that the allegations do not fall within the ambit of Section 2(h) of the Protection Against Harassment of Women at the Workplace Act, 2010, as the complaint fails to establish any conduct amounting to harassment that interfered with the Complainant's work performance or created a hostile working environment within the meaning of the Act. It was argued that no supervisory or administrative relationship ever existed between the Accused and the Complainant, nor was there any evidence of discrimination, prejudice or misuse of authority on the part of the Accused. According to the Accused, all actions attributed to him were performed strictly in his professional capacity as Internal Auditor and in discharge of statutory and organizational obligations.
17. Having heard the learned Counsel for the parties, examined the pleadings, scrutinized the documentary as well as oral evidence available on record and considered the applicable provisions of the Protection Against Harassment of Women at the Workplace Act, 2010, the following question arises for determination by this Forum:

Whether the Complainant has proved, on the balance of probabilities, that the Accused subjected her to unwelcome gender-based remarks and/or other conduct which created a hostile work environment, and if so, whether such conduct constitutes harassment within the meaning of Section 2(h)(ii) of the Protection Against Harassment of Women at the Workplace Act, 2010?

18. Before evaluating the evidence, it is necessary to address the question requiring determination. The Protection Against Harassment of Women at the Workplace Act, 2010 is a beneficial and remedial statute enacted to secure a workplace founded upon dignity, equality and mutual respect. Section 2(h)(ii) of the Act extends the concept of harassment beyond conduct of a sexual nature and includes discrimination on the basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mindset or notion, resulting in discriminatory behaviour on the basis of gender against the complainant. Thus, the statutory protection encompasses not only overt acts of discrimination but also unwelcome gender-based conduct having the purpose or effect of humiliating, intimidating or degrading an employee, or of creating a hostile, offensive or intimidating working environment. At the same time, the Act does not render every discourteous, insensitive or unprofessional workplace interaction actionable. The inquiry, therefore, is not confined to whether the alleged remarks were inappropriate or reflected stereotypical assumptions; rather, this Forum must determine whether the conduct, viewed objectively and in its overall context, embodied the discriminatory and prejudicial mindset contemplated by Section 2(h)(ii) and resulted in discriminatory behaviour or the creation of a hostile work environment of such gravity as to satisfy the statutory threshold.
19. The Complainant's case principally rests upon her own testimony (Ex. PW-1/9), corroborated by PW-2 and PW-3. However, the evidentiary value of the supporting witnesses is not free from doubt. During cross-examination, PW-3 was unable to identify the occasions on which the alleged remarks were made or to reproduce any specific statement which, according to him, constituted harassment. Likewise, PW-2 admitted that despite being summoned, he did not appear before the

departmental Inquiry Committee. He further conceded that he had not previously stated that the alleged remarks were made repeatedly and acknowledged that he himself was facing audit objections arising from the audit conducted by the Accused. These admissions materially affect the probative value of their testimony. Moreover, despite alleging that the remarks continued over a period extending from January to April 2024, the Complainant has produced no contemporaneous complaint, email, message or other documentary material made at or near the relevant time corroborating that such remarks were repeatedly made or were then perceived as creating a hostile working environment.

20. The surrounding circumstances also assume significance. The record, including the WhatsApp communications and the Complainant's own statement before the internal Inquiry Committee, demonstrates that throughout the relevant period the parties continued to maintain ordinary professional interaction, exchanged routine messages and regularly had lunch together in the company of other colleagues. While such conduct is by no means conclusive and does not necessarily negate the possibility of harassment, it nevertheless constitutes a relevant circumstance in assessing whether the alleged remarks were contemporaneously perceived as unwelcome to the extent contemplated by the Act. Equally significant is the Complainant's own admission that after she objected to the remarks, the Accused ceased making them and thereafter changed his seating arrangement. The allegation, therefore, remains confined to a limited period and does not disclose a continuing pattern of similar conduct thereafter.
21. Upon careful appraisal of the oral and documentary evidence, this Forum finds that the Complainant's allegations remain unsupported by any reliable, independent or corroborative evidence and are based primarily upon the Complainant's own assertions. Material inconsistencies in the evidence further diminish the evidentiary value of the allegations, making it unsafe to conclude that the impugned remarks have been proved. Nevertheless, it is observed that, had remarks of the nature alleged, such as comments implying that the Complainant married her husband because of his official position, suggestions that her family sought matrimonial alliances with affluent families, or hypothetical comparisons

involving a person owning a "V8 SUV", actually been made, they would have been inappropriate, inconsistent with the standards of professionalism expected in the workplace, and capable of reflecting stereotypical assumptions regarding women's personal choices. Such observations have no place in a respectful and professional working environment.

22. *However, the statutory inquiry under Section 2(h)(ii) of the Protection Against Harassment of Women at the Workplace Act, 2010, extends beyond the mere allegation of inappropriate remarks. The Complainant must establish, through cogent and reliable evidence, that the alleged conduct amounted to unwelcome gender-based behavior which objectively resulted in discrimination or created a hostile working environment as contemplated by the Act. In the present case, not only have the alleged remarks themselves remained unproved, but there is also no credible evidence demonstrating that the alleged conduct, even if assumed for the sake of argument, created a hostile or intimidating working environment, adversely affected the Complainant's work performance or professional standing, or exposed her to any imminent or continuing threat, humiliation or degradation sufficient to alter the conditions of her employment. The evidence on record does not disclose any sustained pattern of conduct or circumstances indicative of a hostile work environment within the meaning of the Act.*
23. *Accordingly, this Forum finds that the Complainant has failed to discharge the requisite burden of proof on the balance of probabilities. The allegations concerning the impugned remarks remain unsubstantiated and are not supported by sufficiently cogent, reliable or consistent evidence. Furthermore, the record does not establish that the alleged conduct, even if presumed to have occurred, resulted in discriminatory behavior or created a hostile work environment as envisaged under Section 2(h)(ii) of the Act. The essential statutory ingredients of workplace harassment have therefore not been proved, and the complaint cannot succeed on the basis of the evidence presently before this Forum.*
24. *The allegation of retaliation also remains unproved. The documentary record establishes that the audit observations relating to the Human Resources Department were formally recorded on 19-12-2024 during a documented internal*

audit. Thereafter, the Human Resources Department independently issued the discrepancy notice dated 10-02-2025 in accordance with its own administrative process. Beyond the temporal proximity between the issuance of that notice and the filing of the present complaint, no cogent evidence has been produced to establish that the audit itself was initiated out of personal animosity or that the subsequent administrative action was actuated by the Complainant's objection to the alleged remarks made several months earlier. Likewise, there is no evidence that similarly situated employees were treated differently or that the audit exercise was selectively directed against the Complainant.

25. This Forum remains mindful of the dictum laid down by the Hon'ble Supreme Court of Pakistan in **Uzma Naveed Chaudhary v. Federation of Pakistan and others (PLD 2022 SC 783)**, wherein it was observed that delay in reporting workplace harassment should ordinarily be viewed with sensitivity in light of the social and cultural realities which often discourage victims from promptly reporting such incidents. Accordingly, delay has not been treated as a ground to reject the complaint. However, like every other surrounding circumstance, the chronology of events remains relevant while assessing the overall probabilities of the case. In the present matter, the complaint was instituted immediately after the Human Resources Department issued the discrepancy notice dated 10-02-2025, whereas the alleged remarks had admittedly ceased in May 2024. Considered alongside the absence of contemporaneous complaints, the continuation of ordinary workplace interaction, and the lack of convincing independent corroboration, these circumstances render the defence version more probable on the balance of probabilities.

26. Before parting with this matter, this Forum considers it necessary to observe that employers should not treat the dismissal of the present complaint as an endorsement of the remarks attributed to the Accused. Even where workplace conduct does not ultimately satisfy the statutory threshold of harassment, comments rooted in gender stereotypes have the potential to erode dignity, reinforce discriminatory social attitudes and diminish women's professional standing. The suggestion that women ordinarily choose life partners because of

wealth, professional status or material comfort, perpetuates a regressive stereotype inconsistent with the constitutional guarantees of equality and dignity and with the objectives underlying the Act. It is, therefore, recommended that the Respondent organization continue to strengthen workplace awareness programmes, reinforce its Code of Conduct, and sensitise all employees and managerial staff regarding gender-responsive communication, professional workplace behaviour and the avoidance of stereotypical assumptions concerning women, marriage and family life.

27. Consequently, having considered the evidence in its entirety, this Forum holds that although the remarks attributed to the Accused, if made, were inappropriate, insensitive and reflective of gender stereotypes that ought to be discouraged in every professional workplace, the Complainant has failed to establish, on the balance of probabilities, that such remarks or the subsequent conduct of the Accused objectively created a hostile working environment or otherwise constituted harassment within the meaning of Section 2(h)(ii) of the Protection Against Harassment of Women at the Workplace Act, 2010. The allegations of retaliation and gender-based discrimination likewise remain unsubstantiated. The essential statutory ingredients necessary to attract liability under the Act having not been established, the complaint is hereby **dismissed**.

File be consigned to the record room.

FAUZIA VIQAR
FEDERAL OMBUDSPERSON