



## A Review of History and Implementation of Working Women Rights in Pakistan: A Perspective of Employment Laws

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### Abstract

In contemporary world, the phenomena of gender inclusivity and diversity has encouraged many women to stay determined against the so-called *glass ceiling*, paving ways for women to avoid inequality pertaining to the workplace. To address the said phenomena, the present review sought to review and analyze the working women rights and harassment at work place through studying the existing scholarly work produced in the last decade related to the said areas. Suggestions indicated that Pakistan is still facing gender inequality in terms of women unequal rights in workplace. The major hinderances as stated in the literature being cultural and social factors, gender stereotypes and gender biasness. To this end, the present review proposed that gender-sensitive training programs need to be introduced to tackle gender inequalities via tailoring and transforming rigid gender-based social and cultural constructs. Further, awareness to Women rights should be provided to working women with facilitation to gain familiarity with legislative laws.

**Keywords:** working women, women rights, gender inequality, harassment at workplace, legislative laws.

### Introduction

The increasing number of women entering the workforce has reinforced a major concern of equal rights in today's workplace. Gender (in)equalities has gained currency with the enormous popularity and endorsement of concepts like diversity management, equal treatment, equal opportunity, human rights, and human dignity. Moreover, the human resource management (HRM) agenda has made gender (in)equality a top priority (Dickens, 1998) with the diverse and complex challenges associated with gender (in)equality in organizations are being carefully observed and taken into consideration by HRM professionals, policy makers, and educators (Strachan, et al., 2015).

Hence, topics and issues related to gender (in)equality have received considerable attention in the West, there is an urgent need to bring them to light and create room for wider discussion in the South Asian settings ((Ozbilgin & Syed, 2010, p. 1) particularly in Pakistan`s context.

Owing to the country's public/private separation, women who work in Pakistan face many difficulties. Hence, limits their access to opportunities and resources leading to a



significant impact on women in the workforce. There are a number of issues that arise as more women enter the workforce encompassing domestic work without being paid, salary-based jobs in the formal or informal settings, as well as social work. Other issues include insufficient acknowledgements and designation on honorable positions in the workplace, unions, government bodies, little to no social protection, the continued existence of a gender ideology that has marginalized women in government institutions, trade unions, and other significant organizations (as cited in Lari, 2010, p.5).

A plethora of literature emphasized the exploitation of women labour predominantly in the field of gender studies. Moreover, women are not unemployed but working in unfavourable conditions with meagre pay, less compensation. low creativity and no future prospects, long hours stay at work, uncertainty of job, and unsecure working conditions etc (Iqbal, 2015). However, there is a significant gap in the domain of employment laws being a less researched area particularly in Pakistan's context.

### ***History***

Considering the history of gender equality or women protection in workplace, Discrimination Against Women Act 1979 proposed that Pakistan being a state has the right to implement the correct procedures and to amend the existing legislations, customs, practices and regulations pertinent to tackling women discrimination, provision of secure and supportive environment at workplace and inclusion of women in all domains (Senate of Pakistan, 2020).

Aligning with the Women Right Act 2 (f) 1979, Working Women (Protection of Right) Act has been proposed in 2020. This act postulated that women economic empowerment is the key enabler of Pakistan's prosperity. Moreover, women should be provided with best facilities and need to be shielded against any discrimination. Important points of Working Women Protection Act 2020 included;

1. Child care facility at the work premises
2. Prohibiting discrimination based on gender and marital status
3. Providing equal remuneration
4. Equality in the provision of trainings, promotions and other opportunities
5. Granting paid maternity and paternity leaves
6. Provision of other facilities including staff rooms, transport facility and flexibility of work from home
7. Female employees' posting to the place where their spouse has been serving or residing (Senate of Pakistan, 2020).

Another important aspect of protection for women is safeguarding against harassment. Hence, in order to provide secure environment in workplace another bill titled, Harassment of Women at Work Place has been approved in (2010). Later on, the Act (2010) has been amended in 2014 while making it short, Protection against Harassment Act. Afterwards, in 2022, the act again witnessed necessary amendments. As per these amendments, any sort of gender discrimination in workplace regardless of its



sexual nature, any prejudice, and discriminatory attitude and creating any sort of hostile environment can be considered as harassment (The Gazette of Pakistan, 2022).

In Pakistan's context, significant work has been produced particularly to highlight the aspects of gender discrimination and harassment of working women. Therefore, considering the history of legislations for women protection at work, the current paper aims to review the existing literature in the said subject and also seeks to gain insights into the implementation of the gender equality practices at workplace.

### ***Research Objectives***

1. To review the existing literature dealing with working women rights and harassment at workplace.
2. To gain insights into the aspects of working women rights.
3. To seek an understanding of harassment at workplace.

### **Literature Review**

Literature review of this paper includes research papers dealing with two dimensions, namely; working women rights and harassment at work place. In this view, literature presented in Pakistan's context has been reviewed and analyzed. In this context, Ali (2013) aimed to concentrate on challenges and issues experienced and observed by highly qualified women employed in formal employment segment of Pakistan. Findings concluded that subtle forms of discrimination are yet to address in Pakistan's organizations, including sexual harassment that continues to remain hidden due to female inhibition or modesty. Furthermore, career growth and promotion hinderances have also been observed. To add, inequality in compensation and remuneration have also been highlighted but working women seemed to be un-concerned and unaware of the unequal pay structure. Author proposed improvement in equal workplace opportunity and urged the state and organizations to play their part in realizing the ambitious goal of equal opportunity in Pakistani organisations via increasing awareness, cultural reform, and institutional monitoring at different levels.

In a same year, Sadruddin (2013) attempted to evaluate how well women's rights are being implemented in Pakistan and the difficulties they face, as well as their role in speaking out against harassment through the working women's perspective. Findings indicated workplace harassment as a common occurrence in Pakistan adversely affecting the ability of employed women to perform their jobs well. Furthermore, ladies are evident to be more harassed in the private sector while experiencing different forms of harassment including threats, mental torment, and verbal abuse. Most working women, especially those who are the only source of income, are afraid to take any action to acquire a job, consequently letting abusers take advantage of women. Further, the majority of respondents had an understanding regarding women's rights but were not familiar with the 2010 Protection Against Harassment of Women at Work Act. Researchers therefore urged for initiating vigorous measures for the provision of awareness for women and examining and improving unfavorable job conditions for women. Yet, discussing gender inequality in a cross-cultural setting, Strachan, et al., (2015) offered a perspective on the gender (in)equality in national and regional labor force, within organizations and their employment laws. Findings proposed future



improvements in the implementation of equal rights in South Asia's context including India, Bangladesh and Pakistan. Referring Pakistan, the study concluded that gender equality and women rights Same protective laws were in place that forbid women to work at night, underground, or close to moving machinery. Additionally, some South Asian nations including Pakistan provide maternity benefit to female workers. However, the provided benefits are generally regarded to be far less than those offered in western nations. Findings further indicated that gender-related problems, including sexual harassment, work-life balance challenges, and gender-based violence (GBV), persist to a higher extent in South Asian workplaces, mostly as a result of these inequities as well as many social and economic factors. Iqbal (2015) analyzed the extent to which various labour law measures pertaining to women employees have been able to solve the issues raised by gender discrimination. Paper also addressed the inadequacies of labour laws and proposed recommendations for how to improve them going forward, particularly in light of the situation following the 18th Constitutional Amendment.

Findings indicated that none of laws generally have provisions that violate Conventions 100 and 111, but these laws didn't contain a single clause that indicates equal pay for equally valuable work for male and female, as Pakistan agreed to do in Convention 100. Similarly, there was no specific statute or clause in any labour law that states unequivocally that there is no discrimination in employment and occupation for both genders. Author suggested that regulatory body must make sure to take steps for the implementation of equal work rights in its true sense. Further, the legislation should be approved after consulting all the stake holders including women, and awareness regarding these laws should be provided to working women in order to help them speak for their equal work rights.

Considering harassment at work place, Ali & Kramar (2015) proposed an extensive framework by analyzing sexual harassment experienced by women at job in Pakistan's context. The study was based on the interviews from working ladies and human resource managers in Pakistan's six firms. Scholars concluded that cultural factors heavily affect policy implementation even in the existence of written policies and employment legislations aimed to avoid SH. Hence, a conflict among traditional culture and conduct has been demonstrates that is compliant with SH regulations at work.

According to this study, there are three main aspects that affect how SH is addressed including managerial expertise/bias, institutional factors, such as ineffective redress mechanisms, and socio-cultural characteristics, like feminine modesty, that are all socio-cultural or institutional in nature. Research extended suggestions to the government and organizations for initiating appropriate actions to help practice SH laws. Moreover, the adoption of contemporary SH law in Pakistan is needed to address such gender biases accompanied with the transformation of social perceptions. To add, gender sensitive training programs should be introduced for HR managers to develop their capacity to protect the rights of work force.

Putting the same agenda forward, Khan, & Mahar (2017) identified the status of gender discrimination and harassment at in Jamshoro higher education institutions. Study presented a view that Pakistani constitution and government have adopted a number of laws and policies granting both genders equal rights at work, and also directed



institutions for incorporating the relevant legislations and policies into organizational management. Owing to the importance of employment laws, the question of whether HEIs have incorporated them into management and whether they actually need to do so has been examined in this research. Findings displayed the low occurrences of discrimination and harassment. Furthermore, the majority of women were not aware of the laws and regulations the Pakistani government has put in place to prevent harassment in the workplace with little to no endorsement of these regulations at JEC. It has recommended that harassment and discrimination can be entirely curtailed through implementing and enforcing these regulations by the management in HEIs. Jawad & Areeba (2022) in a recent study put the phenomena as, despite numerous laws and regulations promoting gender equality and periodic interventions in different sectors, gender inequality in Pakistani workplaces is still a problem on a large scale. The difficulty seems to be made more difficult by the lack of legislative enforcement and proactive action, even if gender stereotypes, ignorance of gender equality laws and prejudice still prevent women from participating in economic activities and finding employment. In Pakistan, a few MNCs and local businesses have made admirable efforts to advance gender equality, but many other firms have not, and the commitment to gender equality seems to be devoid of any compliance to the legislation. The author further suggested that dealing with prejudice, discrimination, and societal false impressions is essential. Programs focusing on women are required to give them the technical and soft skills they need and to foster an inclusive workplace culture.

### **Research Methodology**

The present work is qualitative, drawing on reviewing and analyzing existing literature. The secondary data has been surfed through internet while searching for key words, women rights, gender inequality, harassment at workplace. In this pursuit several articles dealing with gender equality and women rights have been surfed by the researcher, owing to the wide applicability of the topic, however, papers relevant to HRM and Employment Laws have been focused on. Afterwards, seven most relevant papers of a decade (2012-2022) have been selected for the review and analysis.

### **Discussion and Way Forward**

The present paper sought to gain insight of the gender inequalities, and women rights at workplace. The review literature has witnessed a comprehensive legislation and policies pertinent to women rights or gender inequality. Much efforts have been done by legislation authorities and regulatory bodies, yet, Pakistan is facing gender inequality in terms of women unequal rights in workplace. The major hinderances as stated in the literature are, cultural and social factors, gender stereotypes and gender biasness. All these issues tend to stem from individual behaviors. Therefore, referring to the suggestions extended by scholars and researchers, gender-sensitive training program need to be introduced to tackle gender inequalities via tailoring and transforming rigid gender-based social and cultural constructs. Further, awareness to Women rights should be provided to working women with facilitation to gain familiarity with legislative laws.

Furthermore, Government and legislative bodies are required to pursue these challenges and ensure gender equality and women protection at work environment. Prospect



research may study an implementation of exclusive act relevant to gender equality. Cross-cultural study of gender diversity and women rights can also be the topic for future research.

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