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KEYWORDS	ABSTRACT
Harassment, Women, Workplace, Khyber Pakhtunkhwa Protection Act. 2020, Critical Appraisal	This study critically evaluates "Khyber Pakhtunkhwa protection against harassment of women at workplace (amendment) act, 2020," scrutinizing its impact, challenges in implementation, and proposing solutions. The sexual harassment is a pervasive global issue, especially in workplace. The study examines the historical context and societal acceptance of the workplace harassment, which contributed to enactment of the 2010 Act in Pakistan. Thematic analysis was employed to categorize the impacts and challenges, proposing solutions, awareness campaigns, legal doubts, that increasing female representation, establishing specialized courts and enhancing the capabilities of inquiry committees. The study employs a SWOT analysis to explore internal strengths and weaknesses, and external opportunities and challenges of the Act. The conclusions from the three-dimensional analysis acknowledge the Act's initial success but identify weaknesses in execution, like insufficient awareness, inadequate workplace surveillance, and lack of organizational compliance. In this regard, some recommendations were proposed aimed to fortify the Act, raise awareness, and protect the women rights in workplace.
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## INTRODUCTION

Sexual harassment is primary form of violence that women face in their daily lives (Sheraz & Shah, 2023). According to a report from the World Health Organization (2009), "sexual harassment and abuse by authority figures such as teachers, police officers or employers" is one of significant forms of violence that working women face today. The World Bank (1993) report also produces that out of every three women across the world, one woman has suffered violence in her lifetime. This leaves

assaulted women in an atmosphere of fear, and most of the time, their lives are guaranteed only in exchange for obedience to social norms and traditions (Manderson & Bennett, 2003). Women are suffering greatly as a result of this dread and inferiority complex, which are imposed by traditional ideas of male-dominated society, particularly in their homes and places of employment (Murthy & Smith, 2010). In context with theoretical background, natural/biological theory views harassment as a result of natural sexual attraction and stronger male sex drives, interpreting such behaviour as unintentional rather than offensive. Still, it lacks empirical support & preventive strategies (Tangri, Burt & Johnson, 1982).

### Problem Statement

The Government of Khyber Pakhtunkhwa has enacted formal law to counter menace of harassment of women at workplace, i.e., "The Khyber Pakhtunkhwa Protection against Harassment of Women at Workplace (Amendment) Act, 2020." However, the phenomenon of harassment of women in the workplace still exists across the diverse organizations. Therefore, critical appraisal of the legislation is necessary in terms of its impact, the challenges it presents during effective implementation, and the way forward.

### Objectives of Study

1. To examine the effects of "Khyber Pakhtunkhwa Protection against Harassment of Women at Workplace Act, 2020" on workplace and women's experiences, analyzing its influence on the prevalence of harassment and reporting methods.
2. To investigate implementation challenges, including awareness, organizational resistance, legal ambiguities, and societal norms that hinder the effective execution and contribute to persistent workplace harassment in diverse workplaces.
3. To develop practical recommendations to enhance the awareness, overcome resistance, and strengthen the legal framework, creating a safer working environment thereby eliminating the harassment and the ultimate diverse consequences.
4. To utilize thematic, SWOT, and EETH analyses to categorize execution processes, understand impacts, address challenges, ultimate solutions and refine the future strategies for the Act's effectiveness in the diverse leading circumstances.

### Scope of Study

The study is limited to a critical examination of the "Protection against Harassment of Women at Workplace (Amendment) Act, 2020", its impact and challenges, and way forward about women working in government and private organizations. The purpose of study has been explored through the study of secondary data available in literature. The analysis of the study is limited to thematic analysis of processes of execution, its impact, challenges during execution, and the way forward for future strategies. SWOT and EETH analysis are used to highlight Internal and external strengths and challenges of the Act.

### LITERATURE REVIEW

The sex role spillover theory suggests that men bring traditional gender role expectations into the workplace, leading to unsuitable behaviours when women take upon non-traditional roles (Burgess

& Borgida, 1997). The organizational theory links harassment to workplace power dynamics, where hierarchical structures allow those in authority, typically men, to exploit subordinates. (Cleveland & Kurst, 1993). The socio-cultural theory sees harassment as product of societal gender inequality and patriarchal norms, with harassment reinforcing the male dominance and female subordination. (Gutek, 1985; Kapila, 2017). The feminist theory argues that harassment is rooted in sexist ideologies that maintain gender stratification and male superiority, viewing it as a tool to enforce traditional gender roles is undermined due to partial institutional capacity, insufficient funding, and a lack of coordination with the employers (Gutek, 1985). Together, these perspectives highlight the complex interplay in sexual harassment and determining issues. The sexual harassment is common masculine social norm in all industries wherein women are employed as majority of violence against women especially workplace harassment, goes unreported (Andersson, Cockcroft, Ansari, Omer, Ansari, Khan & Chaudhry, 2010).

Only 520 of the 24119 recorded incidents of violence against women between 2008 and 2010 were linked to workplace harassment (Parveen, 2010). Since, no laws were passed to address this social issue that women experienced until 2010, this establishes the widespread acceptance of workplace harassment. For the first time in South Asian history, Pakistani government has identified violence against women as the major concern. To protect women's rights in the workplace, the Protection of Women Against Harassment at Workplace Act 2010 was approved and passed. Women can now report workplace harassment under this statute, which is currently being implemented statewide (Mesiya, 2020). The Khyber Pakhtunkhwa Protection against Harassment of Women at Workplace (Amendment) Act, 2020 is the landmark piece of the legislation aimed at protecting women in the workplace from harassment and discrimination. The act aims to create the safe and secure working environment for women, ensuring they are treated with dignity and respect. Thus, the act contains thirteen (13) sections and two (02) schedules. It makes it mandatory for each and every organization to constitute an inquiry committee within thirty days of the enactment of the act to inquire into the complaints under the act.

The committee has the power to inquire into the complaint and recommend appropriate penalties against the accused in case the allegations are proven. The competent authority shall impose the penalty recommended by committee. Any party aggrieved by the decision of competent authority may prefer an appeal before the ombudsperson to be appointed by the Government for the purpose. The representation may be made by an aggrieved person to the Governor of Khyber Pakhtunkhwa against the decision of Ombudsperson within thirty days of the decision. Still, while the legislative intent is commendable, a critical examination reveals several strengths, gaps, and implementation challenges. A more precise articulation of various forms of the workplace harassment would help standardize enforcement and reduce loopholes. In this drive, the act requires the employer to ensure the implementation of the act, including, but not limited to, incorporating the code of conduct for protection against harassment at the workplace as part of their management policy (Ali, Wajahat, & Jan, 2021). The amendment reinforces the responsibilities of organizations to establish functional inquiry committees, offer regular awareness training & display anti-harassment policies glaringly to cater to the issues.

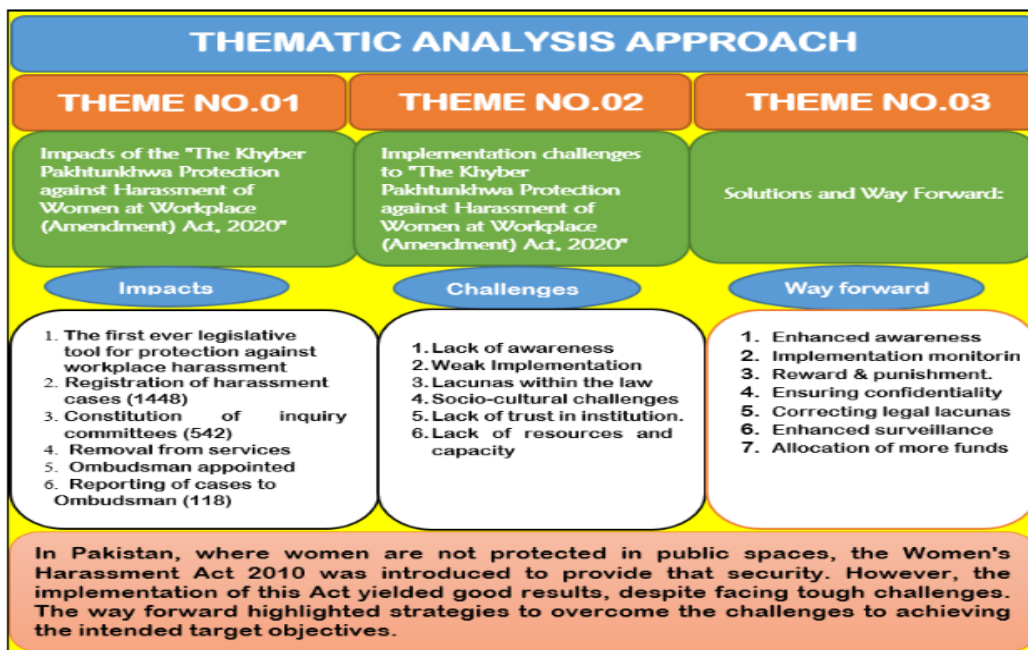
## RESEARCH METHODOLOGY

The nature of the study is qualitative and exploratory, hence involving a rigorous description of the problem at hand. Therefore, the qualitative approach is suitable for extracting detailed information from secondary sources, such as newspapers, research articles, books, and public opinions, published in the various media.

## DATA ANALYSIS

The present study is qualitative and exploratory, and mostly secondary data is collected from sources such as newspapers, research articles, and handbooks. For this purpose, the focus was given only to reliable and authentic sources. The collected data were analyzed by Thematic, SWOT, and EETH analysis approaches.

Figure 1 Thematic Analysis



### Theme No. 1

Impacts of "Khyber Pakhtunkhwa Protection against Harassment of Women at Workplace (Amendment) Act, 2020"

The "Khyber Pakhtunkhwa Protection against Harassment at Workplace amended act 2020" is a piece of legislation aimed at protecting employees from workplace harassment in KP province of Pakistan. After 15 years of the execution of the said bill, its impacts, manifested in different forms, are listed here;

1. It is the first-ever legislative intervention of the Government of Khyber Pakhtunkhwa for the protection of women against harassment in the workplace.
2. The law makes it required for each organization to constitute inquiry committee comprising at least one female member within thirty days of enactment of act to investigate harassment

cases. Consequently, 542 inquiry committees have been constituted in different situations. The table (1) below shows the total number of cases registered and the ultimate action that was taken thereupon:

3. The committee has the power to conduct inquiries and recommend minor/major penalties as per the Act. The competent authority is bound to implement imposed penalty recommended by the inquiry committee. A major penalty has been imposed in certain cases of the sexual harassment, such as removal from service in diverse organizations across the country (Bureau, 2020; Bacha, 2025).
4. The Ombudsmen have been appointed in all provinces as a result of this act (Imran, 2019). As this law provides a mechanism for addressing the grievances of female employees who are harassed in any form, the hundreds of cases have been reported to both provincial & federal ombudspersons, and thousands are referred to the Standing Inquiry Committees within the institutions (Imran, 2019).
5. If the act has clearly defined sexual harassment in workplace, then it is clear for the decision maker to decide accordingly. Both positive and negative legal Impacts have been reported in response to implementation of the Act. Among the negative aspects, one reported penalty was imposed against a person by provincial Ombudsperson due to false allegation; still, it was dismissed (Ali, 2021).

Table 1 Details of Cases

SN	Question /Inquiry	No of case	Action/Response
1	Registered before the Ombudsman	118	<ul style="list-style-type: none"> <li>• 25 in progress</li> <li>• 71 closed</li> <li>• 19 referred to various agencies</li> <li>• 3 are on hold</li> </ul>
2	Cyber Harassment	38	Referred to the cybercrime unit, Peshawar, Islamabad
3	Gender-based violence	78	Referred to as DBA, the voice of the voiceless, NET
4	Prime Minister's Citizen Portal	139	Resolved 139

Source: (Social Welfare Department KP 2023)

## Theme No. 2

The Implementation challenges to "The Khyber Pakhtunkhwa Protection against Harassment of Women at Workplace (Amendment) Act, 2020"

Though the Law is in place in field, socio-political structures, cultural practices, illiteracy, economic dependency, and a lack of will from policymakers and implementers are among other factors that hinder our ability to achieve desired results. The challenges hampering the implementation of law on the ground are:

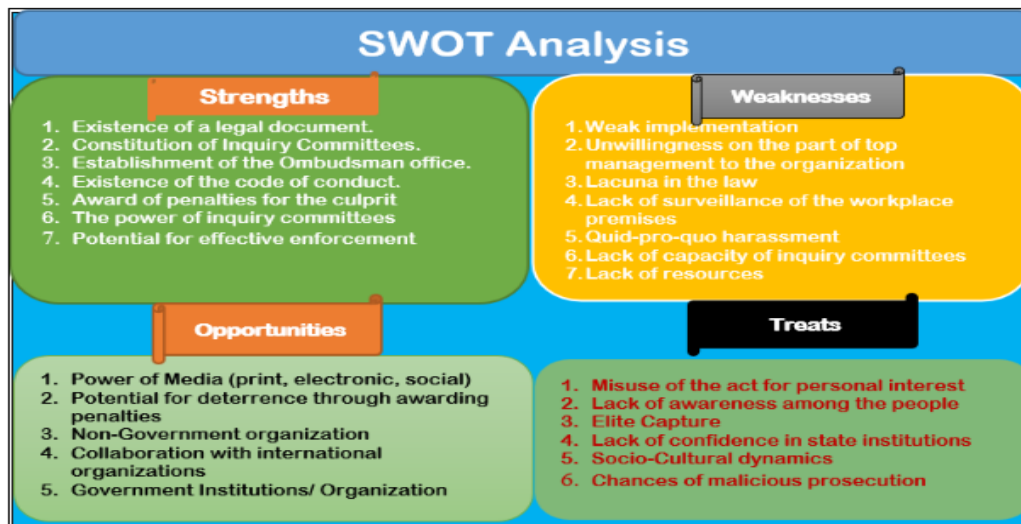
1. A lack of awareness about the law among the female workforce is a real challenge. According to Aman et al (2016), 52.3% of study respondents had no awareness of the act. Lack of satisfaction with law is another challenge. According to Aman et al. (2016), 64.7% of respondents reported being unsatisfied.

2. The organization lack of willingness poses one of greatest challenges to effective implementation of the law. [Aman et al. \(2016\)](#) reported that 83.7% of organizations did not implement the law in their workplaces.
3. There are some lacunae within the law. The definition of harassment in the workforce, and the potential for its misuse for ulterior motives, is yet another reason. Cases against High-Profile Persons are yet another problem, making it difficult for the process to take its course under the law.
4. Lack of trust in law enforcement agencies. 82.66% did not opt to report cases to the police ([Amaan et al, 2016](#)). Thus, the inquiry committees lack the skills to take and record evidence properly.
5. Due to the overburdened judicial system and extraordinary delay in the disposal of legal cases, common people avoid invoking law. Societal norms play their role as one of biggest challenges. 58.23% of participants opted not to report harassment cases due to the fear of damage to their reputations ([Amaan et al, 2016](#)).

### SWOT ANALYSIS

To highlight internal strengths & weaknesses, external opportunities and challenges, SWOT analysis technique is applied.

Figure 2 SWOT Analysis



### Theme No. 3

#### Solutions and Way Forward

To overcome these challenges, a holistic approach is necessary. The following measures can have a profoundly positive impact & help overcome challenges ([Secretariat, 2010](#)). Awareness campaigns, seminars, and sessions should be organized for the general public, particularly women, on the law. Thus, ignorance of these laws poses a significant hurdle to the effective implementation of the law ([Sharma, 2015](#)).



1. Removal of legal lacunas, An increase in the number of female policymakers, administrators, and judges. Establishment of specialized gender-based violence courts. Enhancement of the capabilities of the inquiry committees through training.
2. Installation of CCTV cameras in workplaces. Awarding punishment for nasty cases. Revisiting the curricula at the primary and secondary levels to incorporate high moral standards in the students during the formative years of their lives.
3. The services of religious leaders should be incorporated at various levels. Incorporating entries in performance evaluation forms regarding the implementation of anti-harassment measures (Htun & Jensenius, 2020).

### EETH Analysis

The EETH analysis, presented in conjunction with SWOT analysis, highlighted ways to enhance the effectiveness of the act and eliminate the weaknesses identified in SWOT analysis. It outlines ways to capitalize on available chances and explains how to create a defense against threats identified in the SWOT analysis.

Figure No. 3 EETH Analysis



### CONCLUSIONS

1. The Khyber Pakhtunkhwa Protection Against Harassment of Women at Workplace Act 2010 was introduced to provide the security to women in the workplace and was seen as successful to some extent.
2. However, the implementation of this Act appears to be quite weak because many loopholes have been reported like a lack of awareness about the act, a lack of surveillance of workplace

premises, and a lack of interest (83.7%) of the organization avoid to implement the act in their workplaces.

3. The act appeared as a hope for the victims, and many cases have been reported under the act; still, it was still noticed that many cases not been reported due to socio-cultural constraints, fear from the elite, and a lack of trust in the system.
4. It was found that the law seems ineffective against High-Profile Persons, which reduces trust in law enforcement agencies; hence, in research, 82.66% of victims did opt to report their cases. The performance of the inquiry committees was found questionable due to a lack of relevant skills to take and record evidence properly.

### Recommendation

1. As Khyber Pakhtunkhwa Protection Against Harassment of Women at Workplace Act 2010 claims to provide security to women, it is necessary to ensure the fulfillment of all the legal and administrative responsibilities in the best possible time.
2. As it was found that the majority of women are unaware of the Act, government departments should undertake awareness campaigns about Act's provisions and women's rights. To ensure the installation of CCTV cameras covering the workplace premises to ensure the security of the workplace environment.
3. In response to the lack of interest or inefficiency of the organization, disciplinary actions may be taken against such employers. Furthermore, the code of conduct may be incorporated into management policy in each organization and displayed in workplace environment, thereby gradually building trust.
4. In response to socio-cultural constraints, awareness about women's rights as per Islamic law may be promoted through media and through curricula in all academic degrees. The law did not talk about the misuse of the act or Men's rights, and also cases reported due to personal prejudices; hence, the act may be amended for men's protection against harassment, and Malicious prosecutions should be dealt with the iron hand through legal pursuit in the office of the ombudsman.
5. The performance of inquiry committees was found questionable. Hence, training of standing Inquiry committees should be held to equip them for the task under the act, and necessary resources may be provided to organizations for imparting skills to the inquiry committees to handle the issues.

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