

Harassment of working women in the public health sector of Abbottabad in socio-legal perspective

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Abstract

Objective: To investigate the efficacy and impact of Protection Against Harassment of Women at Workplace Act 2010 in the public health sector in its socio-legal perspective.

Method: This cross-sectional study was conducted from July to December 2014 in Abbottabad, Pakistan, and comprised subjects selected from 53 basic health units managed by the government. SPSS 20 was used for statistical analysis.

Results: Of the 450 questionnaires, 430(96.6%) were returned duly filled. Overall, 40% male (120 respondents) and 26% female (34 respondents) knew about the Act. Besides, 39% males (117 respondents) and 63% females (82 respondents) appeared unsatisfied with the complaint mechanism prescribed in the Act; all the respondents established that no case had been registered after the introduction of the Act. Overall, 31% males (93 respondents) and 57% females (74 respondents) thought that without the health governance commitment and social support structure the Act could not work.

Conclusion: The Protection Against Harassment of Women at Workplace Act 2010 was considered ineffective by the respondents who were concerned about the lack of social support system for the Act.

Keywords: Harassment, Efficacy, Impact, Health sector, Abbottabad. (JPMA 67: 37; 2017)

Introduction

Workplace harassment is any unwanted and annoying act of a party or a group including threats or demands by a supervisor or employee towards any other employee. The purpose of such act may vary from personal malice to an attempt to force someone to quit a job or grant sexual favours or merely gain sadistic pleasure for making someone fearful.¹ As the participation of women in workforce has increased, the social and economic development of women is halted by a few stakeholders who harass them at work.² The United Nations (UN) defines harassment as any kind of behaviour that hinders work and creates offensive/hostile work environment for women.³ The International Labour Organisation (ILO) emphasises the need to empower women and to help them continue their jobs by eliminating discrimination and harassment from workplaces to increase women's participation in the workforce. The Convention on Elimination of Discrimination against Women (CEDAW) articulates actions to avoid discrimination on the basis of gender and conditions, which lead to sexual harassment.⁴

Many of the Asian countries have formulated anti-sexual

harassment acts. The Philippines passed an anti-sexual harassment act in 1995 but the number of sexual harassment cases has increased since the promulgation of the law. Thailand included penalties for sexual harassment at workplace in its labour code in 1998, but sexual harassment has continued as before.⁵ Malaysia passed many bills to prevent sexual harassment at workplace and the number of cases of sexual harassment has come down. The Indian government passed the sexual harassment of women at workplace bill on February 26, 2013⁶ but it has been unhelpful in eliminating harassment.

In Pakistan, Alliance Against Sexual Harassment (AASHA) drafted a code of conduct to curb harassment at workplace,⁷ which turned into Protection against Harassment of Women at the Workplace (PAHWAW) Act 2010. A survey in 2007 depicted that 78% of working women face harassment, and that to build a positive image of workplace for women in Pakistani society had triggered the process of developing such laws.⁸ Sexual harassment is more common in situations where there are unequal gender ratio and large power differentials,⁹ and it is observed that there is highly unequal gender ratio and large power differentials in the health sector of Pakistan. According to a report by the International Union for the Conservation of Nature (IUCN), Pakistan/ Abbottabad, women are at a large disadvantage in terms of employment in this district as they are at lower ranks in

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jobs.¹⁰ The current study was therefore planned to assess the extent of awareness of male and female employees regarding PAHWAW Act as well as to analyse the efficacy and impact of PAHWAWA in the health sector of Abbottabad.

Subjects and Methods

This cross-sectional study was conducted from July to December 2014 in Abbottabad, Pakistan, and comprised subjects selected from basic health units managed by the government. The questionnaire used to collect data was based on Contemporary Feminist Theory¹¹ (Table-1).

The questionnaire had three sections: extent of awareness; efficacy and impact of the Act; and extensive reasons for ineffectiveness of the Act. Each section of the questionnaire included a set of statements to which the respondents were asked to reflect. Section 1 of the questionnaire measured the extent of awareness regarding PAHWAWA availability, literacy and display; section 2 measured its efficacy and impact regarding the complaint mechanism and penalties; and section 3 measured extensive reasons for ineffectiveness of the Act regarding framework for implementation of the act and socio-cultural dynamics. The questionnaire was validated by seven health district officers.

Using purposive sampling, the study sample was raised from 53 basic health units (BHUs) of Abbottabad, each having 9 members: medical officer, male technician, female technician, lady health visitor, male/female expanded programme on immunisation (EPI) staff, male/female supervisor on malaria, midwife, watchman and peon. The respondents were contacted and given an explanation of the purpose of the study, and their verbal consent was obtained. The questionnaires were hand-delivered by the data collection team.

Data were computed and analysed using SPSS 20 and descriptive analysis was conducted. The results of each item in the questionnaire were reported as frequencies and percentages.

Results

In 53 basic health units, 7(13%) medical officers were female and 46(87%) were males. Overall, 33% staff was female. The questionnaire was distributed among 450 subjects; 300(66.6%) male and 150(33.3%) female. Out of the distributed questionnaires, 430(96.6%) were returned duly filled (all the 300 males responded while 130 females responded out of 150 sample population), and suggested that the males had more knowledge about the Act (Table-2). The employees knew that the Act existed but most of

Table-1: Core questions of the contemporary feminist theory and of current paper.

Core questions of contemporary feminist theory (McGraw-Hill, 2004)	Core questions of the current paper
1. What about the women?	1. What law /act intends to do for women?
2. Why is the social world as it is?	2. What change it brought to the working conditions of women?
3. How can we change and improve the social world so as to make it a more just place for women and for all people?	3. How can we change and improve the working environment for women in health sector?

Table-2: Extent of awareness regarding the PAHWAWA 2010.

Extent of awareness Questions	Frequency Distribution				Percentages				Minimum value	Maximum value	Mean	Standard Deviation	Variance
	Male		Female		Male		Female						
	Yes	No	Yes	No	Yes	No	Yes	No					
Information of PAHWAWA existence	204	96	81	49	68%	32%	62%	38%	0	1	0.57	0.504	0.254
Knowledge of the content of the act 2010	87	213	18	112	29%	71%	14%	86%	0	1	0.59	0.497	0.247
Display of the code of conduct	75	225	16	114	25%	75%	12%	88%	0	1	0.67	0.473	0.224
Email circulation by the executive regarding the act	186	114	49	81	62%	38%	38%	62%	0	1	0.7	0.452	0.204
Awareness raising seminar regarding the act	45	255	10	120	15%	85%	8%	92%	0	1	0.64	0.487	0.237
Grand Mean in % (Frequency)					40%	60%	26%	73%					
					(120)	(180)	(34)	(196)					

Table-3: Level of satisfaction with complaint mechanism in the PAHWAWA 2010.

Efficacy of the act	Frequency Distribution				Percentages				Minimum value	Maximum value	Mean	Standard Deviation	Variance
	Male		Female		Male		Female						
	Yes	No	Yes	No	Yes	No	Yes	No					
Existence of committee to resolve harassment issues	225	69	78	49	75%	23%	60%	38%	0	1	0.767	0.426	0.181
Existence of female member in committee	123	165	29	94	41%	55%	22%	72%	0	1	0.623	0.488	0.238
Whether or not satisfied with the existent reporting mechanism	213	87	49	81	71%	29%	38%	62%	0	1	0.653	0.479	0.23
Whether or not satisfied with the penalty to harassers	150	150	18	99	50%	50%	14%	76%	0	1	0.597	0.493	0.243
Grand Mean in % (Frequency)					59% (177)	39% (117)	37% (48)	63% (82)					

PAHWAWA: Protection against Harassment of Women at the Workplace Act.

Table-4: Extensive reasons for ineffectiveness of PAHWAWA 2010.

Question	Frequency Distribution		Percentages		Mean	Standard Deviation	Variance
	Male	Female	Male	Female			
Prevailing mindsets:							
1. Men consider women as objects for their pleasure only	45	9.1	15%	7%	0.401	0.503	0.253
2. Men consider themselves as dominant in workplaces	102	39	34%	30%	0.39	0.491	0.242
Problems in framework for implementation:							
1. Lack of commitment on employer's behalf	30	14.3	10%	11%	0.409	0.503	0.253
2. Lack of capacity on employer's behalf	45	0	15%	0%	0.133	0.351	0.124
3. No scrutiny by the Government after the introduction of the act	159	52	53%	40%	0.516	0.502	0.252
4. All of these	66	63.7	22%	49%	0.535	0.502	0.252
Socio-cultural dynamics:							
1. Men have learnt from their family systems that they are dominant and they will not accept any pro-women law/act	72	14.3	24%	11%	0.628	0.49	0.24
2. Women learnt to be inferior and to keep their prestige while not reporting any such kind of case/mishap	60	14	20%	11%	0.58	0.501	0.252
3. Our society does not accept women to work outside home and consider these laws useless	75	28	25%	21%	0.608	0.493	0.243
Grand Mean in % (Frequency)			31% (93)	57% (74)			

PAHWAWA: Protection against Harassment of Women at the Workplace Act.

them had not read the content of the Act and they did not know how to use the Act. The mean extent of awareness regarding the Act was 40% males (120 respondents) and 26% females (34 respondents).

Data reflecting the complaint mechanism showed that 39% males (117 respondents) and 63% females (82 respondents) were unsatisfied with the mechanism (Table-3). All of the respondents expressed that none of the case has been registered after the PAHWAWA.

When the respondents were asked to contextualise the Act in the prevailing mindset (men take women as objects of pleasure only, men consider themselves as dominant in workplaces) problems in framework for implantation (lack

of commitment and capacity of employers, absence of security by the government) and socio-cultural dynamics (men have learnt from their family systems that they are dominant and they will not accept any pro-women law/act, women learnt to be inferior and to keep their prestige while not reporting any such kind of case/mishap, the society accepts such laws as useless, 31% males (93 respondents) opined that the law had proved ineffective because of extensive reasons, while 57% females (74 respondents) formulated the extensive reasons responsible for the ineffectiveness of the Act (Table-4).

Discussion

Women protection law mechanisms in developing

countries vary significantly from one country to another. In Pakistan it was a milestone to transform a bill into a law but unfortunately, the law has served as a piece of paper only. The ministries all over Pakistan have adopted code of conduct but awareness-raising seminars are only held in 7 ministries out of 17.¹² Sexual harassment watch organisation reports that in Pakistan out of 1074 organisation in the database, only 362 have adopted the code of conduct.¹³ The research in Karachi and Lahore regarding the efficacy and impact shows that most of the females are not aware of the Act; and those who are aware of the Act are afraid of registering a case against the harassers as they think it is like losing the job. The impeding factor is a lack of political will and the prevalence of patriarchal mindset. Deep-rooted attitudes and cultural practices cannot be changed through enactment of laws. More efforts are required to bring mind-gender sensitivity and consciousness in society.¹⁴

The analysis suggests that the term 'sexual' is not clearly defined in PAHWAWA. The sense of harassment is also not restricted; that to where a complainant has felt offended, threatened, demeaned, or intimidated, these three manifestations cannot be anticipated in the workplaces.¹⁵ It is imprecise about which acts of harassment merit major versus minor penalties. These penalties are mentioned in the Act without direction as to what penalty should be imposed to what type of offences which will result in dissimilar decisions and penalties being imposed in different organisations which will cause lack of credibility and standards.¹⁶ Setting up an inquiry committee may not be helpful in every organisation. If the complainant and the accused file against the ombudsperson he/she will go to the governor of the province or the president of the country; and that does not seem practical. The situation may lead to abuse of authority by the employer to pressurise the complainant not to launch the complaint formally.¹⁷

During the survey, awareness about the Act surprisingly was found more in male respondents than the females; it was 40% in males (120 respondents) and 26% in females (34 respondents). This finding is consistent with a qualitative study¹⁸ which showed that females do not try to gather the information which may imply indignity to their being. It indicates that the females view the law as mere symbolic initiative.

When asked how many cases have been registered after the PAHWAWA; none of the respondents had registered a case before or after the Act. This agrees with an earlier finding which reported that women do not opt for legal mechanisms because of its tedious nature.¹⁹ A vast

majority of the respondents appeared uncomfortable when asked about the minor and major penalties as the implementation seems very much questionable, a finding which supports a previous study that showed that females are reluctant to opt for the new role for change.²⁰

The responses were largely the same about the prevailing mindset, framework for the implementation of the Act, socio-cultural dynamics as disablers for the effectiveness of PAHWAWA. Again, this is in line with an observation discussed at large in *Working with Sharks*.²¹ Respondents agreed that the Act can be a source of change if it is supported by society. Our study showed that females have genuine expectations of the employers as knowledgeable implementers, but at the moment, the Act seems ineffective in Pakistan. Factors that contribute to this lack of confidence may include deficiency in the commitment of the employer and inadequate support system. These have been identified in countries where legal practice for women protection is in the early stage of gender care development.²²

Our study has some limitations. The study was conducted only in the health sector of district Abbottabad, so the data cannot be applied to the whole of Khyber Pakhtunkhwa province. Besides, the study only involved health workforce in public BHUs so the findings are not applicable to the private health sector.

Conclusion

PAHWAWA 2010 was seen as having technical flaws in its content. The males were found more aware about the act, males were found more satisfied with the complaint mechanism, and males were less inclined to link the ineffectiveness of the act to extensive reasons. We recommend the elimination of all technical flaws. Awareness should be raised through specific training programmes which can prepare workers to recognise workplace harassment. Proper feedback and scrutiny by the government is also required to monitor proper implementation of the Act.

Disclaimer: None.

Conflict of Interest: None.

Funding Disclosure: None.

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