

RIAA Barker Gillette secures major workplace harassment decision

RIAA Barker Gillette successfully represented a female government employee in a groundbreaking sexual harassment case that resulted in upholding dismissal of a civil servant.

RIAA BARKER
GILLETTE SECURES
MAJOR WORKPLACE
HARASSMENT
DECISION

Shahbakht Pirzada

RIAA
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In an important case that strengthens the implementation of Pakistan's workplace harassment laws, RIAA Barker Gillette has successfully defended a female civil servant employed by the Government of Sindh employee in proceedings before the Constitutional Bench of the Sindh High Court. The case which was undertaken *pro bono* represents a significant victory that was widely reported in the media as the first instance of a civil servant being dismissed from service under Pakistan's harassment law.

The matter involved a female civil servant who faced persistent sexual harassment from a male superior. After departmental remedies proved inadequate, she approached the Provincial Ombudsman under the [Protection Against Harassment of Women at the Workplace Act, 2010](#) (the "Act").

The Provincial Ombudsman found the accused guilty of sexual harassment and ordered his removal from service. RIAA Barker Gillette then represented the complainant *pro bono* before the Governor of Sindh, where the accused had filed a representation challenging the Ombudsman's order. The Governor upheld the Ombudsman's decision, after which the accused filed a Constitutional Petition in the Sindh High Court seeking to overturn all previous orders against him.

In his petition, the accused contended that the complainant had already filed a complaint with the head of her department, which was still pending. Therefore, the Ombudsman lacked jurisdiction to hear the matter. He further argued that under Section 4(4) of the Act, the Ombudsman only had the power to recommend penalties rather than directly order removal from service.

RIAA Barker Gillette conducted a robust defense challenging these contentions, demonstrating that the departmental complaint mechanism had been ineffective, with no action taken within the statutory timeframe of 30 days. We successfully argued that the doctrine of election (requiring a complainant to pursue only one forum) was inapplicable in sexual harassment cases where departmental remedies prove sluggish and ineffective.

The Constitutional Bench, in its detailed judgment, recognized the particular vulnerability of women facing harassment in male-dominated environments and the challenges in pursuing complaints through internal

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departmental mechanisms. The Court categorically held that the Ombudsman had full power under Section 10(2) of the Act to impose major penalties, including removal from service. Significantly, the Court also rejected the petition's attempt to re-examine factual findings regarding the absence of consent, affirming that constitutional jurisdiction cannot be invoked as a substitute for a second appeal.

The case represents the very first instance where a civil servant was reported to have faced direct dismissal under the Act following substantiated findings of sexual harassment against him, serving as a crucial affirmation of the legal protections provided under the law especially in the public sector, where power dynamics and hierarchy can sometimes hinder the pursuit of justice.

The judgment includes significant directives requiring all government departments to establish effective Inquiry Committees under the Act, ensuring complaints are processed within the statutory timeframe of 30 days, and to bring to the attention of all workers, especially female employees, the availability and applicability of the Act.

Partner at RIAA Barker Gillette [Shahbakht Pirzada](#) said:

"This ruling establishes critical precedent in Pakistan's evolving workplace harassment jurisprudence. The Court has not only affirmed the Ombudsman's authority to impose severe penalties in proven harassment cases but has also recognized the structural challenges women face when seeking redress through internal departmental channels."

For advice on complex employment disputes in Pakistan, contact [Shahbakht Pirzada](#) today.

This article is not legal advice; it provides information of general interest about current legal issues.

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RIAA Barker Gillette is Pakistan's premier law firm, with an on-the-ground presence in four major cities in Pakistan: Karachi, Islamabad, Lahore, and Peshawar, and affiliated offices in Dubai (DIFC) and London.

The firm practices in all areas of corporate, commercial and dispute resolution law. Leading international legal directories consistently recognize the firm as a top-tier law firm in Pakistan.

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