

A
BILL

*to amend the Protection against Harassment of Women at the
Workplace Act, 2010.*

WHEREAS it is expedient to amend the Protection against Harassment of Women at the Workplace Act, 2010 (Act No. IV of 2010), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Protection against Harassment of Women at the Workplace (Amendment) Act, 2017.

(2) It shall come into force at once.

2. General Amendment of Act No. IV of 2010.--- In the Protection against Harassment of Women at the Workplace, Act 2010 (Act No. IV of 2010), hereinafter referred to as the said Act, for the word "Ombudsman", wherever occurring, the word "Ombudsperson" shall be substituted.

3. Amendment of section 1 of Act No. IV of 2010.--- In the said Act, in section 1, in sub-section (2), for the word "Pakistan", the word "the Province of the Khyber Pakhtunkhwa" shall be substituted.

4. Amendment of section 2 of Act No. IV of 2010.---In the said Act, in section 2, -

(a) in clause (b), for the words, figures, roman numbers and brackets "the Industrial Relations Act, 2008 (IV of 2008), the words, figures, roman numbers and brackets "the Khyber Pakhtunkhwa Industrial Relations Act, 2010(Khyber Pakhtunkhwa Act No.XVI of 2010)"shall be substituted;

(b) in clause (g), —

(i) for sub-clause (iii), the following shall be substituted, namely:

"(iii) the authority, in relation of an organization or a group of organizations run by or under the authority of any Department of Government, appointed in this behalf or, where no authority is appointed, the head of the Department as the case may be;" and

(ii) in sub-clause (vii), the words "a Division of a Federal or a" shall be deleted;

(c) after clause (g); as so amended, the following new clause shall be inserted, namely:

"(g-i) "Government" means the Government of the Khyber Pakhtunkhwa;" and

(d) for clause (l), the following shall be substituted, namely:

“(l) “organization” means a Government Department, a corporation or any autonomous or semi autonomous body, educational institutes, medical facilities established or controlled by Government or district government or registered civil society associations or privately managed a commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 (XLVII of 1984) and includes any other registered private sector organization or institution;”.

5. Amendment of section 7 of Act No. IV of 2010.---In the said Act, for section 7, the following shall be substituted, namely:

“7. Ombudsperson.— (1) For the purposes of this Act, Government shall appoint an Ombudsperson who shall be-

- (a) a person, who is, or has been, or is qualified to be judge of a High Court or a retired civil servant of known integrity having law background with at least fifteen (15) years service; and
- (b) not more than sixty five (65) years and not less than forty five (45) years of age.

(2) The Ombudsperson shall be appointed by Government from a panel of candidates as recommended by the Search and Scrutiny Committee which shall consist of the following:

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| (i) | Chief Secretary, to Government of the Khyber Pakhtunkhwa; | Chairman |
| (ii) | Secretary, to Government of the Khyber Pakhtunkhwa, Social Welfare Department; | Member-cum-Secretary |
| (iii) | Secretary, to Government of the Khyber Pakhtunkhwa, Finance Department; | Member |
| (iv) | Secretary, to Government of the Khyber Pakhtunkhwa, Law Parliamentary Affairs and Human Rights Department; and | Member |
| (v) | Secretary, to Government of the Khyber Pakhtunkhwa, Establishment Department. | Member |

(3) The Search and Scrutiny Committee shall scrutinize the documents and credentials of the candidates and recommend to Government for appointment of a candidate as Ombudsperson.

(4) The Ombudsperson shall be eligible to all perks and privileges admissible to BPS-21 officer of Government.

(5) The Ombudsperson shall hold office for a period of three years.

(6) The Ombudsperson may resign his office by writing under his hand addressed to Government.

(7) Government may remove the Ombudsperson on the grounds of inefficiency or misconduct after giving him an opportunity of being heard.

(8) Government shall provide necessary staff for assistance of Ombudsperson as required to achieve the purposes of this Act.”

6. **Substitution of section 9 of Act No. IV of 2010.**---In the said Act, for section 9, the following shall be substituted, namely:

“9. **Representation to Governor.**— Any person aggrieved by a decision of Ombudsperson under sub-section (5) of section 8, may, within thirty days of decision, make a representation to the Governor of the Khyber Pakhtunkhwa, who may pass such order thereon as he may deem fit.”

7. **Amendment of section 13 of Act No. IV of 2010.**---In the said Act, in section 13, the word “Federal” shall be deleted.

STATEMENT OF OBJECTS AND REASONS

It is desirable to amend the Protection against Harassment of Women at the Workplace Act, 2010 (Act No. IV of 2010). Hence, this Bill.

Peshawar,
Dated the : ____ / ____ /2017.

Raza Mansoor
MINISTER-IN-CHARGE.