



WORKPLACE HARASSMENT AGAINST WOMEN IN PAKISTAN: AN ISLAMIC PERSPECTIVE

ABIDA ABDUL KHALIQ, PhD Candidate, Ahmad Ibrahim (Faculty) Kulliyah of Laws, International Islamic University Malaysia, abidaak786@gmail.com

DATO' SRI DR. ASHGAR ALI ALI MOHAMED, Professor of Law, Ahmad Ibrahim (Faculty) Kulliyah of Laws, International Islamic University Malaysia, ashgar@iium.edu.my

DR. MUHAMAD HASSAN AHMAD, Assistant Professor, Ahmad Ibrahim Kulliyah (Faculty) of Laws, International Islamic University Malaysia, mdhassan@iium.edu.my

Abstract- Islam highlights the role of women not only in the household but also to engage in employment and business activities. It also protects women at the workplace by extending the societal norms that have been shunned for women. This paper shows a comprehensive view of the concept of workplace harassment and Islam while also clarifying some misconceptions. It quotes many exemplary Muslim women from Islamic history to elucidate the supporting role of Islam. However, the problems arise either through a lack of knowledge or overextension of Islamic values in case of women's protection and family responsibilities. The holy scripture of Islam, Quran, emphasises many times the unique and ubiquitous role of women which is further accentuated by Prophet Muhammad (*s.a.w.*). Hence, it is found that, in Pakistan, the prime reason for workplace harassment with women can be underlined with either the cultural restrictions or the lack of implementation of existing laws. Accordingly, it is vital to endeavour in the implementation and enforcement of its existing laws for the protection of women from harassment in all aspects of their lives.

Keywords: Women's Rights in Islam, Rights to Employment, Workplace Harassment.

I. INTRODUCTION

Over the years, workplace harassment cases have been increasing in all sectors across the globe in hand-in-hand with the industrial growth. Multiple studies show that workplace harassment is widespread phenomenon and rates vary from 10-40% worldwide. Harassment at workplace includes the mobbing, workplace bullying, workplace aggression, workplace mistreatment and workplace abuse. The definition of harassment at workplace includes "any act of discrimination or misconduct that disadvantages the employee whether physically or emotionally". Albeit men also face harassment at workplace, however, it most certainly is prevalent and associated with women. The consequences of workplace harassment include frustration, stress, negative job satisfaction and even include the suicidal risks among other serious psychiatric symptoms among the working women. Despite the fact that numerous efforts have been made to curb its recurrence, the world have seen an upward trend for workplace harassment and it is rampant all over the world across every culture and country. Unfortunately, it is usually perceived that Muslim countries are also prone to workplace harassment against women although the advent of Islam has actually brought much needed dignity and status to females. Accordingly, this article aims at exploring Islamic perspective on the workplace harassment.

II. WOMEN'S RIGHTS TO ENGAGE IN EMPLOYMENT AND BUSINESS ACTIVITIES IN ISLAM

During the days of ignorance, the brutal customs like female infanticide and live burial was prevalent and the birth of female was considered as bad omen. They were treated like slaves and even the birth of a girl was considered to be a shame for the belonging family. The situation before and after the existence of Islam is comparable and it is clear that before the advent of Islam, the situation and behaviors with regard to status and dignity of woman was vilest. Muslim scholars have proved the fact that it is not because of Islam that women have low status in society but because of extra Islamic traditions that are Middle Eastern and involve Middle Eastern societal values. The fundamental purpose of Islamic culture is to bring prosperity,

advancement and to promote social welfare in the society. In order to achieve these objectives, Islam has ordained both genders of society to take part for the betterment of the whole society. It is impossible to get these purposes without women, and it is also evidenced from the Islamic history that women have been taking part to promote their families and prosper their society.

The enlightenment of Islamic religion of knowledge provided the rights of women unprecedented of that particularly time. Their status was recognised and the wall of discrimination that existed between men and women was demolished. In this regard, the Quran states: "And of His Signs is that He has created mates for you from your own kind that you may find peace in them and He has set between you love and mercy. Surely, there are Signs in this for those who reflect". "O mankind! Fear your Lord Who (initiated) your creation from a single soul, then from it created its mate, and from these two spreads (the creation of) countless men and women". These revelations show that Islam has created men and women without any discrimination and it has been proved that since their birth, Islam does not create any kind of inequality between both genders. In fact, Islam has given the distinguished rights and status to each gender.

Against the regular criticisms against the rights of women in Islam, it has indeed given equal status to every gender by keeping the uniqueness of both males and females who have to play their respective roles in the society. In most part of the contemporary world, every aspect of human life is measured on the scale of economic product and put greater emphasis on the economic growth. The critics claim that Islam has given only one role to women and that is to fulfill their family obligations and thus the women cannot participate in the economic activities of the state. Somehow, it is misunderstood the narration of Quran. The reality is that the women can engage in the economic activities while fulfilling their respective domestic obligations in a family. In this regard, the Quran narrates: "And according to usage, women too have rights over men similar to the rights of men over women". Thus, Islam does not differentiate men and women on the basis of gender, caste, color or creed. Since its inception, Islam always preaches for equality. There were even women warriors who bravely fought in various defensive battles in the early history of Islam such as Hazrat Ummeh Ammara (*r.a.*), Hazrat Khaula (*r.a.*) and Hazrat Ayesha (*r.a.*) to name a few. Unfortunately, the religion has been misunderstood and misinterpreted as if Islam subverts the character of women and give men superiority over women. It is evidenced by the following verse in the Quran which mentions that: "Every soul will be (held) in pledge for its deeds". Hence, Islam is the staunch advocate of the fact that men and women are equal. The only factor that distinguishes between them is their deeds; they are superior to one another on the basis of their deeds in the world.

The following jurisprudential philosophy should be boldly noted in mooted for the equal rights between women and men, i.e., treating unequal people equally or treating equal people unequally, in both ways, it would lead to injustice. It is undeniable that women and men are the same in many senses yet also they are different in many aspects. Thus, it is very crucial to treat them equal where they can be equal and treat them uniquely different where they do not have the same physical and biological capacities. This is not with the intention to discriminate women from men but it is to empower the women where they may need special treatments different from men. In the same vein, Islam ensures the equal rights between women and men wherever they can be treated equal. It has also given a unique status to women in every aspect whether spiritual, educational and social development wherever they are needed to be treated uniquely from men. Furthermore, the independent economics rights of women were existed since the beginning of Islam. It is the custom as well as obligation of husband to settle an amount which he must pay to his wife at the time of marriage which is called as dower and secondly wife will get a share in her husband's estate after getting into his *Nikah* (marriage) according to law.

Besides, Islam promotes the monetary profits and favors the involvement in the business and transactional activities regardless of gender. In fact, Islam has prescribed the rules and regulations to regulate the relations of trade, investment and gaining of profit, and always advocates his followers to be honest in the business and trade activities. Before the advent of Islam, women were not treated on the basis of equality and not given them unique position in the society. Islam promotes the equal status of women in the society both socially and economically. Islam has never restricted women to take part in fiscal and commercial activities, but always propagate others to give respect and dignity in all spheres of life. Islam gives Muslim women various commercial rights like right to earn money, to enter into legal contracts, to own property and the right to manage assets that she owns. In the context, the Quran states: "Whatever men earn, they have a share of that and whatever women earn, they have a share in that". The above verse of Quran clearly shows that there is no hindrance created by Islam on the aspect of working of women but Islam has imposed certain limits and restrictions on the Muslim women when they go at their workplaces. The limitations imposed by Allah (*s.w.t.*)

are related to modesty, veil and others. As far as these limitations and boundaries are not shattered by the Muslim women, they are not restricted by Islam to be an art of working class.

It is the beauty of the religion of Islam that it provides the concept of *Pardah* (covering the intimate parts of the human body) for both men and women. Nevertheless, some critics misconstrued the fact that Islam has provided the order of *Pardah* for women only. However, this is not true as Islam has ordained the concept of *Pardah* for both men and women. Men are ordered to lower their gaze and women are ordered to guard their modesty. From the above discourses, it gives a clear vision that Islam has not forbid women to work and take part in fiscal activities. However, there are certain limitations and boundaries prescribed by the Islam for the working women in order to guard their modesty and purity. Primarily, the role of a woman in a family as a wife and a mother should not be overlooked while she is engaging in fiscal activities. In fact, people need to look for the income to live in peace and harmony with the family members. There is no point of chasing of an income which would jeopardise the well-being of the family unit. Besides, she must be aware of what is permissible and what is forbidden, i.e., the work she is going to engage should be legal in nature; it must not include corrupt practices in the society and it should be in line with the religion, morality and modesty. The nature of job should be selected according to her skills such as education, female health, and jobs relating to midwifery, pediatrics or obstetrics-gynecology. In this fashion, women can perform any work outside their home with a condition to maintain her modesty.

Generally, Islam gives Muslim women complete freedom to seek employment whenever it is required by their families and they can even participate in the socio-economic activities to contribute to the welfare of their community. The examples of various Muslim women companions (*sahabiyat*) can be seen that in the history of Islam where women made substantial contribution in the field of education, literature, art, travelling, self-independence, religion, government and piety. History reveals that a number of female companions were engaged in several permitted activities pertaining to business transactions. Most prominent example from history is about Hazrat Khadija (*r.a.*), the first wife of Prophet Muhammad (*s.a.w.*), as she herself were a merchant and a successful business woman. She used to be a famous business women and trader of Quraish Tribe In Makkah. Prophet Muhammad (*s.a.w.*) used to assist her in her trade and goods were taken to Syria. After getting married, she donated much of her assets for the propagation of Islam. There was no such thing which prohibits her to run her business. In short, she is being idealised in Muslim women as a Role Model. After the demise of Hazrat Khadija (*r.a.*), Prophet Muhammad (*s.a.w.*) got married to Hazrat Ayesha (*r.a.*) who was also another leading lady having special intellect as she used to be a distinguished scholar of the religion of Islam. She taught a lot of religious lessons to her to the companions without any discrimination as to whether a female or a male. Another wife of Prophet Muhammad (*s.a.w.*), Hazrat Zainab Jahash (*r.a.*), used to be a leather merchant and all the products are sold in the market place. Moreover, it was reported that Prophet Muhammad (*s.a.w.*) allowed his wife Hazrat Sowda (*r.a.*) to go outside home and work in case of necessity.

As for as the women's rights in Islam is concerned, Muslim women can engage themselves into any kind of work or trade as long as it preserve their modesty as well as dignity and it is not against the teachings of Islam. However, the issue of workplace harassment is more prevalent these days and thus women are facing difficulties and being exploited as well as mistreated sometimes either by their employers or co-workers. The irony here is that even after Islam has ordained all safeguards and limitations for the women to work, they are still facing workplace harassment at different scale on daily basis.

III. WORKPLACE HARASSMENT AGAINST WOMEN IN PAKISTAN

Pakistan was created by the founding fathers on the basis of the religion of Islam and it is the Islamic ideology as well as culture that distinguish it from other secular countries. The fundamental principles which form the basis foundations of Pakistan include principles of *Shari'ah*, justice and equality which are guiding the lives of Muslims according to the principles enshrined in the Quran and *Sunnah*. The constitution of Pakistan, under Article 2-A, makes these principles the substantive part of the constitution. However, the problem still arises in the society of Pakistan due to the male dominancy. Sometimes, women's rights are violated and they are mistreated whereby experiencing injustice and inequality in a State which was founded on the name of Islam. This injustice and inequality degraded women's morale and restrict their mobility to work for their family and ultimately they hesitate to take part in the social, economic and educational affairs of the community and their skills, expertise and professionalism remain untouched in their whole life.

In the situation of Pakistan, most of the females prefer to work as medical doctors or teachers in schools and colleges as these professions are considered respectable and safe for working ladies in Pakistan. Nevertheless, even in these professions, they are under tremendous pressure from their families and societies. The recent trend in the economy of the world shows that, with the passage of time, women are considered as a strong workforce that takes considerable share in the welfare and development of a country. In order to sustain the economic growth, human productivity must be counted both genders in the economic growth of a country. The similar situation can be observed in Pakistan as the mindset of the general public has been shifted regarding the issue of working women and the society started accepting them as contributors to the development and sharing the gesture of respect with the working women. Unfortunately, a reasonable amount of time would still require changing the mindset of the rural community in Pakistan where the working of women is still considered unrespectable. The social and cultural values of Pakistan, like other Islamic countries, are based on the concept of *Pardah* that Muslim women are meant to stay at homes as a matter of honor and prestige. Due to this notion, it is usually considered that Islam has prohibited women to working outside rather ordain her to remain in their house and perform only her domestic obligations. It has already been comprehensively discussed above that the Quranic injunctions do not prohibit women to work outside rather they provide certain limitations that are to be considered while taking part in the business and economical activities to support their families and society.

Although education is the primary source of knowledge that enhances the human resource of any country through intellectual, moral and social methods of training or instruction; women in rural areas in Pakistan are normally not allowed to go to schools and colleges to attain education. This is not prevalent in urban areas though. Hence, unfortunately, most of the females in rural areas deprived from such skills in Pakistan and this does hinder the standard of living of families at large. This also reduces the opportunities for women to work and leads to lessen numbers of women at workplace. According to Mustafa, any woman's foremost duty in Pakistan is related to home tasks and family. Moreover, there is a lack of participation by women in most of the decision-making process at organisational level. General public perception is that males are responsible for earning income while females are considered as caretakers of the household.

Women in the Pakistani society have to struggle a lot to earn a respectable position while encountering all the traditional beliefs. At workplace, they must again face problems such as workplace harassment/violence and other different aspects of it such as aggression, bullying and injustice. Several studies have shown that due to such problems women in Pakistan either lessen their productivity in the form of burnout, turnover or lack of satisfaction or they altogether stay away from working. According to an estimate 93% of women in Pakistan face harassment/violence of some form. Such high ratio of harassment or harassment/violence can be attributed to the loopholes in legislation and its implementation. The fear of sanction diminishes such tendencies of repetition of the prohibited act. It is not like that there is non-existent of gender-based laws in Pakistan. Laws are there and even the fundamental law provides specific provisions for protection of women whether it is at home or at workplace.

Over the decades, legislators has proposed and made several improvements to criminal laws in order curtail the harassment/violence on women. These laws are the basic protections to diminish the workplace harassment to women. Despite the existence of legislations and policies pertaining to the protection of women at workplace, the State is still lacking enough mechanism for its implementation and enforcement. It is the need of the time to take special measurements by all the authorities, whether it is legislators or institutions responsible to provide remedy to the working women in case of harassment. This can lead to nation building with the active role of women. The religious community should also play their role and actively contribute by preaching about the equality of men and women so that good will may be propagated in a society.

IV. CONCLUSION

As Islam is a complete code of life to all its followers regardless of gender caste and creed differences, it discourages any indecent act against women, not only at home but also at workplace. This endorses that Islam protects the honor of females and does not allow them to be harassed at workplace. As it can be observed in the above discussion, there is no hindrance laid down in Islamic jurisprudence for working women and both genders can use their skills for the betterment of the society. Accordingly, Pakistan, as an Islamic nation, needs efficient implementation and enforcement of its existing laws in protecting women from

harassment/violence in all aspects of their lives such as at homes, schools, workplaces and other public places.

REFERENCES

1. Lewis, Jacqueline., Coursol, Diane., and Wahl, Kay Herting. "Addressing issues of workplace harassment: counseling the targets." *Journal of Employment Counseling*. 39 (3), (September 2002): pp. 109-116.
2. Ezer, Marius., and Ezer, Oana Florentina. "Workplace harassment, mobbing phenomenon." *Perspectives of Business Law Journal*. 1 (1), (November 2012): pp. 298-304.
3. Bader, Benjamin., Stoermer, Sebastian., Bader, Anna Katharina., and Tassilo Schuster. "Institutional discrimination of women and workplace harassment of female expatriates." *Journal of Global Mobility* (2018).
4. Hom, Melanie A., Ian H. Stanley., Sally Spencer-Thomas., and Thomas E. Joiner. "Women firefighters and workplace harassment: Associated suicidality and mental health sequelae." *The Journal of nervous and mental disease* 205 (12), (2017): pp. 910-917.
5. Baroudi, Sami E. "The 2002 Arab human development report: Implications for democracy." *Middle East Policy* 11 (1), (2004): pp. 132-141.
6. Saleh, Saneya. "Women in Islam: Their status in religious and traditional culture." *International Journal of Sociology of the Family* (1972): pp. 35-42.
7. Bukhari, Syed Abdul Ghaffar. "Role of Women in the Development of Islamic Civilization." *Jihat al-Islam* 5 (2), (2012).
8. Aamir, Alamzeb., Abu Bakar Abdul Hamid., Maqsood Haider., and Chaudhry Shoaib Akhtar. "Work-life balance, job satisfaction and nurses retention: moderating role of work volition." *International Journal of Business Excellence* 10 (4), (2016): pp. 488-501.
9. Surah Ar-Rum (30:21).
10. Surah An-Nisa (4:1).
11. Surah Al-Baqra (2:228).
12. Lings, Martin. "Muhammad." *His Life Nased on the Earliest Sources, Rochester, Vermont: Inner Traditions International* (1983).
13. Maqsood, Tayyab., Andrew Finegan., and Derek Walker. "Biases and heuristics in judgment and decision making: The dark side of tacit knowledge." *Issues in Informing Science and Information Technology* 1 (2004): pp. 295-301.
14. Surah Al-Muddaththir (74:38).
15. Al Qaradawy, Y. "The Woman as Member of the Society: When Is a Woman Allowed to Work?." *The Status of Women in Islam* (1998).
16. Khan, Shahid N. "A step towards distinction between supervisory impulsive and strategic abuse." *Asian Social Science* 10 (21), (2014): p. 281.
17. Sidani, Yusuf. "Women, work, and Islam in Arab societies." *Women in Management review* 20 (7), (2005): pp. 498-512.
18. Bano, Shehnaz., and Sadia Malik. "Impact of workplace bullying on organizational outcome." *Pakistan Journal of Commerce and Social Sciences (PJCSS)* 7 (3), (2013): pp. 618-627.
19. Oteer, Rabee. "Stress at Work and Its Subsequent Problems among Teachers of the Public Schools Which Operate the School-Based Violence Reduction Program (VRP) in Tulkarm Governorate." *World Journal of Education* 5 (4), (2015): pp. 26-37.
20. Mutahhari, Murtaza. *Man and Universe*. Islamic Seminary Publications, 1990.
21. Koehler, Benedikt. "Female entrepreneurship in early Islam." *Economic Affairs* 31 (2), (2011): pp. 93-95.
22. Surah An-Nisa (4:32).
23. Anggadwita, Grisna., Hendrati Dwi Mulyaningsih., Veland Ramadani., and M. Yahya Arwiyah. "Women entrepreneurship in Islamic perspective: a driver for social change." *International Journal of Business and Globalisation* 15 (3), (2015): pp. 389-404.
24. Al-Quran (24:30).

25. Muldoon, Katherine A., Monica Akello., Godfrey Muzaaya., Annick Simo., Jean Shoveller., and Kate Shannon. "Policing the epidemic: high burden of workplace violence among female sex workers in conflict-affected northern Uganda." *Global public health* 12 (1), (2017): pp. 84-97.
26. Ramadan, Tariq. *Radical reform: Islamic ethics and liberation*. Oxford University Press, 2009.
27. Badawi, Muhammad Mustafa. "Islam in modern Egyptian literature." *Journal of Arabic Literature* 2 (1971): pp. 154-177.
28. Alsaleem, Safar A., Abdullah Alsabaani., Reem S. Alamri., Rawan A. Hadi., Mona H. Alkhayri., Kholoud K. Badawi., Almozn G. Badawi, Abdulaziz A. Alshehri., and Abdulrahman M. Al-Bishi. "Violence towards healthcare workers: A study conducted in Abha City, Saudi Arabia." *Journal of family & community medicine* 25 (3), (2018): p. 188.
29. Maudūdi, Sayyid Abūla'lā. *The laws of marriage and divorce in Islam*. Islamic Book Publishers, 1983.
30. Barlas, Asma. "Believing women." *Islam: Unreading patriarchal interpretations of the Qur'an* 1, (2002).
31. Hussain, Aftab. *Status of women in Islam*. Law Publishing Company, 1987.
32. Becton, J. Bret., J. Bruce Gilstrap., and Maurice Forsyth. "Preventing and correcting workplace harassment: Guidelines for employers." *Business Horizons* 60 (1), (2017): pp. 101-111.
33. Ali, Parveen Azam., and Maria Irma Bustamante Gavino. "Violence against women in Pakistan: a framework for Analysis." *Journal-Pakistan Medical Association* 58 (4), (2008): p. 198.
34. Niaz, S., N. Izhar., and M. R. Bhatti. "Anxiety and depression in pregnant women presenting in the OPD of a teaching hospital." *Pakistan Journal of Medical Sciences* 20 (2), (2004): pp. 117-119.
35. Essers, Caroline., and Yvonne Benschop. "Muslim businesswomen doing boundary work: The negotiation of Islam, gender and ethnicity within entrepreneurial contexts." *Human Relations* 62 (3), (2009): pp. 403-423.
36. Shaikh, Erum Khushnood Zahid., Ali Gul Khushik., and Abdul Rahman Nizamani. "Assessing The Impact Of Government Initiatives On Women's Education Status In Pakistan." *The Government-Annual Research Journal of Political Science*. 7 (7), (2019).
37. Wee, Vivienne., F. Shaheed., S. Choonara., M. Jaschok., A. Sim., and C. Chiu. "women empowering themselves: A framework that interrogates and transforms." *Women's Empowerment in Muslim Contexts (WEMC) Process Document* (2008).
38. Goheer, Nabeel A. *Women entrepreneurs in Pakistan*. Geneva: International Labour Organization, 2003. Bukhari, 327.
39. Lynd, Juliet. "Hondo Es El Pozo Del Tiempo: Memory and Violence in Raúl Zurita's Las Ciudades De Agua (2007)." *Mandorla: Nueva Escritura de las Américas* 13 (2010): pp. 405-421.
40. Mustafa, Mohammed., Andrew Carson-Stevens., David Gillespie., and Adrian GK Edwards. "Psychological interventions for women with metastatic breast cancer." *Cochrane database of systematic reviews* 6, (2013).
41. Shaheed, 327.
42. Jafree, Sara Rizvi. "Workplace violence against women nurses working in two public sector hospitals of Lahore, Pakistan". *Nursing outlook* 65 (4), (2017): pp. 420-427.