



GENDER EQUALITY IN THE WORKPLACE: LEGAL PERSPECTIVES IN PAKISTAN

***Syed Najam Uddin Ahmed**

****Dr. Tansif Ur Rehman**

*****Aliya Saeed**

The manuscript has not been previously published elsewhere and is not being considered by any other journal. The authors read and approved the final version of the respective manuscript.

***Syed Najam Uddin Ahmed**

Department of Law, Dadabhoy Institute of Higher Education, Pakistan

Email: najamu444@gmail.com

****Dr. Tansif Ur Rehman**

Teaching Associate, Department of Sociology, University of Karachi, Pakistan;
and Visiting Faculty, Department of Law, Dadabhoy Institute of Higher Education,
Pakistan

Email: tansif@live.com

ORCID: <https://orcid.org/0000-0002-5454-2150>

*****Aliya Saeed**

PhD Fellow at School of Law, University of Karachi, Pakistan

Email: aaliasaeed@yahoo.com

Note: The authors have no conflict of interest to declare

Abstract

In legal terms, gender equality in the workplace in Pakistan involves a complex journey that cuts across constitutional provisions, labor laws, cultural practices, and institutional behaviors. Although the Constitution is very religious in equality and other labor laws have prohibited discrimination, implementation and enforcement have large loopholes. Some of the issues that continue to occur in the workplace despite the legal and societal limitations include wage inequality, inequality in women's leadership, sexual harassment in the workplace, and insufficient maternity benefits. Courts have provided a road map on what to improve, and new legislation, such as the Protection against Harassment of Women at the Workplace Act, has provided guidelines on what to improve, yet practical problems, such as ignorance, inadequate enforcement policies, and institutionalized patriarchal ideas, continue to hamper real changes. Cultures and religion also influence the interpretation and application of the laws, which contributes to the disparity in the assurance of equity in the working environment. Despite the development of legal advances, there is a necessity.

Keywords: challenges, historical context, laws, opportunities, theoretical context



Introduction

Another advantage of gender equality in the workplace is referred to as equal treatment, equal opportunity, and non-discrimination based on sex (Ali et al., 2022; Priola & Chaudhry, 2021). The law acknowledges gender equality and provides contributions to organizational policy and employee rights, as well as makes the economy more inclusive (Begum, 2023; Raza et al., 2023). Despite the statutory laws and the Constitution, there are still some problems, such as unequal pay, the absence of women in top management, and barriers to professional growth, which limit substantive equality in Pakistan (Rashid, 2021; Zaheer, 2021).

The most common issues that have been reported across all industries include discriminant hiring, wage disparity, unfair promotion, and work-related sexual harassment (Agha & Shaikh, 2023; Bhutto & Ramzan, 2021; Zaheer, 2021). These issues are even more complicated because they were not addressed due to the lack of legal literacy, ineffective mechanisms of complaint, and institutional inertia that do not permit a complete application of protective measures (Ali et al., 2022; Bhat, 2022). Although there are laws prohibiting sexual harassment of women in a workplace, such as the Protection Against Harassment of Women at the Workplace Act (2010), their enforcement remains uneven, and the efficiency of this legislation is still a controversial topic (Rashid, 2021; Agha & Shaikh, 2023).

To address both the structural pay gaps and victimization in the workplace, therefore, it requires a legal change and institutional capacity building (to implement enforcement bodies) and transparency (pay disclosure practices) (Priola & Chaudhry, 2021; Raza et al., 2023). Without them, only symbolic formal rules cannot bring any form of practical benefit to women at work (Ali et al., 2022; Bhutto & Ramzan, 2021).

Research Justification

Social justice and economic development are two important parameters that are dependent on gender equality in the workplace. In Pakistan, although there is constitutional assurance of equal opportunity in employment, as stated in Articles 25 and 27 of the Constitution and International obligations such as CEDAW that have been ratified, there remain pronounced gaps between the opportunities of men and women in the employment sector, wages, and even rights to work. The research is justified because it addresses the legal framework, which relates to gender equality in the Pakistani labor market, and where there are gaps between the law and practice. There are legal provisions like the Protection against harassment of Women in the Workplace Act 2010, and labor laws that are ineffective because of the societal traditions, inefficiency in the institution, and ignorance.

Examination of the legal approach would enable an in-depth knowledge of how well these laws create and maintain gender-inclusive workplaces and guard against discrimination and harassment. The research in this paper seeks to analyze the current laws, propose the challenges related to their implementation, and suggest a legal change to improve gender equality. Considering the socio-economic situation in Pakistan, workplace equality in the form of a stronger legal system can help the nation to grow, alleviate poverty, and empower half of the



population. This study is, therefore, timely, pertinent, and critical to policy formulators, lawyers, and policy activists in their effort to make the labor force more balanced.

Research Objectives

1. To discuss the historical context of gender equality in the workplace in Pakistan.
2. To highlight the theoretical context of gender equality in the workplace in Pakistan.
3. To analyze the laws regarding gender equality in the workplace in Pakistan.
4. To identify the key challenges regarding gender equality in the workplace in Pakistan.
5. To explore the opportunities for gender equality in the workplace in Pakistan.
6. To propose effective prevention and intervention strategies.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba&Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew& Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are listed.

1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigour, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; this is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

Literature Review

The latest studies indicate the institutional, legal, and social barriers to successful female employment. In some industries, Zehra (2023) documents the occurrence of professional attrition among women, citing it to organizational cultures and misogyny in daily life. As it is disclosed by Rashid 2021) and Ali et al. (2022), the lack of legal literacy and access to legal services are major contributors to the ineffectiveness of statutory measures, but Raza et al. (2023) introduce the profession-specific factors detrimental to the professional development of women. Together, these works can indicate a tendency according to which formal legislation is mandatory and not sufficient to guarantee equality (Begum, 2023).

Cultural norms and work-related harassment even diminish the opportunities women have. Beneath reproducing stereotypes, Agha and Shaikh (2023) present the discussion of the gendered representations in education and recruitment, and Zaheer (2021) provides a clearer



image of the exclusion of some groups of females. Bhutto and Ramzan (2021) discuss media discourse and disregard or even underreport gender labour issues. According to literature, cultural and organizational policies should be present to be compatible with changes in the law in order to reorganize daily practices at the workplace (Bhat, 2022).

The substantive equality strategies must consider cultural peculiarities, according to Priola & Chaudhry (2021) are sure that political participation plays a role in policy priorities formation. Intersectional interventions, such as the factoring in of the differences in class, region, and occupation, are also suggested by Ali et al. (2022) as well as by Raza et al. (2023). All these resources are an appeal to various legal answers and not a universal answer (Agha & Shaikh, 2023).

Historical Context of Gender Equality in the Workplace in Pakistan

The developments of the Constitution and international relations have been interlink to the historical trajectory of gender equality in the Pakistani workplace. Equality in the workplace is constitutionally grounded on the principles of Article 25 (equality before the law) and Article 27 (prohibition against discrimination in public employment), but the obligation to eradicate sex-based discrimination was marked by the fact that in 1996, Pakistan ratified CEDAW (Ali et al., 2022; Begum, 2023). Nonetheless, scholars such as Rashid (2021) and Zaheer (2021) have observed that execution has been made or bought because of the weak enforcement mechanisms and opposition to the concept and implementation of the act because of socio-cultural beliefs.

One of the most significant achievements in terms of legislation was the Protection against harassment of Women at the Workplace Act (2010), which provided redress and internal investigation procedures (Agha & Shaikh, 2023). However, the evidence and debate indicate that awareness, capacity to handle complaints, and organizational willingness to prosecute the law are low factors that dilute the degree of practicality of the Act (Rashid, 2021; Raza et al., 2023). The intellectual virtue in the specified content is that legislative advantages should be accompanied by the institutional change and the cultural shift to introduce material equality in the workplace (Priola & Chaudhry, 2021).

Theoretical Context of Gender Equality in the Workplace in Pakistan

According to a legal perspective, several significant feminist legal theories impact the theoretical approach to gender equality in the workplace. Through equal opportunity and the criminalization of blatant discrimination, liberal feminist legal theory advocates formal equality and argues that being treated equally under the law is the way to remove barriers. Critics, however, point out that this does not tackle the systemic problems down the line. Difference feminist legal theory advocates substantive equality, but acknowledges intrinsic differences (e.g., the difference associated with childbearing) and proposes policies such as parental leave as a step towards actual equality.

Dominance feminist legal theory sees inequality as a power relation, and in most cases, laws tend to reinforce male superiority. It is a viewpoint that greatly guides legal proceedings against sexual harassment, as it is viewed as a way of control. Lastly, intersectional feminist legal theory underscores that several identities (gender, race, and class) intersect, which impose distinctive outcomes of discrimination, necessitating more subtle legal solutions. All of these



theories are educative and supportive of workplace legislation because of the comprehensive gender equality.

Laws Regarding Gender Equality in the Workplace in Pakistan

The Pakistani laws guarantee gender equality at the workplace by providing equal treatment, remuneration, and ensuring that the workers are not subjected to discrimination. The most important legal frameworks are:

1. **Equal Remuneration Laws:** In the law of the Minimum Wages Ordinance (1961) and the Factories Act (1934), there exist provisions on equal pay for equal work regardless of gender.
2. **Industrial and Commercial Employment (Standing Orders), 1968:** Forbids discrimination during recruitment, training, promotion, and dismissal due to gender.
3. **Pakistan Constitution (1973):** Articles 25 and 27 include equality before the law and prohibit discrimination based on sex in employment in the state.
4. **Protection Against Harassment of Women at the Workplace Act (2010):** Provides measures to prevent and address sexual harassment in the workplace across both public and private sectors.
5. **Punjab Women Protection Authority Act (2017) and similar provincial laws:** Intended to provide women in the provinces with a safe and conducive working environment.

Employers are required to practice fair recruitment, promotion, and compensation. Violation remedies are in the form of compensation, reinstatement, and work modifications. Although legislative gains have been realized, practical gender equality still needs to be enforced, and wider societal transformation still needs to be implemented.

Challenges for Gender Equality in the Workplace in Pakistan

1. **Bias in Hiring and Promotions** - Implicit prejudice and stereotypes hamstring career advancement even in places where anti-discrimination policy is in place.
2. **Cultural Resistance** - Traditions in society are defying the law, and unwillingness to change the traditional gender representation in the top positions.
3. **Harassment & Retaliation** - Workplace harassment is still very prevalent and victims are usually afraid of being retaliated or insufficiently redressed through law.
4. **Intersectional Discrimination** - The women of marginalized groups have to deal with the problems that are compounded and which the laws cannot solve properly.
5. **Legal Loopholes** - There are some laws that do not cover informal sector, part time employee or small businesses and as a result; they leave women vulnerable.
6. **Parental Leave and Caregiving Bias** - The current policies on parental leave discriminate against women by restricting the ability to advance their careers.
7. **Unequal Pay** - Wage gaps exist based on the lack of transparency and the devaluation of the so-called woman jobs regardless of equal pay laws.
8. **Weak Enforcement** - In many countries there are strong laws but no actual monitoring so the pay gaps and discrimination will continue.

Opportunities for Gender Equality in the Workplace in Pakistan

The emerging legal principles and social developments, despite the existing difficulties, present valuable opportunities to advance gender equality in the workplace:



1. **Anti-Harassment Tech Solutions** – New laws are driving AI-sensitive compliance technology to detect discrimination as well as harassment during the hiring and promotion process.
2. **Corporate Accountability** – Imposing gender diversity on boards (e.g., California SB 826) and ESG (Environmental, Social, and Governance) reporting are some of the legal provisions that force companies to look at equality.
3. **Flexible Work Policies** – Remote and flexible work will be a right under post-pandemic labor law in the future, which assists in balancing caregiving and career progression among female employees.
4. **Improved Laws** – A flood of critical changes to law, e.g., mandatory pay disclosure (e.g., the Pay Transparency Directive of the European Union, 2023), and coverage of gig workers.
5. **Whistleblower Protections** – Better legal safeguards are emerging to allow workers to report discrimination without fear of retaliation..

Gender equality can be accelerated by such legal developments, which help companies and policymakers to promote more equal and productive working conditions.

Discussion

Gender equality in the workplace is a growing legal and social problem in Pakistan. Laws like the Protection against harassment of Women at the Workplace Act (2010) and the Constitution (Article 25) promote equal rights and non-discrimination. However, the enforcement is low due to organization and cultural values. Legislation on harassment, equal pay under the Minimum Wages Ordinance (1961), and employment protection under the Standing Orders Ordinance (1968) are filling some gaps. However, this is undermined because they are not consistent in their implementation.

The new opportunities that emerge are digital complaint systems and flexible work policies, although the problems of resistance to change and overlapping issues persist. No one has been able to reform the governance of the informal sector and the gig economy since most of the areas do not have legal Protection. Sustainable equality cannot be satisfied by laws only; it must be supported with corporate responsibility and cultural change, and empowerment of employees. Without an active legalization that is implemented through the will of society, there can be no real advancement of gender equity in the workplace.

Conclusion

Gender equality in the workplace can only be realized through effective legislative frameworks, enforcement, and cultural change. In Pakistan, the laws that give significant protections to women include the Protection against Harassment of Women at Workplace Act (2010) and the Constitution, Article 25, which states that all people are equal before the law. Gender diversity policies in public service, pay equity guidelines, and digital compliance systems are new legal tools and are a step in the right direction. However, the change will be permanent only with laws, but organizational responsibility, non-discriminatory work policy, and culture change are equally important. The legislation needs to keep changing to embrace the realities of



the modern workplace and ensure equality is no longer a weapon to be achieved but an experience.

Recommendations

1. **Implement AI Governance Standards** - Introduce regulations on AI use in the workplace so that it is not fairly used in the hiring, promotion, or rating decisions.
2. **Extend Legal Protections** - Extend anti-discrimination legislation to part-time, temporary, and gig workers in all areas of employment.
3. **Introduce Intersectional Law** - Establish protection against discrimination on the basis of overlapping identities which include gender, race, disability, and socio-economic status.
4. **Make It Even Better on Anti-Harassment Campaign** - Require all organizations to adopt transparent reporting policies and have them audited independently to fight harassment at work place.
5. **Normalize and Conduct Periodic Gender Audits** – Require companies to perform annual gender equality assessments and publish actionable improvement plans.
6. **Parental Leave Reform** – Enact a law offering equal, non-transferable parental leave to both men and women to reduce caregiving-related bias.
7. **Pass Improved Pay Disclosure Law** – Implement legislation mandating full transparency in remuneration, with strict penalties for non-compliance, similar to the EU Pay Transparency Directive.
8. **Provider Whistleblower Protection** – Ensure safe and anonymous reporting systems, with strong legal protections against retaliation for employees who report discrimination.
9. **Remote Work Laws Update Labor Laws** – Provide equal rights and protections to remote and hybrid workers, addressing gender-based exclusion.
10. **Strengthen the Board Diversity Expectations** – Introduce and enforce gender quotas in corporate leadership, similar to Norway’s 40% female board representation rule..

The best way to extract the most out of it is to combine such legal actions with corporate accountability mechanisms and awareness campaigns caused by the media..

Research Limitations

Despite all the research conducted on gender equality in the workplace, there are several research limitations. Firstly, there exist Data gaps which hinder a comprehensive analysis since the majority of countries lack a standard means of reporting on the pay gaps, harassment cases, or promotion discrimination. Second, Comparative studies are also subject to Cross-jurisdictional inconsistencies, in that various legal definitions of discrimination exist, and mechanisms of enforcement are not applied equally in the multiple jurisdictions. Third, self-reporting biases can result in skewed workplace survey results as employees tend to fear reprisals when they disclose instances of discrimination.

The majority of studies focus on formal types of employment, leaving aside informal and gig types of employment, where feminine inequalities are even more prominent. Intersectional studies remain wanting because they fail to provide a complete picture of how race, class, and disability increase gender discrimination. Last but not least, the rapid legal and professional changes, such as remote work and AI-assisted recruitment, are updating faster than



the existing literature, creating knowledge gaps on the potential risks of new forms of discrimination. In order to address these shortcomings, we have to adopt superior data collection techniques, longitudinal studies, and interdisciplinary techniques to present information that can inform legal changes and policy interventions.

Research Implications

The growing volume of literature on the issue of gender equity in the work environment carries a significant implication for the legal framework and policy-making. Surveys that have identified considerable sums of pay disparity amidst equal pay laws show that more enforcement measures are necessary to implement, as well as to address pay transparency needs. The research that has demonstrated that overt discrimination is prevalent in the hiring and promotion procedures suggests that legal regulations should expand the range of Protection to the consequences of implicit discrimination, which standardized hiring procedures and AI applications could facilitate.

The findings on the disproportionate impact of women in their careers due to their parental needs reveal that the legislation must be altered to transform the policy of parental leave and flexible work arrangements. The existing research on intersectional discrimination implies that the bill must become more subtle in the Protection of compounded discrimination. Furthermore, the outcomes of the study that proved the effectiveness of diversity quotas and corporate accountability programs provide empirical support for the enhancement of such legal regulations. As workplaces evolve, future research should inform adaptive lawmaking in the fields of remote work, the vulnerability of the gig economy, and algorithmic bias to ensure the latter remains legally safeguarded to attain substantive gender equality.

References

- Agha, N., & Shaikh, G. (2023). Teachers' perceptions of gender representation in textbooks: Insights from Sindh, Pakistan. *Journal of Education*, 203(4), 891–900. <https://doi.org/10.1177/00220574221097596>
- Ali, Y., Shoaib, M., & Ahsan, H. (2022). Feminist waves and gender discrimination in Pakistan. *Global Sociological Review*, 4(3), 31–40. [https://doi.org/10.31703/gsr.2022\(vii-iii\).04](https://doi.org/10.31703/gsr.2022(vii-iii).04)
- Begum, A. (2023). Political participation of female in Pakistan: Prospects and challenges. *Unisia*, 41(1), 39–76. <https://doi.org/10.20885/unisia.vol41.iss1.art3>
- Bhat, D. A. M. (2022). Gender discrimination in Pakistan: Causes and remedies. *ICR Journal*, 13(2), 81–93. <https://doi.org/10.52282/icr.v13i2.914>
- Bhutto, J., & Ramzan, M. (2021). English: Verses of the Quran, gender issues, feminine injustice, and media transmission—CDA of Pakistani press reports. *Rahat-ul-Quloob*, 5(2), 111–126. <https://doi.org/10.51411/rahat.5.2.2021/316>
- Egger, M., Higgins, J. P., & Smith, G. D. (Eds.). (2022). *Systematic reviews in health research: Meta-analysis in context*. John Wiley & Sons. <https://doi.org/10.1002/9781119099369>
- Gan, J., Xie, L., Peng, G., Xie, J., Chen, Y., & Yu, Q. (2021). Systematic review on modification methods of dietary fiber. *Food Hydrocolloids*, 119, 106872. <https://doi.org/10.1016/j.foodhyd.2021.106872>



- Hiver, P., Al-Hoorie, A. H., Vitta, J. P., & Wu, J. (2021). Engagement in language learning: A systematic review of 20 years of research methods and definitions. *Language Teaching Research*. Advance online publication. <https://doi.org/10.1177/13621688211001289>
- Komba, M. M., & Lwoga, E. T. (2020). Systematic review as a research method in library and information science. In P. Ngulube (Ed.), *Handbook of research on connecting research methods for information science research* (pp. 80-94). IGI Global Scientific Publishing. <https://doi.org/10.4018/978-1-7998-1471-9.ch005>
- Page, M. J., McKenzie, J. E., Bossuyt, P. M., Boutron, I., Hoffmann, T. C., Mulrow, C. D., Shamseer, L., Tetzlaff, J. M., & Moher, D. (2021). Updating guidance for reporting systematic reviews: Development of the PRISMA 2020 statement. *Journal of Clinical Epidemiology*, 134, 103-112. <https://doi.org/10.1016/j.jclinepi.2021.02.003>
- Pawson, R., Greenhalgh, T., Harvey, G., & Walshe, K. (2005). Realist review - A new method of systematic review designed for complex policy interventions. *Journal of Health Services Research & Policy*, 10(1), 21-34. <https://doi.org/10.1258/1355819054308530>
- Petticrew, M., & Roberts, H. (2006). *Systematic reviews in the social sciences: A practical guide*. Blackwell Publishing. <https://doi.org/10.1002/9780470754887>
- Priola, V., & Chaudhry, S. A. (2021). Unveiling modest femininities: Sexuality, gender inequality and gender justice. *British Journal of Management*, 32(2), 306–321. <https://doi.org/10.1111/1467-8551.12390>
- Rahi, S. (2017). Research design and methods: A systematic review of research, sampling issues, and instruments development. *International Journal of Economics Management Sciences*, 6(2), 403. <https://doi.org/10.4172/2162-6359.1000403>
- Rashid, S. (2021). University students' perceptions about gender discrimination at the workplace. *Pakistan Languages and Humanities Review*, 5(2), 317–333. [https://doi.org/10.47205/plhr.2021\(5-ii\)2.26](https://doi.org/10.47205/plhr.2021(5-ii)2.26)
- Raza, A., Jauhar, J., Abdul Rahim, N. F., Memon, U., & Matloob, S. (2023). Unveiling the obstacles encountered by women doctors in the Pakistani healthcare system: A qualitative investigation. *PLOS ONE*, 18(10), e0288527. <https://doi.org/10.1371/journal.pone.0318366>
- Victor, L. (2008). Systematic reviewing in the social sciences: Outcomes and explanation. *Enquire*, 1(1), 32-46. <https://www.nottingham.ac.uk/sociology/documents/enquire/volume-1-issue-1-victor.pdf>
- Zaheer, Z. (2021). Gender discrimination of female sex workers in Pakistan. In W. L. Filho, A. M. Azul, L. Brandli, A. Salvia, & T. Wall (Eds.), *Encyclopedia of the UN Sustainable Development Goals* (pp. 438–448). Springer. https://doi.org/10.1007/978-3-319-95687-9_91
- Zehra, A. (2023, July 24). Why Pakistani female lawyers are quitting. *Foreign Policy*. <https://foreignpolicy.com/2023/07/24/pakistan-women-lawyers-tlp-misogyny-culture-power/>