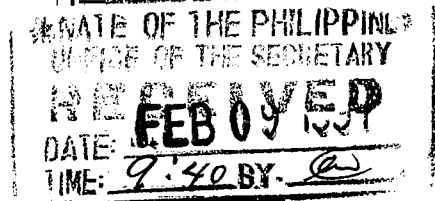


NINTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



S E N A T E

COMMITTEE REPORT NO. 352

Submitted by the Committees on Labor, Employment and Human Resources Development; Constitutional Amendments, Revision of Codes and Laws; and Civil Service and Government Reorganization on , 1994.

RE : Senate Bill No. 1632, prepared by the Committees.

Recommending its approval in substitution of S. Nos. 1146, 1273, 1326 and 1538, taking into consideration H.B. 9425

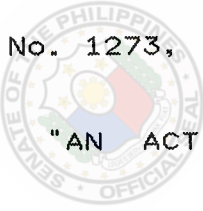
Sponsors : Senators Lina, Jr., Ople, Herrera, Macapagal and Roco.

MR. PRESIDENT:

The Committees on Labor, Employment and Human Resources Development; Constitutional Amendments, Revision of Codes and Laws; and Civil Service and Government Reorganization, to which were referred S. No. 1146, introduced by Senator Lina, Jr., entitled:

"AN ACT PROSCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT ENVIRONMENT AND PROVIDING PENALTIES THEREFOR"

S. No. 1273, introduced by Senators Ople and Herrera, entitled:



"AN ACT PROSCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT AND NON-EMPLOYMENT ENVIRONMENT AND PROVIDING PENALTIES THEREFOR"

S. No. 1326, introduced by Senator Macapagal, entitled:

"AN ACT PROSCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT ENVIRONMENT AND PROVIDING PENALTIES THEREFOR"

S. No. 1538, introduced by Senator Roco, entitled:

"AN ACT PROSCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT AND NON-EMPLOYMENT ENVIRONMENT AND PROVIDING PENALTIES THEREFOR"

and H. B. No. 9425, introduced by Congressmen Antonino, Almario, Jabar, Acosta, Borja-Agana, Aquino-Oreta, Bakunawa, Cabilao, Domingo, Ecleo, Fuentes, Gordon, Henson, Laurel-Trinidad, Lobregat, Ocampo, Palma Gil, Plaza, Reyes, Soon-Ruiz, Starke, Tugung, Veloso, Bondoc, Catane, Liban, Andolana, Pancho, Tammang, Loreto, Ty, Panes, Kho, Lanto, Sarmiento (A.), Lorenzo, Candazo, Baguio, Pimentel, Paredes, Jr., Aumentado, Lopez (E.), Cerilles, Damasing, Perez, Jr., Sator, Badelles, Sr., Cuenco, Isidro, Lagman, Palacol, Guanzon, Romero, Tuazon, Fua, Dela Cruz, Jr., Dinglasan, Jr., Verceles (E.), Villaviza, Montemayor, Roldan, Paras, Ortega, Escudero III, Singson, Alfelor, Del Mar, Perez (H.), Zarraga, Gullas, Abaya, Apostol, Chiongbian, Datumanong, Garcia (P.), Golez, Lara, Leviste, Martinez, Jr., Montejo, Sibug, Tagle, Tajon, Tingzon, and Verceles, Jr., entitled:

"AN ACT DECLARING UNLAWFUL SEXUAL HARASSMENT IN THE EMPLOYMENT ENVIRONMENT AND PROVIDING PENALTIES THEREFOR"

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. _____, prepared by the said Committees, entitled:

"AN ACT PROSCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT AND NON-EMPLOYMENT ENVIRONMENT, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES"

be approved in substitution of Senate Bill Nos. 1146, 1273, 1326, and 1538; and taking into consideration H.B. No. 9425 with Senators, Lina, Jr., Ople, Herrera, Macapagal and Roco as authors thereof.

Respectfully Submitted:

Ernesto F. Herrera
ERNESTO F. HERRERA
Chairman

Committee on Labor, Employment
and Human Resources Development

VICE-CHAIRMEN

Alberto G. Romulo
ALBERTO G. ROMULO

BLAS F. OPLE

MEMBERS

Wigberto E. Tañada
WIGBERTO E. TAÑADA

Anna Dominique M.L. Coseteng
ANNA DOMINIQUE M.L. COSETENG

Ramon B. Revilla
RAMON B. REVILLA

Vicente C. Sotto, III
VICENTE C. SOTTO, III

Francisco S. Tatad
FRANCISCO S. TATAD

Santanina T. Rasul
SANTANINA T. RASUL

Jose D. Lina, Jr.
JOSE D. LINA, JR.
Chairman

Committee on Constitutional
Amendments, Revision of Codes and Laws

VICE-CHAIRMEN

Ernesto M. Maceda
ERNESTO M. MACEDA

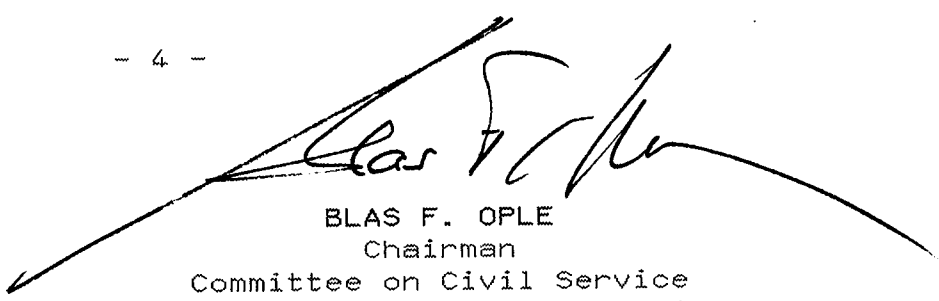
Raul S. Roco
RAUL S. ROCO

MEMBERS



WIGBERTO E. TAÑADA

Arturo M. Tolentino
ARTURO M. TOLENTINO



BLAS F. OPLE
Chairman
Committee on Civil Service
and Government Reorganization

VICE-CHAIRMAN

ERNESTO F. HERRERA

M E M B E R



ARTURO M. TOLENTINO

EX-OFFICIO MEMBERS




LETICIA RAMOS-SHAHANI
Senate President Pro Tempore



ALBERTO G. ROMULO
Majority Leader

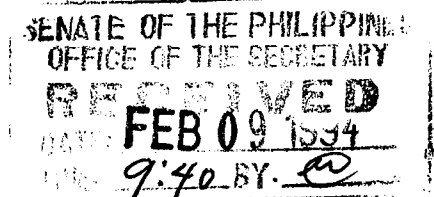
WIGBERTO E. TAÑADA
Minority Leader



HONORABLE EDGARDO J. ANGARA
President
Senate
Manila

[crlabor II:crsexual]
BAM:MEH:jrmb

Ninth Congress of the Republic }
of the Philippines }
Second Regular Session }



SENATE

S. No. 1632

Introduced by Senators Lina, Jr., Ople, Herrera,
Macapagal and Roco

AN ACT
PROSCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT AND NON-
EMPLOYMENT ENVIRONMENT, PROVIDING PENALTIES THEREFOR AND
FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives
of the Philippines in Congress assembled:

1 SECTION 1. Title. - This Act shall be known as the
2 "Anti-Sexual Harassment Act of 1994".

3 SEC. 2. Purpose. - It is the policy of the State to
4 value the dignity of every human individual, to guarantee
5 full respect for human rights and to uphold the dignity of
6 workers, employees and those seeking employment. Towards
7 this end, all forms of sexual harassment herein defined are
8 hereby declared unlawful.

9 SEC. 3. Sexual Harassment Defined. - Unwanted,
10 unwelcome or uninvited advances, requests for sexual favors
11 and other verbal, non-verbal or physical conduct of a sexual
12 nature constitute sexual harassment when:

13 a) it is made a condition in the hiring or the
14 employment of said individual; or in
15 granting said individual, with respect to the

5

S. No. _____

1 latter's employment, favorable compensation,
 2 terms, conditions, promotions, or privileges;
 3 or in limiting, segregating, or classifying
 4 employees which in any way would discriminate,
 5 deprive, or diminish employment opportunities
 6 or otherwise adversely affect said individual
 7 as an employee;

8 b) submission to or rejection of such advances,
 9 requests or conduct would impair the right of
 10 the worker concerned to self-organization or
 11 the right to strike; or

12 c) such conduct has the purpose or effect of
 13 interfering with a worker's work
 14 performance or creating an intimidating,
 15 hostile or offensive working environment.

16 Any other annoying, disgusting or offensive act or
 17 conduct shall also constitute sexual harassment when
 18 committed under circumstances similar or analogous to the
 19 foregoing.

20 SEC. 4. Coverage. - This Act shall cover all acts
 21 or conduct of sexual harassment committed by or against
 22 employers, his/her immediate family, managers, supervisory
 23 officers and other high-ranking officers, employees, union
 24 officers and members, applicants for employment, customers,
 25 clients, agents of the employer, or any other persons
 26 transacting business within the employment environment in
 27 both the private and public sectors.



S. No. _____

- 3 -

1 SEC. 5. Duty of the Employer. - It shall be the
2 duty of the employers to take the necessary steps to
3 prevent/remedy sexual harassment, as abovedefined from
4 occurring in their workplace which include, but not limited
5 to, the following:

6 1. Issuance of rules and regulations which
7 include strict proscriptions on sexual
8 harassment as defined by law and the penalties
9 therefor, without prejudice to other
10 disciplinary action, including dismissal from
11 the employment/service of the offender;

12 2. All employees and those seeking employment in
13 the establishment, shall be personally
14 informed of the foregoing rules and
15 regulations, which in addition, shall be
16 constantly posted in the company bulletin
17 board and in other conspicuous places in the
18 establishment together with the copy of the
19 law;

20 3. Strict enforcement of said rules and
21 regulations impartially and without exception.

22 Should there be a union in the bargaining unit/company,
23 such necessary steps shall be jointly formulated by the
24 employer and the union.

25 SEC. 6. Who may be held liable. - An employer,
26 his/her immediate family, manager, supervisory officer,



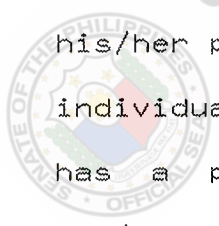
S. No. _____

1 and other high-ranking officers, agent of the employer,
 2 employee, labor union leader or member, customers,
 3 clients and other persons transacting business within the
 4 employment environment who commits the prohibited acts
 5 provided in this Act shall be held liable under this Act.

6 SEC. 7. Liability of the Employer. - The employer
 7 shall be solidarily liable for acts of sexual harassment
 8 committed in the workplace by persons referred to in Section
 9 6 hereof: Provided, That said employer had prior knowledge
 10 of, and did nothing to stop the acts of sexual harassment
 11 complained of.

12 SEC. 8. Illegal Dismissal. - An employee or worker
 13 who resigns due to sexual harassment shall be deemed to
 14 have been illegally dismissed and shall be entitled to all
 15 the rights and reliefs appertaining to an illegally
 16 dismissed employee.

17 SEC. 9. Sexual Harassment in Non-Employment
 18 Environment. - Whenever a person in authority uses
 19 his/her position or influence to intimidate or cause another
 20 individual who is under his/her care or supervision, or who
 21 has a pending business or official transaction requiring
 22 his/her approval, through unwanted, unwelcome or uninvited
 23 advances, requests for sexual favors and other verbal, non-
 24 verbal or physical conduct of a sexual nature, he/she shall
 25 be liable for sexual harassment in accordance with this Act.



S. No. _____

1 SEC. 10. Sexual Harassment Committed by Public
 2 Officers/Employees. - Sexual harassment committed by any
 3 public officer/employee shall be dealt with in accordance
 1 with the provisions of the Civil Service Code and other
 2 relevant laws or regulations pertaining to discipline of
 3 officers and employees in the government service.

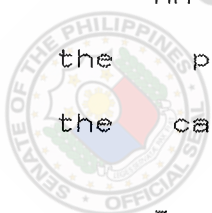
4 SEC. 11. Disposition of Cases. - Any complaint of
 5 sexual harassment may be filed by the aggrieved party or any
 6 interested person in behalf of the aggrieved party:
 7 Provided, That if the case is initiated by the latter, a
 8 written consent of the aggrieved party is obtained.

9 All complaints of sexual harassment except as otherwise
 10 provided in this Act, shall be filed initially with the
 11 employer or supervisor who shall thereupon make the
 12 necessary proceedings for the expeditious resolution of the
 13 case.

14 An independent person or body may be constituted for
 15 the purpose of conducting preliminary investigation of
 16 the case.

17 In any of the following cases however, complaints may
 18 be filed directly with the Regional Director of the
 19 Department of Labor and Employment (DOLE) or the Civil
 20 Service Commission (CSC) as the case may be, having
 21 jurisdiction over the place of employment:

- 22 a) Where for any reason, the employer or
- 23 supervisor or labor union leader or officer



S. No. _____

- 6 -

1 fails to act upon such complaint of sexual
2 harassment;

3 b) Where filing of such complaint with the
4 employer or supervisor or labor union leader
5 would be useless because such employer or
6 supervisor or labor union leader or officer is
7 himself/herself the harasser;

6 c) In all other cases as may be determined by the
7 Secretary of the Department of Labor and
8 Employment and/or Chairman of the Civil
9 Service Commission through appropriate
10 guidelines.

11 The complaint must show that all
12 administrative remedies within the
13 establishment have already been exhausted.

14 SEC. 12. Independent Action for Damages. - Nothing
15 in this Act shall preclude the victim of sexual harassment
16 from instituting a separate and independent action for
17 damages with injunction.

18 SEC. 13. Penalties. - In addition to the reliefs
19 which the victim of sexual harassment may be entitled to
20 under labor and civil legislation, any person who violates
21 the provisions of this Act shall be penalized by
22 imprisonment of not less than six (6) months nor more than
23 two (2) years, and by a fine of not less than ten thousand
24 (P10,000.00) pesos nor more than thirty thousand
25 (P30,000.00) pesos.

S. No. _____

1 SEC. 14. Implementing Rules. - The Department of
 3 Labor and Employment and the Civil Service Commission
 4 shall promulgate and issue the necessary rules and
 5 regulations to implement the provisions of this Act in
 6 their respective jurisdiction, within the first year from
 7 the effectivity of this Act, without affecting the immediate
 8 effectivity of this Act.

9 SEC. 15. Separability Clause. - In the event that
 10 any provision of this Act is declared invalid or
 11 unconstitutional, the other provisions of this Act shall not
 12 be affected by such declaration.

13 SEC. 16. Repealing Clause. - All laws, decrees,
 14 orders, issuances, rules and regulations, or parts thereof
 15 inconsistent with this Act are hereby repealed or modified
 16 accordingly.

17 SEC. 17. Effectivity Clause. - This Act shall take
 18 effect fifteen (15) days after its complete publication in
 19 the Official Gazette or in at least two (2) national
 20 newspapers of general circulation, whichever comes earlier.

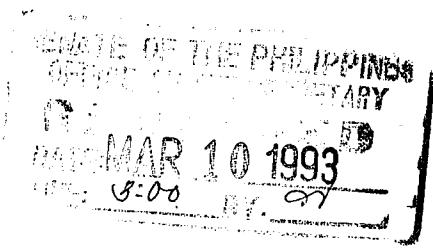


Approved,

CONGRESS OF THE PHILIPPINES)
First Regular Session)

S E N A T E

S.B. No. 1146



Introduced by Sen. Lina, Jr.

EXPLANATORY NOTE

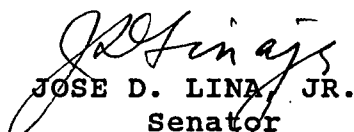
This bill, as a counterpart of H.B. No. 7870, seeks to protect working women by making acts of sexual harassment unlawful and by providing penalties therefor.

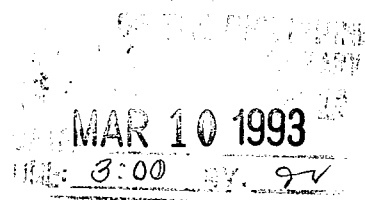
The State values the dignity of every person and guarantees full respect for human rights (Sec. 11, Art. 11 of the Constitution) and is pledged to protect working women by providing safe and healthful working conditions and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation. (Sec. 14, Art. XIII of the Constitution).

Sexual harassment in the employment environment has long been a recurring problem for many workers/employees and individuals seeking employment, young and old, men and women. Most acts of sexual harassment, however, are directed against women, in view of their being regarded as sex objects. In fact, sexual harassment has been considered as one of the forms of violence against women. It should also be noted that sexual harassment in the employment environment are likewise subject to harassment by employers and employment personnel, if not more so.

Sexual harassment takes many forms. Sometimes, it may be quite blatant and obvious but more often it is subtle and insidious. Regardless of form, sexual harassment imposes significant economic and psychological burden of employees and workers and contributes to an oppressive, if not intolerable working environment. Furthermore, sexual harassment not only threatens their livelihood, it also strips them of their self-respect. In this sense, it is a particularly pernicious assault upon human dignity.

Consonant with the constitutional mandate that Congress shall give the highest priority to the enactment of measures that protect and enhance the right of the people to human dignity (Sec. 1, Art. XIII of the Constitution), and in order to provide victims of sexual harassment appropriate relief, the enactment of this bill into law is urgently recommended.


JOSE D. LINA, JR.
Senator



Introduced by Sen. Lina, Jr.

Amo
AN ACT
PROSCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT ENVIRONMENT AND
PROVIDING PENALTIES THEREFOR

Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:

SECTION 1. Title. - This Act shall be known as the
"Protection Against Sexual Harassment Act of 1993."

SEC. 2. Purpose. The State values the dignity of every
human person and guarantees full respect for human rights.
Towards this end, it is the objective of this Act to uphold the
dignity of workers, employees and those seeking employment, and
declares unlawful all acts of sexual harassment.

SEC. 3. Sexual Harassment Defined. - Unwelcome or
uninvited sexual advances, requests for sexual favors and other
verbal or physical conduct of a sexual nature constitute sexual
harassment when:

(1) submission to such is made a condition for an
individual's employment; or

(2) submission to or rejection of such conduct by an
individual is used as a basis for employment decisions affecting
such individual; or

(3) submission to or rejection of such would impair the
victims right to self-organization or the right to strike; or

(4) such conduct has the effect of interfering with an
individual's work performance or creating an intimidating,
hostile, or offensive working environment.

SEC. 4. Duty of the Employer. - It shall be the duty of the employer to take the necessary steps to prevent sexual harassment from occurring in their workplace.

Should there be a union in the bargaining unit, such necessary steps shall be jointly formulated by management and the union.

SEC. 5. Who may be held liable. - An employer, manager, supervisory official or other employee or agent of the employer who commits the prohibited acts provided in Section 3 above shall be held liable under this Act.

SEC. 6. Liability of the Employer. - The employer shall be solidarily liable for acts of sexual harassment perpetrated by the employer's agents, supervisory officials or other employees, Provided, that he had prior knowledge did nothing to stop the acts of sexual harassment.

SEC. 7. Illegal Dismissal. - An employee who resigns due to sexual harassment shall be deemed to have been illegally dismissed.

SEC. 8. Penalties. - In addition to the reliefs to which the victim of sexual harassment may be entitled to under labor and civil legislation any person who violate the provisions of this Act shall upon conviction, be penalized by imprisonment of not less than one month nor more than six months or a fine of not less than P10,000.00 nor more than P20,000.00, or both such fine and imprisonment, at the discretion of the court.

SEC. 9. Independent Action for Damages. - Nothing in this Act shall preclude the victim from instituting a separate or independent action for damages with injunction.

SB No. _____

SEC. 10. Repealing Clause. - All laws, decrees, orders, rules and regulations, other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. Separability Clause. - In the event that any provision of this Act is declared invalid or unconstitutional, the other provisions of this Act shall not be affected by such declaration.

SEC. 12. Effectivity. - This Act shall take effect upon its approval.

Approved,

Senate Archives (IRAS)



||

NINTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Session)

S E N A T E

S. B. No. 1273

Introduced by Senator Blas F. Ople

EXPLANATORY NOTE

As provided under Article II, Section 11 of the Constitution, the State values the dignity of every person and guarantees full respect for human rights. It also recognizes the role of women in nation building and is pledged to protect working women by providing safe and healthful working conditions and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

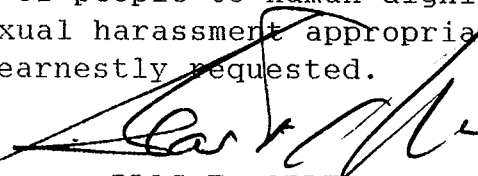
Sexual harassment, particularly in the employment environment, has long been a recurring problem for many workers and employees, as well as individuals seeking employment. Most acts of sexual harassment are, however, mostly directed against women in view of their being regarded as sex objects.

It has been observed that sexual harassment is not limited only in the private employment environment. The same forms of harassment are also evident in government employment. However, this bill provides that government officials or employees committing sexual harassment shall be dealt with in accordance with the provisions of the Civil Service Code and other laws and regulations pertaining to the discipline of officials and employees in the government service.

Sexual harassment is not confined to the employment environment alone. This pernicious assault on the human dignity is likewise evident in other settings where persons exercising power, authority or influence use their positions to sexually harass those under their charge or supervision, or those who have pending business transactions requiring their approval. Examples of these are school or college professors and administrators who commit sexual harassments against their students.

Sexual harassment takes many forms. It may be quite blatant at times but more often it is subtle and insidious. But whatever the form, it imposes significant economic and psychological burdens on employees and other individuals.

Pursuant to the constitutional mandate that Congress shall give the highest priority to the enactment of measures that protect and enhance the right of people to human dignity and in order to provide victims of sexual harassment appropriate relief, the enactment of this bill is earnestly requested.



BLAS F. OPLE
Senator

Senate Archives (LRAS)



NINTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

JUN 04 1993
1125 PH

S E N A T E

S. B. No. 1273

Introduced by Senator Blas F. Ople

AN ACT
PROSCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT AND NON-
EMPLOYMENT ENVIRONMENT AND PROVIDING PENALTIES THEREFOR

*Be it enacted by the Senate and House of Representatives
of the Philippines in Congress assembled:*

1 SECTION 1. Title.- This Act shall be known as the
2 "Anti-Sexual Harassment Act of 1993".

3 SEC. 2. Purpose.- In order to uphold the dignity of
4 individuals, whether employed or seeking employment, and
5 other individuals mentioned in this Act, and to guarantee
6 full respect of their human rights, sexual harassment, as
7 herein defined, is hereby declared unlawful.



8 SEC. 3. Sexual Harassment in the Employment
9 Environment Defined.- Unwelcomed or uninvited advances,
10 requests for sexual favors and other verbal or physical
11 conduct of a sexual nature constitute sexual harassment
12 when:

13 (a) submission to such advances is made, either
14 explicitly or implicitly as a term or condition for
15 employing an individual, or if already employed, is used as
16 basis for employment decisions affecting such worker or

1 employee;

2 (b) submission to, or rejection of, such advances,
3 requests, or conduct would impair the right of the worker
4 concerned to self-organization or the right to strike; or

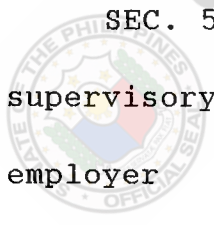
5 (c) such conduct has the purpose or effect of
6 interfering with an individual's work performance or
7 creating an intimidating, hostile, or offensive working
8 environment.

9 SEC. 4. Duty of Employers.- It shall be the duty of
10 employers to take the necessary steps to prevent sexual
11 harassment, as above defined, from occurring in their
12 workplace.

13 Should there be a union in the bargaining unit, such
14 necessary steps shall be jointly formulated by management
15 and the union.

16 SEC. 5. Who may be Held Liable.- An employer, manager,
17 supervisory official or other employee or agent of the
18 employer who commits the prohibited acts provided in
19 Section 3 hereof shall be held liable under this Act.

20 SEC. 6. Liability of the Employer.- An employer shall
21 be solidarily liable for acts of sexual harassment as
22 defined herein which are perpetrated by his agents,
23 supervisory officials or employees, unless he can show proof
24 that he has taken all the necessary steps required of him



Senate Archives (IRAS)

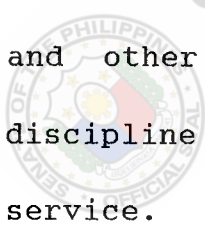
1 under Section 4 hereof.

2 SEC. 7. Illegal Dismissal.- An employee or worker who
3 resigns due to sexual harassment shall be deemed to have
4 been illegally dismissed.

5 SEC. 8. Sexual Harassment in Non-Employment
6 Environment.- Whenever a person in authority uses his
7 position or influence to intimidate or coerce another
8 individual who is under his care or supervision, or who
9 has a pending business or official transaction requiring
10 his approval, through unwelcomed advances, requests for
11 sexual favors and other verbal or physical conduct of a
12 sexual nature, he shall be liable for sexual harassment
13 in accordance with this Act.

14 SEC. 9. Sexual Harassment Committed by Public
15 Officers/Employees.- Sexual harassment committed by any
16 public official or employee shall be dealt with in
17 accordance with the provisions of the Civil Service Code
18 and other relevant laws or regulations pertaining to
19 discipline of officials and employees in the government
20 service.

21 SEC. 10. Penalties.- In addition to the reliefs to
22 which the victim of sexual harassment may be entitled to
23 under labor and civil legislations, any person who violates
24 the provisions of this Act shall be penalized by
25 imprisonment of not less than one (1) year nor more than
26 two (2) years, or by a fine not less than twenty thousand



1 pesos (P 20,000.00), nor more than forty thousand pesos
2 (P 40,000.00), or both fine and imprisonment at the
3 discretion of the court.

4 SEC. 11. Independent Action for Damages.- Nothing in
5 this Act shall preclude the victim of sexual
6 harassment from instituting a separate independent action
7 for damages with injunction.

8 SEC. 12 Repealing Clause.- Any provision of law,
9 decree, executive order or regulations inconsistent with
10 this Act is hereby repealed or modified accordingly.

11 SEC. 13. Separability Clause.- In the event that any
12 provision of this Act or the application of such provision
13 to any person or circumstance is declared invalid or
14 unconstitutional, the remainder of this Act or the
15 application of said provision to other persons or
16 circumstances shall not be affected by such declaration.

17 SEC. 14. Effectivity.- This Act shall take effect 15
18 days after its publication in the Official Gazette or in
19 any newspaper of general circulation.

Approved,

S E N A T E

S. B. No. 1826

JUL 28 1993
10:15 am 97

Introduced by Senator Gloria Macapagal-Arroyo

Explanatory Note


This bill seeks to protect working women by making acts of sexual harassment unlawful and by providing penalties therefor.

The Constitution mandates that Congress shall give the highest priority to the enactment of measures that protect and enhance the rights of the people to human dignity (Sec. 1, Art. XIII of the Constitution). The State values the dignity of every person and guarantees full respect for human rights (Sec. 11, Art. II of the Constitution), protects working women by providing safe and healthful working conditions, ensures equality between men and women, and recognizes the women's role in nation-building (Sec. 14, Art. II of the Constitution), the maternal and economic role of women and their special health needs. (Secs. 11 and 14, Art. XIII of the Constitution).

Sexual harassment in the employment environment has long been a recurring problem for many workers/employees and individuals seeking employment, young and old, men and women. Most acts of sexual harassment, however, are directed against women, in view of their being regarded as sex objects. In fact, sexual harassment has been considered as one of the forms of violence against women. It should also be noted that sexual harassment in the employment environment is not confined to employees or workers. Many job-seekers are likewise subject to harassment by employers and employment personnel, if not more so.

Sexual harassment takes many forms. Sometimes, it may be quite blatant and obvious but more often it is subtle and insidious. Regardless of form, sexual harassment imposes significant economic and psychological burdens on employees and workers and contributes to an oppressive, if not intolerable, working environment. Furthermore, sexual harassment not only threatens their livelihood, it also strips them of their self respect. In this sense, it is a particularly pernicious assault upon human dignity.

The enactment of this bill into law is urgently recommended.


GLORIA MACAPAGAL-ARROYO
Senator

NINTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Session)

SENATE
JUL 28 1993
10:15 AM 91

SENATE
S.No. 1826

Introduced by Senator Gloria Macapagal-Arroyo

AN ACT
PRESCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT
ENVIRONMENT AND PROVIDING PENALTIES THEREFOR

Be it enacted by the Senate and the House of Representatives
of the Philippines in Congress assembled:

1 SECTION 1. Title. - This Act shall be known as the
2 "Sexual Harassment Act of 1993".

3 SECTION 2. Purpose. - It is the policy of the State
4 to value the dignity of every human individual, to guarantee
5 full respect for human rights, and to uphold the dignity of
6 workers, employees and those seeking employment. Towards
7 this end, all forms of work-related sexual harassment in the
8 employment environment are hereby declared unlawful.

9 SECTION 3. Sexual Harassment Defined. - Sexual
10 harassment consists of unwelcome or uninvited advances,
11 requests for sexual favors and other verbal or physical
12 conduct of a sexual nature.

13 SECTION 4. Prohibited Acts. - It shall be unlawful for
14 an employer, manager, supervisory employee, or other
15 employee, or agent of the employer:

16 (1) To make as a condition the submission of an
17 individual to sexual and lascivious acts, or other
18 indecent or lewd requirements in the hiring or the
19 employment of said individual; or in granting said
20 individual, with respect to the latter's employment,

1 favorable compensation, terms, conditions, promotions,
 2 or privileges; or in limiting, segregating, or
 3 classifying the employees which in any way would
 4 discriminate, deprive, or diminish employment
 5 opportunities or otherwise adversely affect said
 6 individual as an employee;

7 (2) To commit an act of sexual harassment which
 8 impairs the employee's right to self-organization or
 9 the right to strike; and,

10 (3) To commit an act of sexual harassment which
 11 affect an individual employee's work performance or
 12 create an intimidating, hostile, or offensive working
 13 environment.

14 **SECTION 5. Responsibilities and Obligations of th**
 15 **Employer.** - It shall be the duty of the employer to take the
 16 necessary steps to prevent sexual harassment from occurring
 17 in the workplace. Should there be a union in the
 18 establishment, such necessary steps shall be jointly
 19 formulated by management and the union.

20 The employer shall be civilly and solidarily liable for
 21 acts of sexual harassment committed in the workplace by the
 22 employer's agents, supervisory employees or other employees:
 23 Provided, That, said employer had prior knowledge of, and did
 24 nothing to stop, the acts of sexual harassment.

25 **SECTION 6. Illegal Dismissal.** - An employee who is
 26 compelled to resign due to sexual harassment shall be deemed
 27 to have been illegally dismissed.

28 **SECTION 7. Penalties.** - In addition to the reliefs to
 29 which the victim of sexual harassment may be entitled to
 30 under labor and civil laws, any person who violates the

22

1 provisions of this Act shall, upon conviction, be penalized
2 by imprisonment of not less than one (1) month, nor more than
3 six (6) months, or a fine of not less than Ten Thousand Pesos
4 (P10,000.00) nor more than Twenty Thousand Pesos
5 (P20,000.00), or both such fine and imprisonment, at the
6 discretion of the Court.

7 SECTION 8. Independent Action for Damages. - Nothing
8 in this Act shall preclude the victim of sexual harassment
9 from instituting a separate and independent action for
10 damages with injunction.

11 SECTION 9. Separability Clause. - Any portion or
12 provision of this Act that may be declared as
13 unconstitutional shall not have the effect of nullifying
14 other portions or provisions hereof as long as such remaining
15 portions or provisions can still subsist and be given effect
16 in their entirety.

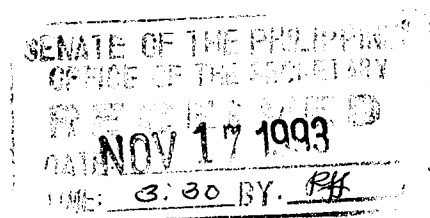
17 SECTION 10. Repealing Clause. - All laws, decrees,
18 orders, rules and regulations, other issuances, or parts
19 thereof inconsistent with the provisions of this Act are
20 hereby repealed or modified accordingly.

21 SECTION 11. Effectivity. - This Act shall take effect
22 upon its approval.



Approved,

fn:sex
dk:haresco(2)
eda



S E N A T E

S. No. 1538

Introduced by Senator Raul S. Roco

EXPLANATORY NOTE

The incidence of sexual harassment at work is gaining recognition as an intolerable violation of the dignity of workers and measures to combat these acts have obtained support from both international and national organizations as well as a growing number of policy makers, legislators and trade unionists.

The International Labor Organization (ILO), being in the forefront with regard to workers' protection and welfare, recognizes the effects of sexual harassment on the personal security of workers. Likewise, the ILO considers sexual harassment as a safety and health problem and that the need for protection applies to both men and women workers, although the nature and degree of protection required may be sex specific (ILO, 1989).

While studies claim that women generally are vulnerable to sexual harassment, some males also feel they are victims. Thus, it can be said that sexual harassment is not limited to men harassing women but women harassing men as well. In some instances, sexual harassment involves members of the same sex as harasser and victim.

Sexual harassment bears a potential threat to workers' morale and interferes with job performance and productivity which may be manifested by absenteeism and fast turn-over of personnel. In other cases, victims of sexual harassment suffer from dismissal, loss of promotion prospects, training opportunities and even jeopardize future job opportunities. Consequently, this leads to diminished productivity, degradation of the industrial relations climate and possibly a negative public image on the part of the employer.

Sexual harassment, being a repugnant act is therefore an utter disregard to a worker's right to enjoy a good work-environment and an affront to his/her dignity as a human being. However, there is no law which prohibits such acts, thus, leaving victims unattended and unprotected.

Furthermore, the bill prohibiting sexual harassment is one of the measures endorsed in the Social Pact for Empowered Economic Development (SPEED) held last 8 September 1993.

Also, this is in compliance with the legislative request of the Lakas Manggagawa Labor Center - Women Commission to file a bill incorporating their modifications and suggestions so as to make sexual harassment more comprehensive, even beyond the ambit of employer-employee relations; and to encompass male victims of the offense.

This measure complements S. No. 1273 filed earlier by Senator Blas F. Ople.

In view of the foregoing, the early passage of this bill is earnestly recommended.

Raul S. Roco
RAUL S. ROCO
Senator

Senate Archives (LRAS)



35
RECEIVED
NOV 12 1993
9:30 PM

S E N A T E

S. No. 1538

Introduced by Senator Raul S. Roco

AN ACT
PROSCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT
AND NON-EMPLOYMENT ENVIRONMENT AND PROVIDING
PENALTIES THEREFOR

Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:

SECTION 1. **Title.**--This Act shall be known as the
1 "Anti-Sexual Harassment Act of 1993".

2 SEC. 2. **Purpose.**--In order to uphold the dignity of
3 individuals, whether employed or seeking employment, and
4 other individuals mentioned in this Act, and to guarantee
5 full respect of their human rights, sexual harassment, as
6 herein defined, is hereby declared unlawful.

7 SEC. 3. **Sexual Harassment in the Employment Environ-**
8 **ment Defined.**--Unwelcome or uninvited advances, requests for
9 sexual favors and other verbal, non-verbal or physical
10 conduct of a sexual nature from an employer, office superi-
11 or, labor union leader or superior constitute sexual harass-
12 ment when:

13 a) submission to such advances is made, either ex-
14 plicitly or implicitly as a term or condition for
15 employing an individual, or if already employed, is
16 used as basis for employment decisions affecting such
17 worker or employee;

18 b) submission to, or rejection of, such advances,
19 requests, or conduct would impair the right of the

1 worker concerned to self-organization or the right to
2 strike; or

3 c) such conduct has the purpose or effect of inter-
4 fering with an individual's work performance or creat-
5 ing an intimidating, hostile, or offensive working
6 environment.

7 Any other annoying, disgusting or offensive act or
8 conduct shall also constitute sexual harassment when commit-
9 ted under circumstances similar or analogous to the forego-
10 ing.

11 SEC. 4. **Coverage.**--This Act shall cover all acts or
12 conduct of sexual harassment committed by or against
13 employers, managers, supervisors, employees, union offi-
14 cers and members, applicants for employment, customers,
15 clients, agents of the employer, or any other persons
16 transacting business within the employment environment in
17 both the private and public sectors.

18 SEC. 5. **Duty of Employers.**--It shall be the duty of
19 employers and labor union leaders to take reasonable steps
20 and to institute measures in order to prevent and/or remedy
21 sexual harassment, as above defined, from occurring in their
22 workplace.

23 Should there be a union in the bargaining unit, such
24 necessary steps and remedial measures shall be jointly
25 formulated by management and the union.

26 SEC. 6. **Who may be Held Liable.**--Employers, managers,
27 supervisors, other employees or agents of the employer,
28 union officers and members, customers, clients, or any
29 other persons transacting business within the employ-
30 ment environment who commit the prohibited acts provided in
31 Section 3 hereof shall be held liable under this Act.

32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

SEC. 7. *Subsidiary Liability of the Employer.*--An employer, shall be subsidiary liable for acts of sexual harassment as defined herein which are perpetrated by any person referred to in Section 6 hereof and who is under his/her authority and control, unless he/she can show proof that he/she has taken all the necessary acts required of him/her under Section 5 hereof.

SEC. 8. *Illegal Dismissal.*--An employee or worker who resigns due to sexual harassment shall be deemed to have been illegally dismissed.

SEC. 9. *Sexual Harassment in Non-Employment Environment.*--Whenever a person in authority uses his/her position or influence to intimidate or coerce another individual who is under his/her care or supervision, or who has a pending business or official transaction requiring his/her approval, through unwelcomed advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, he/she shall be liable for sexual harassment in accordance with this Act.

SEC. 10. *Disposition of Cases.*--Any complaint of sexual harassment may be filed by the aggrieved party or any interested party in behalf of the aggrieved party provided that if the case is initiated by the latter, a written consent of the aggrieved party is obtained.

All complaints of sexual harassment except as otherwise provided in this Act, shall be filed initially with the employer or his/her supervisor who shall thereupon make the necessary investigations, conduct summary proceedings after notice to the offender, even in the absence of the offender, and proceed with the expeditious settlement of the case.

In any of the following cases however, complaints may be filed directly with the Regional Director of the Depart-

1 ment of Labor and Employment (DOLE) or the Civil Service
2 Commission (CSC) as the case may be, having jurisdiction
3 over the place of employment:

4 a) where for any reason, the employer or supervisor
5 or labor union leader or officer fails to act upon such
6 complaint of sexual harassment; or

7 b) where filing of such complaint with the employer
8 or supervisor or labor union leader or officer would
9 be useless because such employer or supervisor or
10 labor union leader or officer is himself/herself the
11 harasser;

12 c) in all other cases as may be determined by the
13 Secretary of the DOLE and/or Chairperson of the CSC
14 through appropriate guidelines.

15 The complaint must show that all administrative
16 remedies within the establishment have already been exhaust-
17 ed.

18 SEC. 11. *Sexual Harassment Committed by Public Offi-*
19 *cers/Employees.*--Sexual harassment committed by any public
20 official or employee shall be dealt with in accordance with
21 the provisions of the Civil Service Code and other relevant
22 laws or regulations pertaining to discipline of officials
23 and employees in the government service.

24 SECTION 12. *Suppletory Application of Existing Legis-*
25 *lation.*--Matters not covered by this act shall be governed
26 by the provisions of the Labor Code of the Philippines, the
27 Civil Service Law or other related laws, insofar as they are
28 not inconsistent with any of the provision of this act.

29 Sec: 13. *Implementing Rules.*--The provisions of this
30 Act shall be effective immediately. The DOLE and the CSC
31 shall promulgate and issue the necessary rules and
32 regulations to implement the provisions of this Act in

1 their respective jurisdiction, within the first year from
2 the effectivity of this Act, without affecting the immedi-
3 ate effectivity of this Act.

4 SEC. 14. *Penalties.*--In addition to the reliefs to
5 which the victim of sexual harassment may be entitled to
6 under labor and civil legislations, any person who violates
7 the provisions of this Act shall be penalized by imprison-
8 ment of not less than one (1) year nor more than two (2)
9 years, or by a fine of not less than twenty thousand pesos
10 (P20,000.00), nor more than forty thousand pesos
11 (P40,000.00), or both fine and imprisonment at the discre-
12 tion of the court.

13 SEC. 15. *Independent Action for Damages.*--Nothing in
14 this Act shall preclude the victim of sexual harassment from
15 instituting a separate independent action for damages with
16 injunction.

17 SEC. 16. *Repealing Clause.*--Any provision of law,
18 decree, executive order or regulations inconsistent with
19 this Act is hereby repealed or modified accordingly.

20 SEC. 17. *Separability Clause.*--In the event that any
21 provision of this Act or the application of such provision
22 to any person or circumstance is declared invalid or uncon-
23 stitutional, the remainder of this Act or the application of
24 said provision to other persons or circumstances shall not
25 be affected by such declaration.

26 SEC. 18. *Effectivity.*--This Act shall take effect
27 fifteen (15) days after its publication in the *Official Ga-*
28 *zette* or in any newspaper of general circulation.

29 Approved,
30

31 POF/OBI/wta
32 a:\pof#6bills\sexhars2.act