

S E N A T E

S. B. No. 1826

JUL 26 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)

JUL 23 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

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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,

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