

Anti-Sexual Harassment Act of 1995 (No. 7877).

Dated 8 February 1995.

Section 1. Title. This Act shall be known as the "Anti-Sexual Harassment Act of 1995".

Section 2. Declaration of policy. The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

Section 3. Work, education or training-related sexual harassment defined. Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favour from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

- (a) In a work-related or employment environment, sexual harassment is committed when:
 - (1) the sexual favour is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favourable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favour results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
 - (2) the above acts would impair the employee's rights or privileges under existing labour laws; or
 - (3) the above acts would result in an intimidating, hostile, or offensive environment for the employee.
- (b) In an education or training environment, sexual harassment is committed:
 - (1) against one who is under the care, custody or supervision of the offender;
 - (2) against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
 - (3) when the sexual favour is made a condition to the giving of a passing grade, or the granting of honours and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
 - (4) when the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.

Section 4. Duty of the employer or head of office in a work-related, education or training environment. It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

- (a) promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.
Administrative sanctions shall not be a bar to prosecution in the proper courts for

unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions;

- (b) create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainers and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainers, teachers, instructors, professors or coaches and students or trainees, as the case may be.