

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 381

Introduced by Rep. Roseller L. Barinaga

EXPLANATORY NOTE

It is incumbent upon any employer to take certain active measures to promote equality at the workplace.

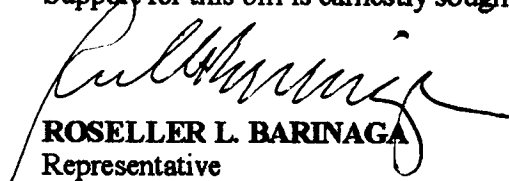
This bill seeks to define the parameters of responsibility of any employer in cases of sexual harassment in the workplace. It should, therefore, be emphasized that that an employer is duty-bound to ensure that the company's policy on sexual harassment be known to employees from the start of their employment and that such acts cannot, in any way, be tolerated.

In the bill, it is pointed out that whenever the employer who does not comply with the provisions hereof, runs the risk of being ordered to do so under the penalty of a fine.

The proposed measure also proposes that the present rules concerning sexual harassment in the Act be strengthened by adding in the definition of sexual harassment in the Sexual Harassment Law the notion of the act as "an unwelcome behavior of a sexual nature or other unwelcome behavior based on sex, that violates the employee's integrity at work."

This proposed legislation also improves the current policy so that it becomes fully evident that every employer is obliged to take active measures to prevent and hinder an employee from being exposed to sexual harassment. The employer must make clear in a general staff policy statement that sexual harassment involving employees cannot in any way be tolerated. This policy must be made known to the employees. It is equally important that routines are devised for dealing with alleged or factual sexual harassment. The employer who does not fulfill the above-stated obligations, including the conduct of investigation on sexual harassment complaints, run the risk of having to do so under the penalty of a fine.

Support for this bill is earnestly sought.



ROSELLER L. BARINAGA

Representative

2nd District, Zamboanga del Norte

HOUSE OF REPRESENTATIVES

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AN ACT
TO DEFINE THE PARAMETERS OF RESPONSIBILITY OF AN EMPLOYER IN
CASES OF SEXUAL HARASSMENT IN THE WORKPLACE

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

SECTION 1. Declaration of Policy. It is hereby declared to be the policy of the State to ensure that the company's policy on sexual harassment be known to employees from the start of their employment and that such acts cannot, in any way, be tolerated.

SEC 2. Definition. The definition of sexual harassment in the "Sexual Harassment Law" is further amended to refer to any unwelcome behavior of a sexual nature or other unwelcome behavior based on sex, that violates the employee's integrity at work.

SEC 3. Responsibility of the Employer. Every employer shall be obliged to take active measures to prevent and hinder an employee from being exposed to sexual harassment. Pursuant to this, an employer is mandated to devise routines for dealing with alleged or factual sexual harassment.

SEC 4. Conduct of Investigation. An employer who receives information that an employee has been exposed to sexual harassment by another employee shall be required to conduct investigation of the circumstances surrounding the alleged harassment. Where necessary, the employer must take such steps as can be reasonably required to prevent continued sexual harassment.

SEC 4. Penalty. An employer who fails to fulfill the provisions of Sections 3 and 4 shall be liable to pay damages to an injured employee. Damages shall be payable for the violation which the neglect of required measures occurred.

In cases where the employer is the one sexually harassing an employee, the rules in the Revised Penal Code concerning molestation or sexual molestation are applicable.

SEC 5. Repealing Clause. All laws, decrees, rules and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SEC 6. *Separability Clause.* If any part or provision of this Act is declared unconstitutional, the remaining parts or provisions not affected thereby, shall remain in full force and effect.

SEC 76. *Effectivity.* This Act shall take effect fifteen days from its publication in two national newspapers of general circulation after its approval by the President.

Approved.