

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

SIXTEENTH CONGRESS
First Regular Session

House Bill Number **3124**



Introduced by Representative ROLANDO G. ANDAYA, JR.

EXPLANATORY NOTE

This bill aims to strengthen Republic Act No. 7877, otherwise known as the Anti-Sexual Harassment Act of 1995 by expanding the scope of acts constituting sexual harassment thereby amending certain provisions.

Through this bill, the term "sexual harassment" now includes:

- 1) acts that are not only physical or verbal in nature, but also those committed using electronic devices or any available technology or means;
- 2) acts that have been committed either within or outside the place of employment, training or education; and
- 3) offensive remarks about a person's sexual orientation.

Also through this bill, a "harasser" is no longer confined to just being someone who has authority or moral ascendancy over the victim but now includes anyone, including a colleague or subordinate staff, who makes gestures which are sexual in nature, that creates an intimidating, hostile or humiliating working, learning or training environment for the recipient of said unwelcome gestures.

Immediate approval of this bill is earnestly sought.

ROLANDO G. ANDAYA, JR.

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Introduced by Representative ROLANDO G. ANDAYA, JR.

AN ACT EXPANDING THE SCOPE OF ACTS CONSTITUTING SEXUAL HARASSMENT, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBER 7877, OTHERWISE KNOWN AS THE "SEXUAL HARASSMENT ACT OF 1995"

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

SECTION 1. Section 3 of Republic Act No. 7877, is hereby amended to read as follows:

"SEC. 3. Work, Education or Training-related Sexual Harassment Defined.
– Work, education or training-related sexual harassment is AN ACT OR A SERIES OF ACTS COMMITTED EITHER PHYSICALLY, VERBALLY OR THROUGH THE USE OF ELECTRONIC DEVICE OR ANY AVAILABLE TECHNOLOGY OR MEANS, WITHIN OR OUTSIDE THE PLACE OF EMPLOYMENT, TRAINING OR EDUCATION, by an employer, employee, manager, supervisor, agent of the employer, COLLEAGUE, SUBORDINATE STAFF, teacher, instructor, professor, coach, trainor, 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 favor from the other, OR MAKES ANY OFFENSIVE REMARK ABOUT A PERSON'S SEXUAL ORIENTATION, regardless of whether the demand, request, requirement for submission or remark is accepted by the object of said act.

[(a) In a work-related or employment environment, sexual harassment is committed when:

(1) The sexual favor 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 favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor 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 labor 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 favor is made a condition to the giving of a passing grade, or the granting of honors 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.]

"SEXUAL HARASSMENT IS COMMITTED (1) WHEN THE ACT OR SERIES OF ACTS ARE UNWANTED, IMPROPER OR OFFENSIVE; (2) IF THE VICTIM'S REFUSAL OR ACCEPTANCE OF THE BEHAVIOR INFLUENCES DECISIONS CONCERNING THE VICTIM'S

EMPLOYMENT, EDUCATION OR APPRENTICESHIP; OR (3) WHEN THE CONDUCT CREATES AN INTIMIDATING, HOSTILE OR HUMILIATING WORKING, LEARNING OR TRAINING ENVIRONMENT FOR THE RECIPIENT.

"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."

SEC. 2. Section 4 of the same Act is hereby amended to read as follows:

"SEC. 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]** ADOPT A COMPREHENSIVE AND DETAILED WRITTEN POLICY ON SEXUAL HARASSMENT, rules and regulations PRESCRIBING GUIDELINES OR PROPER DECORUM in consultation with and jointly approved by the employees or students or trainees or through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

"-XXX XXX XXX."

SEC. 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,