



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



Nineteenth Congress

Third Regular Session

HOUSE BILL NO. **11488**

INTRODUCED BY DEPUTY SPEAKER RAYMOND DEMOCRITO C. MENDOZA

EXPLANATORY NOTE

This bill seeks to enhance the protection of workers from gender-based violence and sexual harassment in the workplace, amending for the purpose Republic Act (RA) No. 11313, otherwise known as the “*Safe Spaces Act*.”

The International Labour Organization Convention No. 190, or the “*Violence and Harassment Convention, 2019 (C190)*,” is the first international labor standard convention to address violence and harassment in the workplace. Together with Recommendation No. 206, C190 establishes a framework for action to prevent, remedy, and eliminate violence and harassment, including gender-based violence and harassment.

On February 20, 2024, the Philippines became the 38th country in the world and the first Asian country to ratify C190, and it will take effect in the Philippines on February 20, 2025. The House of Representatives supported the ratification of C190 through the adoption of House Resolution No. 43, while the Senate concurred its ratification through Senate Resolution No. 99.

Our country does not condone any form of violence and harassment in the labor force. Section 18, Article II of the 1987 Constitution provides that “*The State arms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.*” Moreover, Section 3, Article XIII, provides full protection to labor; just and humane conditions of work; and promotion of shared responsibility and regulation of relations between workers and employers.

Violence and harassment in the workplace are violations of labor rights. Several laws have been passed to prevent and penalize violence and harassment in the workplace and public spaces. Among these are RA 7877, otherwise known as the “*Anti-Sexual Harassment Act of 1995*” and RA 11313, otherwise known as the “*Safe Spaces Act*.” RA 7877 specifically prohibits sexual harassment in the workplace, educational institution and training center, while RA 11313 addresses a wider range of gender-based sexual harassment in both public and private spaces, including online spaces.

While these laws provide protection against sexual harassment, they do not fully capture the broader concept of violence and harassment as stated in C190. This bill seeks to amend RA 11313 to further protect workers from gender-based violence and sexual harassment in the workplace by eliminating violence and harassment, improving the working conditions and creating a safe, fair and humane working environment. This bill also repeals RA 7877 and incorporate some of its important provisions to RA 11313 in order to address the gaps in our current laws, and comprehensively cover the principles and international standards adopted in C190.

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


REP. RAYMOND DEMOCRITO C. MENDOZA
TUCP PARTYLIST



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HOUSE BILL NO. 11488

Introduced by DEPUTY SPEAKER RAYMOND DEMOCRITO C. MENDOZA

AN ACT

ENHANCING THE PROTECTION OF WORKERS FROM GENDER-BASED VIOLENCE AND SEXUAL HARASSMENT IN THE WORKPLACE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 11313, OTHERWISE KNOWN AS THE "SAFE SPACES ACT"

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

SECTION 1. Section 3 of Republic Act No. 11313 is amended to read as follows:

"SEC. 3. *Definition of Terms.* – As used in this Act:

"XXX

(e) *Gender-based online sexual harassment* refers to an online conduct targeted at a particular person that causes or is likely to cause mental, emotional, or psychological distress, and fear for personal safety, including unwanted sexual remarks, threats, non-consensual sharing of photos or videos, cyberstalking, and online identity theft.

(E-1) *GENDER-BASED VIOLENCE AND HARASSMENT* REFERS TO VIOLENCE AND HARASSMENT DIRECTED AT PERSONS BECAUSE OF THEIR SEX OR GENDER OR DISPROPORTIONATELY AFFECTING PERSONS OF A PARTICULAR SEX OR GENDER. THIS INCLUDES SEXUAL HARASSMENT, PSYCHOLOGICAL ABUSE, PHYSICAL VIOLENCE, ECONOMIC COERCION, AND OTHER FORMS OF GENDER-BASED ABUSE OCCURRING IN THE WORLD OF WORK.

XXX

(I) *WORLD OF WORK* REFERS TO ANY WORK-RELATED CONTEXT, INCLUDING FORMAL AND INFORMAL WORKPLACES, EMPLOYER-PROVIDED ACCOMMODATION, WORK-RELATED COMMUNICATIONS, WORK-RELATED TRIPS, TRAININGS, AND THE COMMUTE TO AND FROM WORK.

(J) *VULNERABLE WORKERS* REFER TO INDIVIDUALS WHO ARE AT GREATER RISK OF EXPERIENCING GENDER-BASED VIOLENCE AND HARASSMENT DUE TO THEIR EMPLOYMENT STATUS, GENDER IDENTITY, DISABILITY, ETHNICITY, OR OTHER SOCIO-ECONOMIC FACTORS. THIS INCLUDES DOMESTIC WORKERS, INFORMAL ECONOMY WORKERS, PLATFORM WORKERS, APPRENTICES, AND CONTRACTUAL LABORERS.

SECTION 2. Section 16 of the same Act is amended to read as follows:

“SEC. 16. Gender-Based VIOLENCE AND Sexual Harassment in the [Workplace] *WORLD OF WORK*. – The crime of gender-based violence and sexual harassment in the [workplace,] *WORLD OF WORK* includes the following:

“(a) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual’s employment [~~or education~~], job performance or opportunities[;], SUCH AS A SEXUAL FAVOR WHICH 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 EMITTING, SEGREGATING OR CLASSIFYING THE EMPLOYEE WHICH IN ANY WAY WOULD DISCRIMINATE, DEPRIVE OR DIMINISH EMPLOYMENT OPPORTUNITIES OR OTHERWISE ADVERSELY AFFECT SAID EMPLOYEE; OR THE REFUSAL TO GRANT THE SEXUAL FAVOR WILL IMPAIR THE EMPLOYEE’S RIGHTS OR PRIVILEGES UNDER EXISTING LABOR LAWS; OR THE REFUSAL TO GRANT THE SEXUAL FAVOR WILL RESULT IN AN INTIMIDATING, HOSTILE, OR OFFENSIVE ENVIRONMENT FOR THE EMPLOYEE.

“(b) x x x;

“(c) A conduct that is unwelcome and pervasive, INCLUDING PHYSICAL, PSYCHOLOGICAL, SEXUAL OR ANY OTHER FORM OF VIOLENCE and creates an intimidating, hostile, ABUSIVE or humiliating WORKING environment for the recipient: *Provided*, That the crime of gender-based VIOLENCE AND sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and

~~[(d) — Information and communication system refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.]~~

“ANY PERSON WHO DIRECTS OR INDUCES ANOTHER TO COMMIT ANY ACT OF GENDER-BASED VIOLENCE AND 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 3. A new sub-section, denominated as Section 16-A is inserted after Section 16 of the same Act, as amended, to read as follows:

“SEC. 16-A. PENALTIES FOR GENDER-BASED VIOLENCE AND SEXUAL HARASSMENT IN THE WORLD OF WORK. –

“(A) ANY PERSON WHO VIOLATES PARAGRAPHS (A) AND (B) OF SECTION 16 OF THIS ACT SHALL BE PUNISHED BY *ARRESTO MAYOR* OR A FINE OF NOT LESS THAN TWENTY THOUSAND PESOS (P20,000.00) BUT NOT MORE THAN FIFTY THOUSAND PESOS (P50,000.00), OR BOTH, AT THE DISCRETION OF THE COURT;

“(B) ANY PERSON WHO VIOLATES PARAGRAPH (C), OF SECTION 16 OF THIS ACT SHALL BE PUNISHED BY *PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD* OR A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000.00), OR BOTH, AT THE DISCRETION OF THE COURT; AND

“(C) ANY PERSON WHO VIOLATES PARAGRAPHS (A), (B), (C) OF SECTION 16 OF THIS ACT SHALL BE PUNISHED BY *PRISION MAYOR IN ITS MEDIUM PERIOD* OR A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR BOTH, AT THE DISCRETION OF THE COURT IF ON THE OCASSION OF THE COMMISSION OF THE GENDER-BASED VIOLENCE AND SEXUAL HARASSMENT, THE CRIME OF LESS SERIOUS OR SERIOUS PHYSICAL INJURIES IS ALSO COMMITTED.”

SECTION 4. Section 17 of the same Act is amended to read as follows:

“SEC. 17. *Duties of Employers.* – Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based **VIOLENCE AND sexual harassment**

in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

“(a) Disseminate or post in a conspicuous place a copy of this Act to all persons in the workplace;

“(b) Provide measures to prevent gender-based **VIOLENCE AND** sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars, **TRAININGS, AND AWARENESS-RAISING CAMPAIGNS;**

“(c) Create a **MANDATORY, FUNCTIONAL AND GENDER-BALANCED BIPARTITE** committee on decorum and investigation to investigate and **ACT ON** complaints of gender-based **VIOLENCE AND** sexual harassment which shall:

“(1) x x x;

“ x x x;

“(6) Protect the complainant, **VICTIM, WITNESS AND WHISTE-BLOWER** from retaliation **OR VICTIMIZATION;** and

“(7) Guarantee confidentiality to the greatest extent possible;

“(d) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall:

“(1) Expressly reiterate the prohibition on gender-based **VIOLENCE AND** sexual harassment;

“(2) Describe the procedures of the **COMMITTEE ON DECORUM AND INVESTIGATION** created under Section 17(c) of this Act; and

“(3) Set administrative penalties.

“(E) **ENSURE ACCESS TO REMEDIES AND SUPPORT FOR VICTIMS OF GENDER-BASED VIOLENCE AND SEXUAL HARASSMENT INCLUDING PSYCHOLOGICAL SUPPORT, FREE LEGAL AID, AND IMMEDIATE REDRESS MECHANISMS;**

“(F) **ENSURE THAT WORKERS HAVE THE RIGHT TO REMOVE THEMSELVES FROM A WORK SITUATION WHICH PRESENTS AN IMMINENT AND SERIOUS DANGER TO LIFE, HEALTH OR SAFETY WITHOUT FEAR OF RETALIATION; AND**

“(G) **COLLABORATE WITH RELEVANT GOVERNMENT AGENCIES, INCLUDING THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) AND COMMISSION ON HUMAN RIGHTS**

(CHR), TO ENFORCE ANTI-GENDER-BASED VIOLENCE AND ANTI-SEXUAL HARASSMENT LAWS.

FAILURE TO COMPLY WITH THESE OBLIGATIONS SHALL SUBJECT THE EMPLOYER TO ADMINISTRATIVE FINES AND PENALTIES AS PROVIDED IN THIS ACT.”

SECTION 5. Section 18 of the same Act is amended to read as follows:

“SEC. 18. *Duties of Employees and Co-Workers.* – Employees and co-workers shall have the duty to:

“(a) Refrain from committing acts of gender-based **VIOLENCE AND** sexual harassment;

“(b) Discourage the conduct of gender-based **VIOLENCE AND** sexual harassment in the workplace;

“(c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based **VIOLENCE AND** sexual harassment; and

“(d) Report acts of gender-based **VIOLENCE AND** sexual harassment witnessed in the workplace.”

SECTION 6. Section 20 of the same Act is amended to read as follows:

“SEC. 20. *Routine Inspection.* - The Department of Labor and Employment (DOLE) for the private sector and the Civil Service Commission (CSC) for the public sector shall **CREATE A SPECIAL LABOR INSPECTION TASK FORCE TO** conduct yearly spontaneous inspections, **FOCUSING ON HIGH-RISK INDUSTRIES WITH VULNERABLE WORKERS**, to ensure compliance of [~~employers and employees~~] **ALL STAKEHOLDERS** with their obligations under this Act.

SECTION 7. *Repealing Clause.* - Republic Act No. 7877, otherwise known as the “Anti-Sexual Harassment Act of 1995,” is hereby repealed. All other laws, proclamations, orders, rules, regulations and other issuances inconsistent with this Act are hereby amended accordingly.

SECTION 8. *Effectivity.* - This Act shall take effect fifteen (15) days after publication in the Official Gazette or a newspaper of general circulation.

Approved,