

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4119



Introduced by Representative Jan Rurik D. Padiernos, GP (Galing sa Puso) Party-List

EXPLANATORY NOTE

The 1987 Philippine Constitution firmly upholds the State's commitment to maintaining peace and order, safeguarding life, liberty, and property, and advancing a just and dynamic social order. It recognizes labor as the primary social and economic force of the nation, thereby mandating the protection of workers' rights and the promotion of their welfare. Moreover, under the chapter on Social Justice and Human Rights, the Constitution expressly guarantees full protection to labor and ensures the provision of equal opportunities for all.

On February 20, 2024, the Philippines deposited the instrument of ratification of the Violence and Harassment Convention, 2019 (No. 190) to fully implement and realize the above-stated policy. With the act of depositing the instrument of ratification, the Philippines becomes the 38th country in the world and the first Asian country to ratify Convention No. 190.

Convention No. 190 is the first international labor standard to address violence and harassment in the world of work comprehensively. Together with Recommendation No. 206, it establishes a framework of action, fostering a future of work grounded in dignity and respect. These instruments align with the objectives outlined in the ILO Centenary Declaration on the Future of Work, emphasizing a workplace free from violence and harassment.

According to the World Health Organization (WHO) study published in 2021, almost one in three women across the world have experienced violence at least once in their lifetime. In the Philippine settings, according to the 2022 National Demographic and Health Survey (NDHS) conducted by the Philippine Statistics Authority (PSA), 17.5% of Filipino women aged 15-49 have experienced any form of physical, sexual, and emotional violence from their intimate partners. As of 2021, there were 8,399 reported cases of physical violence, 1,791 of rape, and 1,505 of acts of lasciviousness. These data refer only to those that were reported, pertain to women and children victims, and mostly about intimate partner violence. It does not yet include violence and harassment experienced in the world of work by both men and women, and those remain unreported.

This bill seeks to protect workers in the world of work by punishing any form of violence or harassment. The Philippines has enacted several anti-violence and anti-sexual harassment laws, like Republic Act No. 7877, otherwise known as the Anti-Sexual Harassment Act of 1995, Republic Act No. 8353, otherwise known as the Anti-Rape Law of 1997, Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and their Children of 2004, and Republic Act No. 11313, otherwise known as the Safe Spaces Act. However, these

laws are not enough to implement a world of work that is free from any form of violence and harassment that will fully comply with the objectives of C190.

This measure introduced the following features, among others, in line with the objectives of C190:

- (1) Gender-based violence and harassment has a broader scope;
- (2) Enumerates the unlawful or prohibited acts of gender-based violence and harassment in the world of work;
- (3) Provides for administrative, civil and criminal liabilities against any person who committed the prohibited acts of gender-based violence and harassment;
- (4) Mandates the roles of government agencies and the public in cases of gender-based violence and harassment;
- (5) Stipulates the justice procedure for gender-based violence and harassment committed under this measure;
- (6) Creates an inter-agency council that will fully implement the provisions of this bill; and
- (7) Gives mandatory services for the victims of gender-based violence and harassment.

In view of the foregoing, the passage of this bills is earnestly sought for.


ATTY. JAN RURIK PADIERNOS
GP (Galing sa Puso) Party-List

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AN ACT
PROVIDING FOR A WORLD OF WORK FREE FROM ALL FORMS OF GENDER-BASED
VIOLENCE AND HARASSMENT

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

SECTION 1. *Short Title.* - This Act shall be known as the “***World of Work Free from Gender-Based Violence and Harassment Act***”

SEC. 2. *Declaration of Policy.* - It is hereby the declared policy of the State to respect, promote and realize the fundamental rights of the workers to have a decent work and working environment. The State shall ensure an inclusive, integrated and gender-responsive approach for the prevention and elimination of any form of violence or harassment in the world of work. Towards this end, this Act aims to:

- (1) Provide penalty for any form of violence and harassment in the world of work;
- (2) Adopt a comprehensive strategy in order to implement measures to prevent and deter violence and harassment;
- (3) Establish or strengthen enforcement and monitoring mechanisms;
- (4) Ensure access to remedies and support for the victims;
- (5) Develop tools, guidance, education and training, raising awareness to the public; and
- (6) Ensure effective means of inspection and investigation of cases by the government authorities on any form of violence and harassment in the world of work.

SEC. 3. *Definition of Terms.* – As used in this Act, the following terms shall mean:

- (a) *Gender-based violence and harassment* refers to any form of violence or harassment directed at persons because of gender, or affecting persons of a particular gender disproportionately;
- (b) *Imminent danger* refers to a situation where there is a very real and immediate threat of death or serious harm that is likely to occur soon, before any preventive measures can be taken.

(c) *Violence and harassment* refer to range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence.

(d) *Worker* refers to any member of the labor force whether employed or unemployed.

(e) *World of work* refers to place occurring in the course of, linked with or arising out of work which includes the following places:

- (1) in the workplace, including public and private spaces where they are a place of work;
- (2) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
- (3) during work-related trips, travel, training, events or social activities;
- (4) through work-related communication, including those enabled by information and communication technologies;
- (5) in employer-provided accommodation; and
- (6) when commuting to and from work.

SEC. 4. *Unlawful or Prohibited Acts.* – It shall be unlawful for any person to commit any of the following form of gender-based violence and harassment in the world of work against a worker:

- (1) Those sexual harassment under Section 3 of Republic Act No. 7877, otherwise known as the Anti-Sexual Harassment Act of 1995: *Provided*, That sexual harassment under this Act shall be committed even in the absence of:
 - (a) employee-employer relationship; or
 - (b) authority, influence, or moral ascendancy over another;
- (2) Those acts of violence against women and children under Section 5 of Republic Act No. 9262, otherwise known as the Anti-Violence against Women and their Children Act of 2004: *Provided*, That acts of violence against women under this Act shall be committed even in the absence of the element of relationship of the offender with the offended party as husband, former husband, or someone who has or had a sexual or dating relationship with the victim, or with whom the offended party has a common child; or
- (3) Those punishable acts under Article IV Section 16 and Article V Section 21 of Republic Act No. 11313, otherwise known as the Safe Spaces Act: *Provided*, That gender-based sexual harassment offense under this Act shall still be committed in the absence of an employee-employer relationship under Section 16, or in the absence of authority, influence, or moral ascendancy over another under Section 21 of the same Act; or
- (4) Those prohibited acts under Section 3 paragraph (a) (1), (2), and (3) of Republic Act No. 10627, otherwise known as the Anti-Bullying Act of 2013; or
- (5) Those prohibited acts under Section 28 of Republic Act No. 11058 entitled as “*An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations thereof*”; or

(6) Those acts punishable defined under Rule III and IV of Civil Service Commission Resolution No. 01-940; or

(7) Those acts prohibitions provided under Section 5 of Republic Act No. 10911, otherwise known as the Anti-Age Discrimination in Employment Act.

The gender-based violence and harassment in the world of work under this Section may be committed against the worker either in person or through any means of information and communication technology.

Any person who committed the above unlawful or prohibited acts shall be punishable by six (6) months and one day to six (6) years and a fine of not less than one hundred thousand pesos (P100,000.00) but not more than five hundred thousand pesos (P500,000.00).

If the offender is a juridical person, the penalty shall be imposed upon the owner, manager, partner, member of the board of directors and/or any responsible officer of an enterprise who participated in the commission of harassment or violence in the world of work against a worker or shall have knowingly permitted or failed to prevent its commission. In addition, the corporation shall be fined a minimum ten percent (10%) but not more than thirty percent (30%) of its net worth and its respective license or permit to operate may be revoked by the DOLE, or Securities and Exchange Commission (SEC), or Department of Trade and Industry (DTI), as the case may be.

If the offender is a foreigner, the offender shall be criminally prosecuted immediately. Thereafter, the offender shall be deported after serving sentence and will be permanently barred from re-entering the Philippines.

SEC. 5. *Who May File a Complaint.* - A complaint may be filed by any of the following:

- (1) The offended party;
- (2) Parents or guardians of the offended party, in case of minor or even if of legal age but has physical, mental or psychological disability or conditions that renders the complainant unable to fully understand the consequences of any form of violence or harassment in the world of work;
- (3) Ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity;
- (4) Any of the duly authorized representative of the Council;
- (5) Police officers;
- (6) Barangay officials or its workers;
- (7) Lawyer, counselor, therapist or healthcare provider of the offended party; or
- (8) Any concerned citizen who has knowledge of the commission of harassment or violence in the world of work.

SEC.6. *Persons Mandated to Report Gender-Based Violence and Harassment in the World of Work.* – (A) It shall be the duty of the following persons to report all incidents of any form of gender-based violence and harassment in the world of work to the DOLE, the CSC, the Philippine National Police (PNP), or any law enforcement agency within twenty-four (24) hours from the knowledge thereof:

- (1) Any healthcare provider, including the attending physician, nurse, clinician, or any person who has caused the examination or treatment of the victim appearing to have suffered from violence or harassment in the world of work;
- (2) Teacher, professor, guidance, counselor, dean, principal, school head, or any person whose work involves education, training and care of students;
- (3) Any social worker or barangay health worker who has reason to believe that a violence or harassment in the world of work has been committed or has been duly informed thereof by the victim;
- (4) Any national or local public officer or in aid of the said public officers; or
- (5) Any person or co-worker who has knowledge of the commission of violence or harassment in the world of work.

(B) The person mandated to report cases of harassment or violence in the world of work shall have, as far as applicable, the following responsibilities:

- (1) Properly document any of the victim's physical, emotional, or psychological injuries;
- (2) Properly record observation on the victim's condition and circumstances during the visit;
- (3) Safeguard the records and make them immediately available to the victim upon request; and
- (4) Immediately report the suspected commission of violence or harassment in the world of work to the proper authorities.

For this purpose, the persons who have the responsibility to report cases of gender-based violence and harassment in the world of work shall, at all times, protect the identity and privacy of the parties in the case.

(C) Failure to report possible harassment or violence in the world of work under this Act shall be punishable by a fine of not more than Fifty Thousand Pesos (PHP50,000.00) without prejudice to any administrative liability, if applicable.

(D) No criminal, civil or administrative action may be filed against any person who is performing the responsibilities mandated under this Act.

SEC. 7. *Administrative Complaint.* – The complainant may initiate a complaint against any person for those acts provided under Section 4 of this Act before the grievance committee, human resource department or its equivalent functions of the entity to which the complainant is working for. The grievance committee, human resource department or its equivalent functions shall give due course to the complaint and decide the same within thirty (30) days from the filing of the complaint. Failure to decide within the days provided herein shall allow the complainant to file the same before the first level court.

In the grievance committee, human resource department or its equivalent functions, the parties may enter into an amicable settlement. Any amicable settlement reached in the committee shall be final and executory. In case that an amicable settlement failed, the same shall be stated in the certification issued by the committee.

SEC. 8. *Ineffective Grievance Committee.* - In the event that the grievance committee renders ineffective due to the involvement of the designated grievance committee member or

for other justifiable grounds, the offended party may file the complaint directed before the first level court with a statement under oath that the grievance committee became ineffective.

SEC. 9. *Worker or witnesses in the World of Work as Subject of Agitation or Anger.*

– Any person in the world of work who subject the offended party or any of the witnesses of agitation or anger in such a way that would have change the course of the case filed under this Act shall be implicated in the complaint and be considered as co-conspirator of the offender in the case.

SEC. 10. *Jurisdiction and Venue.* – Jurisdiction over cases for the violation of this Act shall be vested in first level courts which has territorial jurisdiction over the place where the offense or any of its essential elements was committed.

A criminal action arising from the violation of this Act shall be filed where the offense was committed, where any of its elements occurred, or where the victim actually resides at the time of the commission of the offense: *Provided*, That the court where the criminal action is first filed, such court shall acquire jurisdiction to the exclusion of other courts.

SEC. 11. *Appointment of Special Prosecutors.* – The Department of Justice (DOJ) shall appoint or designate special prosecutors to prosecute cases for the violation of this Act.

SEC. 12. *Summary Proceedings.* – Complaints filed under this Act shall be tried and heard through summary proceedings in accordance with the rules on summary procedure.

SEC. 13. *Prescriptive Period.* – Acts punishable under Section 4 of this Act shall prescribe within three (3) years from knowledge or acts committed or omitted, as the case may be.

SEC. 14. *Inter-agency Council Against Gender-Based Violence and Harassment in the World of Work.* – There is hereby established an Inter-Agency Council Against Gender-Based Violence and Harassment in the World of Work, to be composed of the Secretary of Department of Labor and Employment (DOLE) as Chairperson, and the Commissioner of the Civil Service (CSC), Secretary of the Department of Migrant Workers (DMW), and Secretary of Department of Interior and Local Government (DILG), as Co-Chairpersons and shall have the following members:

- (1) Secretary, Department of Justice (DOJ);
- (2) Secretary, Department of Foreign Affairs (DFA);
- (3) Secretary, Department of Social Welfare and Development (DSWD);
- (4) Secretary, Department of Education (DepEd);
- (5) Chief, Philippine National Police (PNP);
- (6) Chairperson, Philippine Commission on Women (PCW);
- (7) Head, Commission of Higher Education (CHED);
- (8) A representative from employer's association or organization;
- (9) A representative from trade union;
- (10) A representative from a registered organization in the informal sector;
- (11) A representative from non-government organization (NGO).

Representatives in numbers (8) to (11) shall be appointed by the President, upon the recommendation of the government agency representatives of the Council. They shall have the term of three (3) years.

The members of the Council may designate their permanent representatives who shall have a rank not lower than an assistant secretary or its equivalent to meetings, and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting, rules and regulations.

SEC. 15. *Functions of the Council.* – The Council shall have the following powers and functions:

- (a) Formulate a comprehensive and integrated program to prevent and suppress gender-based violence and harassment in the world of work;
- (b) Promulgate rules and regulations as may be necessary for the effective implementation of this Act;
- (c) Establish a committee on Disciplinary Inquiry for Non Unionize Worker that shall have the primary function as grievance committee for workers not within an entity's grievance committee;
- (d) Monitor and oversee the implementation of this Act;
- (e) Establish a quick response team (QRT) for the complaints, victims and apprehension of the violators of this Act;
- (f) Coordinate and assist the DOLE in the conduct of its visitorial power pursuant to Article 128 of the Labor Code;
- (g) Coordinate the programs and projects of the various member agencies to effectively address the issues and problems attendant to gender-based violence and harassment in the world of work;
- (h) Coordinate the conduct of massive information dissemination and campaign on the existence of the law and the various issues and problems pertaining to gender-based violence and harassment in the world of work;
- (i) Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on action taken;
- (j) Assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of this Act;
- (k) Coordinate with the DOJ and assist victims of gender-based violence and harassment in the world of work to include in the witness protection program of the government under Republic Act No. 6981, otherwise known as the Witness Protection, Security and Benefit Act;
- (l) Provision of mandatory services including emergency shelter or appropriate housing including foster care or kinship care arrangements, counseling, free legal services, medical or psychological services, as well as support services including community-based rehabilitation, livelihood and skills training, educational assistance to the child, sustained supervision and follow-through mechanisms that will track the progress of recovery, rehabilitation, and reintegration of the victims;
- (m) Formulate a program for the reintegration of the victims of gender-based violence and harassment in the world of work in cooperation with DOLE, DSWD, Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), LGUs and NGOs;
- (n) Secure from any department, bureau, office, agency, or instrumentality of the government or from NGOs and other non-government organizations such assistance as may be needed to effectively implement this Act;

- (o) Complement the shared government information system for migration established under Republic Act No. 10022, otherwise known as the Migrant Workers and Overseas Filipino Act, with data on cases of gender-based violence and harassment in the world of work, and ensure that the proper agencies conduct a continuing research and study on the patterns and scheme of gender-based violence and harassment in the world of work which shall form the basis for policy formulation and program direction;
- (p) Develop the mechanism to ensure the timely, coordinated, and effective response to cases of gender-based violence and harassment in the world of work;
- (q) Development and implementation of a sustained, gender-responsive and effective communication, education and information campaigns at the national, local and community levels using all forms of media, aimed at promoting a working understanding of the law and situating it in the larger context of the victims of gender-based violence and harassment in the world of work;
- (r) Development of a monitoring and data collection system or database, for purposes of ensuring efficient collection and storage of data on all gender-based violence and harassment in the world of work:
 - (1) the number of cases being investigated, submitted for prosecution, dropped, filed or are pending before the courts, as well as the number of convictions and acquittals;
 - (2) the profile/information on each case;
 - (3) the number of victims of gender-based violence and harassment in the world of work referred to the Council; and
 - (4) disaggregated data of victims on gender-based violence and harassment in the world of work and the accused/defendants as to gender and age;
- (s) Capacity building, in partnership with the NGOs;
- (t) Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of this Act.

SEC. 16. *Mandatory Services to the Victims of Harassment or Violence in the World of Work.* - The Council shall provide the following services to the victims and witnesses of harassment or violence in the world of work:

- (1) Temporary protection;
- (2) Counselling;
- (3) Free legal services, which shall include information about the victim's and witnesses' right and the procedure for filing of complaints, claims for compensation and such other legal remedies available to them in a language understood by the victim and witness;
- (4) Medical or psychological services; and
- (5) Subsistence allowance for not more than three (3) months from the reporting of the case or filing of the complaint, whichever is earlier. (inter-agency role)

SEC. 17. *Confidentiality and Privacy.* – The judges, prosecutors, or officers of the court, shall ensure the confidentiality of the proceedings for violence or harassment in the world of work. For this purpose, the investigating prosecutor or the judge shall hold closed door proceedings to protect the identity and privacy of the parties.

SEC. 18. *Congressional Oversight Committee.* – To monitor the implementation of this Act, there shall be created a Congressional Oversight Committee on World of Work Free from Gender-Based Violence and Harassment (COCWWFGB) to be composed of five (5) members from Senate which shall include the Chairpersons of the Senate Committee on Labor and Employment, Women, Children, Family Relations and Gender Equality and the remaining three (3) shall be appointed by the Senate President. The members of the House of Representatives shall be composed of the Chairpersons of the Committee on Labor and Employment, and Women, and the remaining three (3) shall be appointed by the Speaker of the House of Representatives.

The oversight committee shall monitor and ensure the effective implementation of this Act, recommend the necessary remedial legislation or administrative measures, and perform such other duties and functions as may be necessary to attain the objectives of this Act.

SEC. 19. *Implementing Rules and Regulations.* - The DOLE, CSC, DSWD, DEPED, CHED, PCW and DOH shall, within ninety (90) days from the effectivity of this Act, promulgate rules and regulations for the effective implementation of this Act.

SEC. 20. *Appropriations.* - Such amounts as may be necessary for the implementation of this Act shall be indicated under the annual General Appropriations Act (GAA). National and local government agencies shall be authorized to utilize their mandatory Gender and Development (GAD) budget, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women" for this purpose. In addition, LGUs may also use their mandatory twenty percent (20%) allocation of their annual internal revenue allotments for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

SEC. 21. *Separability Clause.* - If any part or provision of this Act is held invalid, all the other provisions not affected thereby, shall continue to be in full force and effect.

SEC. 22. *Repealing Clause.* - All laws, decrees, orders, resolutions, instructions and rules and regulations or parts thereof which are inconsistent with this Act are hereby deemed repealed or modified accordingly.

SEC. 23. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least one (1) newspaper of general circulation.

Approved,