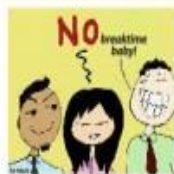


Republic Act (RA) 7877: The Anti-Sexual Harassment Act of 1995

WHAT IS SEXUAL HARASSMENT?



Under RA 7877, 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 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, regardless of whether the demand, request or requirement for submission is accepted or not by the object of said act.”

HOW IS WORK-RELATED SEXUAL HARASSMENT COMMITTED?



Anika Biene Padriago, Official entry

Work-related Sexual Harassment is committed when:

A. 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 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;

B. The above acts would impair the employee's rights or privileges under existing labor laws; or

C. The above acts would result in an intimidating, hostile or offensive environment for the employee.

HOW IS EDUCATION OR TRAINING-RELATED SEXUAL HARASSMENT COMMITTED?

Education or Training-related Sexual Harassment is committed:

A. Against one who is under the care, custody or supervision of the offender;

B. Against one whose education, training, apprenticeship, or tutorship is entrusted to the offender;

C. When the sexual favor is made a condition to the giving of a passing grade, or granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or

D. When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

A person who directs or induces another person to commit any act of sexual harassment or who cooperates to commit the act, without which the said act would not have been committed, will also be held liable under the law.



WHAT IS THE DUTY OF THE EMPLOYER OR HEAD OF OFFICE IN A WORK OR EDUCATION/TRAINING ENVIRONMENT?



The employer or head of office is required by the law to prevent the occurrence of sexual harassment acts and to provide the procedures for the resolution, settlement or prosecution 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. Said rules and regulations shall prescribe the procedures for the investigation of sexual harassment cases and the administrative sanctions thereof.



The said rules and regulations should include guidelines on proper decorum in the workplace and educational or training institutions.



Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

B.

Create a Committee on Decorum and Investigation (CODI) of cases on sexual harassment. The committee shall conduct meetings or 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 work-related environment, the committee shall be composed of at least one (1) representative each 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 and trainees, as the case may be.



The employer or head of office, educational or training institution shall disseminate or post a copy of RA 7877 for the information of all concerned.

WHAT IF THE EMPLOYER OR HEAD OF OFFICE DID NOT UNDERTAKE ANY ACTION DESPITE HIS/HER KNOWLEDGE OF THE SEXUAL HARASSMENT ACT/S?

The employer or head of office, educational or training institution will be held liable for the damages arising from acts of sexual harassment if they are informed by the offended party of the occurrence of such acts, yet no action has been undertaken.

CAN AN OFFENDED PARTY SEEK REDRESS BY TAKING INDEPENDENT ACTION?

Yes, the offended party may take independent action for damages incurred in the act of sexual harassment. She/he may also avail of relief.

WHAT ARE THE PENALTIES FOR OFFENDERS?

Any person who violates the provisions of the law shall be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten Thousand Pesos (P10,000) nor more than Twenty Thousand Pesos (P20,000), or both such fine and imprisonment at the discretion of the court.



Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

WHERE DO WE GO FOR HELP?

for government sector employees:

Civil Service Commission (CSC)

Constitution Hills, Batasang Pambansa Complex, Diliman, Quezon City

Tel. Nos: 723-0401 / 931-6851

Para sa Taumbayan

Hotline: 951-2575 / 932-0111

for private sector employees:

Department of Labor and Employment (DOLE)

Bureau of Working Conditions

3rd Floor, Muralla Wing, DOLE Bldg., Intramuros, Manila

Trunk line: 527-3000 loc. 303-307

Philippine National Police (PNP)

Women and Children Protection Center (WCPC)

Camp Crame, Quezon City

Tel. No.: 410-3213 / 532-6690

Aleng Pulis Text Hotline: 0919-777-377

Emergency Hotline: 911

National Bureau of Investigation (NBI)

Anti-Violence Against Women and Children Desk (VAWCD)

Taft Avenue, Manila

Tel. Nos.: 523-8231 to 38 / 525-6028

DOJ - Public Attorney's Office (DOJ-PAO)

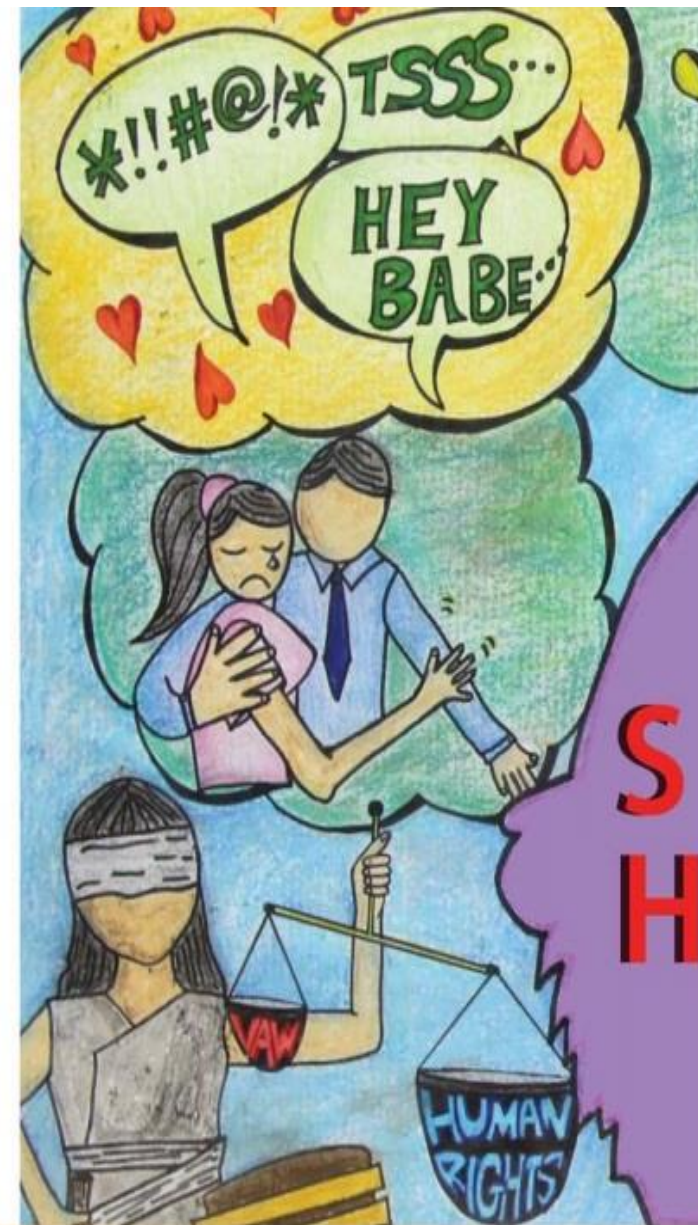
Tel. Nos.: 929-9010 / 929-9436 to 37 loc. 106 / 107

Sources:

1. Republic Act 7877 or the Anti-Sexual Harassment Act of 1995
2. A.M. No. 03-03-13-SC Rule on Administrative Procedure in Sexual Harassment Cases and Guidelines on Proper Work Decorum in the Judiciary. Supreme Court, December 2004

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