

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE SECRETARY

APR 29 2017

SENATE
S. No. 2220

RECEIVED BY: A

Introduced by Senator Miriam Defensor Santiago

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 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.

The proposed measure 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.

This is a senate counterpart bill to one filed in the House of Representatives by Rep. Roseller L. Barinaga.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

APR 29 1975

SENATE
S. No. 2220

RECEIVED BY: [Signature]

Introduced by Senator Miriam Defensor Santiago

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

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

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

9 SECTION 2. *Definition.* – The definition of sexual harassment in the “Sexual Harassment
10 Law” is further amended to refer to any unwelcome behavior of a sexual nature or other
11 unwelcome behavior based on sex, which violates the employee’s integrity at work.

12 SECTION 3. *Responsibility of the Employer.* – Every employer shall be obliged to take
13 active measures to prevent and hinder an employee from being exposed to sexual harassment.
14 Pursuant to this, an employer is mandated to devise routines for dealing with allegations sexual
15 harassment.

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

1 SECTION 5. *Penalty.* – An employer who fails to fulfill the provisions of Sections 3 and
2 4 shall be liable to pay damages to an injured employee. In cases where the employer is the one
3 sexually harassing an employee, the rules in the Revised Penal Code concerning molestation or
4 sexual molestation shall be applicable.

5 SECTION 6. *Repealing Clause.* – All laws, decrees, rules and regulations or parts
6 thereof, which are contrary to or inconsistent with this Act are hereby repealed or modified
7 accordingly.

8 SECTION 7. *Separability Clause.* – If any provision of this Act is declared
9 unconstitutional, the same shall not affect the validity and effectivity of other provisions thereof.

10 SECTION 8. *Effectivity.* – This Act shall take effect fifteen (15) days from its publication
11 in two national papers of general circulation after its approval by the President.

12 Approved ,