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	ANTI- SEXUAL HARASSMENT POLICY	Revision Number	1
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Pursuant to Republic Act (R.A.) No. 7877, “The Anti- Sexual Harassment Act of 1995; and Republic Act (R.A.) No. 11313, “The Safe Spaces Act of 2019” and its Implementing Rules and Regulations (IRR), the following guidelines governing the prevention of sexual harassment and the procedures for the resolution, settlement and/or disposition of sexual harassment cases are hereby adopted by the **John Hay Management Corporation (JHMC)**.

I. POLICY

It is the policy of JHMC to afford protection to all its employees (regardless of gender, sexual orientation, level, function, seniority, or other protected characteristics from sexual harassment) while ensuring equal work opportunities for all, and upholding the dignity of every human person, and full respect of human rights.

Towards this end, the JHMC commits to provide a work environment supportive of productivity, wherein all officers, employees and stakeholders are treated with dignity and respect.

Sexual harassment is an unjust and malicious act that degrades the human person and, therefore, as a matter of company policy, the same shall never be tolerated.

II. COVERAGE

1. These guidelines shall apply to any officer or employee of the JHMC irrespective of the nature or status of employment.
2. These guidelines shall also cover applicants for employment in the JHMC, as well as clients, OJTs, and other persons transacting official matters or business with JHMC.

III. DEFINITION OF TERM/S


1. **Sexual Harassment in a work related or employment environment is committed when:**

- 1.1 A sexual favor is made a condition in the employment/engagement, re-employment/re-engagement or continued employment/engagement of the Complainant or in granting the Complainant favorable compensation, terms, conditions, promotions or privileges, or the refusal to grant the sexual favor results in limiting, segregating or classifying the Complainant, which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect the Complainant.

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- 1.2 Work-related sexual harassment is committed by an employer, manager, supervisor, agent of the employer or any other person who, having authority, influence or moral ascendancy over the Complainant in work-related or employment environment, demands, requests or otherwise requires any sexual favor from another, regardless of whether the demand, request or requirement for submission is accepted by the Complainant.
2. Sexual harassment also includes a series of incidents involving unwelcome sexual advances or other verbal or physical conduct of a sexual nature, despite warnings from the Complainant to cease, made directly, indirectly or implicitly when:
 - 2.1 Such conduct reasonably causes insecurity, discomfort, offense or humiliation to the Complainant.
 - 2.2 Submission to or rejection of such conduct is made either implicitly or explicitly a condition or basis for any employment decision (including but not limited to, matters of promotion, a raise in salary, job security and benefits affecting the Complainant); or any opportunity for training or grant of scholarship.
 - 2.3 Such conduct has the purpose or the effect of interfering with the Complainant's work performance, or creating an intimidating, hostile or offensive work environment.
3. Any employee who directs or includes 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 liable, which liability shall merit the same penalty as that of the concerned officer or employee/ Respondent.
4. Sexual harassment also includes gender-based sexual harassment (GBSH) in the workplace which is committed through:
 - 4.1 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 System, that has or could have a detrimental effect on the conditions of the Recipient's employment, job performance or opportunities;

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4.2 A conduct of sexual nature and other conduct based on gender affecting the dignity of a person, which is unwelcome, unreasonable and offensive to the Recipient, 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 System; or

4.3 An act or conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the Complainant.

5. **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.

6. **Workplace-** includes all sites, locations and spaces, where work is being undertaken by the employee within or outside the premises of the usual place of business of the JHMC. It may also extend to office-related social functions, in the course of work assignments outside the office, work-related conferences or training sessions and work-related travel.

IV. FORMS OF SEXUAL HARASSMENT

Sexual harassment can involve one or more incidents and actions constituting harassment, which may be physical, verbal and non-verbal. The following are illustrative forms that constitute Sexual Harassment:


1. Physical

- 1.1 Unwelcome physical contact including pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
- 1.2 Physical violence, including sexual assault;
- 1.3 The use of job-related threats or rewards to solicit sexual favors;
- 1.4 Sexually-suggestive gestures;
- 1.5 Whistling or catcalling;
- 1.6 Leering, intrusive gazing and taunting;
- 1.7 Stalking

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2. Verbal

- 2.1 Persistent comments on Recipient's appearance, age, private life, sexual preference;
- 2.2 Persistent telling of sexual comments, advances, stories and jokes;
- 2.3 Repeated and unwanted social invitations for dates or physical intimacy;
- 2.4 Insults based on the sex or sexual preference of the Recipient;
- 2.5 Sending sexually explicit messages (by phone, email or other Information Communication System)
- 2.6 Cyberstalking

3. Non-verbal

4. Use of objects, pictures or graphics, letters or writing notes with sexual underpinnings; and
5. Other forms analogous to the foregoing.

V. WHO ARE LIABLE FOR SEXUAL HARASSMENT?

Sexual harassment in the Workplace may be committed by:

1. An officer, manager, supervisor, or any employee who, having authority, influence or moral ascendancy over the Complainant in the Workplace, demands, requests, invites or otherwise requires any sexual favor from the latter, regardless of whether the demand, request, invitation or requirement for submission is accepted by the Complainant;
2. A subordinate of the Complainant.
3. A peer of the Complainant.
4. Any employee who directs or induces another to commit any act of sexual harassment, or who tolerates or cooperates in the commission thereof by another, without which it would not have been committed.

VI. COMMITTEE ON DECORUM AND INVESTIGATION


1. COMPOSITION

A Committee on Decorum and Investigation (CODI) is hereby established in the JHMC which shall serve as an independent internal grievance mechanism that will act

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as the main body in the investigation and resolution of cases involving sexual harassment. The CODI shall be composed of the following:

Chairperson	An Office Head or its equivalent from the Legal Department who shall be a woman.
Members	A member from the JHMC's GFPS
	A representative from the Division Manager level or its equivalent
	A representative from the HRD
	A representative from the Officer Level
	A representative from the Rank and File Level
Secretariat	LRIS

At least half of the composition of the CODI shall be women.

A woman refers to an adult human being who is biologically female¹.

2. QUALIFICATIONS OF THE MEMBERS OF THE CODI

2.1 A holder of a Plantilla or regular position.

2.2 Shall have no prior record of involvement as a respondent, defendant or accused in any case of whatever nature on sexual harassment. A member of the CODI who is the subject of the complaint for sexual harassment shall automatically be replaced by the CODI.

2.2 Shall not be related to either the complainant or informant, or to the concerned officer or employee/respondent within the fourth degree of consanguinity or affinity. A member of the CODI who is related within the fourth degree of consanguinity or affinity to either the complainant or informant, or to the concerned officer or employee/ respondent shall inhibit from the proceedings of the case.

2.3 Shall have attended at least eight (8) hours of training either on gender sensitivity, gender-based violence, sexual orientation, gender identity and expression, and other gender and development programs.


¹ Collin's English Dictionary

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3. TERMS OF OFFICE OF THE MEMBERS OF THE CODI

The terms of office of the members of the CODI shall be three (3) calendar years which may be renewed at the option of the President and CEO (PCEO). Upon expiration of the term, the members shall function on hold-over capacity until such time that the PCEO has designated the new members of the CODI.

A member of CODI who resigns, retires, is removed or otherwise unable to dispense with his duties as member of the CODI shall automatically be replaced by the CODI, subject to the approval of the PCEO, so as not to cause delay in the proceedings of a case.

4. DUTIES AND RESPONSIBILITIES OF THE CODI

The CODI shall have the following duties and responsibilities:

- 4.1 Investigate sexual harassment complaints in the workplace and/or any retaliatory act relative thereto, in accordance with the prescribed procedures.
- 4.2 Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision. The Report shall contain the narration of facts established during the investigation, the findings and evidence supporting the findings, and the sanction/s to be imposed; and
- 4.3 Develop and implement programs to increase awareness and understanding about sexual harassment in the workplace and to prevent incidents of sexual harassment, in coordination with the HRD and GFPS.

The CODI may formulate and adopt its own internal rules of procedure and guidelines in the conduct of its duties, as may be deemed necessary.

However, inaction of the CODI or any member thereof on received complaints relative to sexual harassment in the workplace shall be subjected to disciplinary action in accordance with the JHMC'S Code of Discipline (COD).


VII. PROCEDURE/S

1. Any complaint for sexual harassment and/or any retaliatory act relative thereto, shall be filed in writing and under oath, with a specification of the acts constitutive thereof, including the circumstances of time, place and date, by the complainant or informant to the Records Management Specialist (RMS).

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If the complaint is not under oath, the Complainant shall be summoned by the CODI to swear to the truth of the allegations in the complaint or require the complainant or informant to submit a sworn complaint within 24 hours from receipt of notice of compliance.

Withdrawal of the complaint at any stage of the proceedings shall not preclude the CODI from proceeding with the investigation where there is obvious truth or merit to the allegations in the complaint or where there is documentary or direct evidence that can prove the guilt of the concerned officer or employee.

2. Within two (2) working days from receipt of the complaint, the RMS shall transmit the complaint to the Chairperson of the CODI.
3. Within three (3) working days from receipt of the complaint, the Chairperson shall issue a Notice to Explain (NTE) to the concerned officer or employee.
4. Within five (5) working days from receipt of the NTE, the concerned officer or employee/ respondent shall submit his/her Reply to the NTE. Failure to submit the Reply to the NTE within the prescribed period, shall be considered a waiver of the right to be heard.
5. The CODI shall convene to conduct the investigation and shall submit a Report for the approval of the PCEO within ten (10) working days from the receipt of the Reply of the concerned officer or employee/ respondent or from the lapse of the prescribed period provided to the concerned officer or employee/ respondent to submit his/her Reply.

During the investigation, the CODI shall summon the complainant or informant, concerned officer or employee/respondent, and relevant third parties separately. The concerned officer or employee/ respondent may be assisted by his/her counsel or adviser.


Either the complainant or the person being complained of, may request any member of the CODI to inhibit from the proceedings based on conflict of interest, manifest partiality, and other reasonable grounds. A CODI member may also voluntarily inhibit on the same grounds.

6. Within five (5) working days from receipt of the Report of the CODI, the PCEO shall issue the Notice of Decision (NOD) to the complainant or informant, and the concerned officer or employee/ respondent, through the Human Resource Division (HRD). The Management's decision through the PCEO shall be final and executory.

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VIII. PREVENTIVE SUSPENSION

The CODI may subject the concerned officer or employee under preventive suspension, without pay, during the investigation, if there are reasons to believe that the concerned officer or employee's continued employment poses a serious and imminent threat to the complainant or informant or his/her co-workers. No preventive suspension shall last longer than thirty (30) calendar days. Thereafter, the alleged offender shall be reinstated to his/her last position or in a substantially equivalent position.

IX. CONFIDENTIALITY

All complaints and investigations are treated confidentially to the extent possible and information is disclosed strictly on a need-to-know basis. The identity of the complainant or informant shall only be revealed to the parties involved during the investigation and the JHMC or CODI shall take adequate steps to ensure that the complainant or informant is protected from retaliation during and after the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained in secured files within the JHMC or HRD.

X. RETALIATION

Retaliation against the complainant or informant or any employee who complains of sexual harassment, or who participates in an investigation of a complaint for sexual harassment, is prohibited and will lead to a disciplinary action.

The following are deemed retaliatory acts, which shall be subject to disciplinary action when committed by any employee, whether or not he/she is the principal offender in the sexual harassment allegation:


1. Disciplining without cause, or unjustifiably changing work assignment of, providing erroneous or inaccurate work information to, or refusing to cooperate or discuss work related matters with the complainant or informant;
2. Intentionally pressuring, covering up or attempting to cover up acts of sexual harassment;
3. Threatening the promotion opportunities, job securities and other service-related benefits and privileges of the complainant or informant; or
4. Other acts analogous to the foregoing.

Any retaliatory measure against the complainant or informant shall not be condoned and such retaliatory act shall be subject to a disciplinary action together or as an incident to

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the principal offense of sexual harassment and, if established, shall merit the imposition of the ultimate penalty of dismissal for the principal offense, under any circumstances.

XI. PENALTIES


The penalties for the offense of Sexual Harassment and retaliatory acts committed in connection therewith, shall be based on the following:

PROHIBITED ACTS	PENALTIES
Sexual Harassment through a sexual favor which is made a condition in the employment/engagement, re-employment/re-engagement or continued employment/engagement of the Complainant or in granting the Complainant favorable compensation, terms, conditions, promotions or privileges, or the refusal to grant the sexual favor results in limiting, segregating or classifying the Complainant, which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect the Complainant.	DISMISSAL
Work-related sexual harassment committed by an employer, manager, supervisor, agent of the employer or any other person <u>who, having authority, influence or moral ascendancy over the Complainant in work-related or employment environment,</u> demands, requests or otherwise requires any sexual favor from another, regardless of whether or not, the demand, request or requirement for submission is accepted by the Complainant.	DISMISSAL
Sexual harassment which includes a series of incidents involving unwelcome sexual advances or other verbal or physical conduct of a sexual nature, despite warnings from the Complainant to cease, made directly, indirectly or implicitly when: <ul style="list-style-type: none"> a. Such conduct reasonably causes insecurity, discomfort, offense or humiliation to the Complainant. b. Submission to or rejection of such conduct is made either implicitly or explicitly a condition or basis for any employment decision (including but not limited to, matters of promotion, a raise in salary, job security and benefits affecting the Complainant); or any opportunity for training or grant of scholarship. 	DISMISSAL

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c. Such conduct has the purpose or the effect of interfering with the Complainant's work performance, or creating an intimidating, hostile or offensive work environment.	
Any employee who directs or includes 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 liable, which liability shall merit the same penalty as that of the concerned officer or employee.	DISMISSAL
<p>Sexual harassment which includes gender-based sexual harassment (GBSH) in the workplace which is committed through:</p> <p>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 System, that has or could have a detrimental effect on the conditions of the Complainant's employment, job performance or opportunities;</p> <p>b. A conduct of sexual nature and other conduct based on gender affecting the dignity of a person, which is unwelcome, unreasonable and offensive to the Complainant, 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 System; or</p> <p>c. An act or conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the Complainant.</p>	DISMISSAL
Commission of any of the retaliatory acts set forth in Item X.	DISMISSAL
Sexual Harassment pertaining to an incident or series of incidents involving the commission of any of the prohibited acts or conduct (including gender-based sexual harassment in the Workplace) by any personnel against his peers or superior.	<p>1st Offense: 2-4 MONTHS SUSPENSION</p> <p>2nd Offense: DISMISSAL</p>

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If the concerned officer or employee is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

However, in accordance with the provisions of the JHMC's COD, the CODI may reduce or increase the corrective action on a case-to-case basis, subject to the mitigating or aggravating circumstances surrounding the situation in which the infraction was committed.

Also, if there is a conflict of penalties under this Policy with the penalties provided under RA. No. 11313, otherwise known as the Safe Spaces Act of 2019, the higher penalty shall apply.

XII. INDEPENDENT ACTIONS FOR DAMAGES

The Complainant shall not be barred from instituting a separate and independent action for damages and other affirmative relief under applicable laws.

XIII. PRO-ACTIVE MEASURES

1. The JHMC, through the CODI, shall conduct annual orientations and/or orientation drives on this Policy and how cases of sexual harassment or GBSH may be reported in coordination with the HRD.
2. The JHMC, through the CODI, shall post this Policy in the JHMC Bulletin Board and JHMC Website; and disseminate copies of this Policy, in coordination with the ICTD.
3. The JHMC, through the CODI, shall develop and implement programs to increase awareness and understanding about sexual harassment and to prevent incidents of sexual harassment in the workplace, in coordination with the HRD and GFPS.
4. The JHMC, through the HRD, shall provide continuing development programs to the members of the CODI.
5. The JHMC may provide support for victims of sexual harassment committed in the workplace which includes, but is not limited to:
 - 5.1 Referral of the complainant to psychological or psychosocial counseling services; or
 - 5.2 Assistance in the filing of civil and/or criminal case/s.

XIV. EFFECTIVITY

This updated Policy shall take effect upon approval of the JHMC Board of Directors and its registration to the Documents and Records Control Committee (DRCC).

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