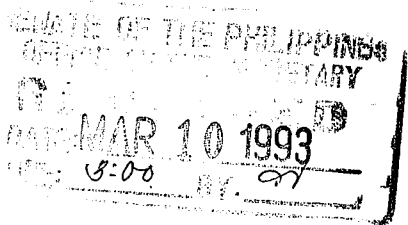


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CONGRESS OF THE PHILIPPINES)
First Regular Session)

S E N A T E

S.B. No. 1146



Introduced by Sen. Lina, Jr.

EXPLANATORY NOTE

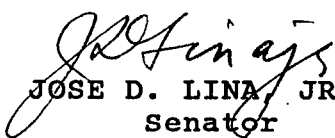
This bill, as a counterpart of H.B. No. 7870, seeks to protect working women by making acts of sexual harassment unlawful and by providing penalties therefor.

The State values the dignity of every person and guarantees full respect for human rights (Sec. 11, Art. 11 of the Constitution) and is pledged to protect working women by providing safe and healthful working conditions and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation. (Sec. 14, Art. XIII of the Constitution).

Sexual harassment in the employment environment has long been a recurring problem for many workers/employees and individuals seeking employment, young and old, men and women. Most acts of sexual harassment, however, are directed against women, in view of their being regarded as sex objects. In fact, sexual harassment has been considered as one of the forms of violence against women. It should also be noted that sexual harassment in the employment environment are likewise subject to harassment by employers and employment personnel, if not more so.

Sexual harassment takes many forms. Sometimes, it may be quite blatant and obvious but more often it is subtle and insidious. Regardless of form, sexual harassment imposes significant economic and psychological burden of employees and workers and contributes to an oppressive, if not intolerable working environment. Furthermore, sexual harassment not only threatens their livelihood, it also strips them of their self-respect. In this sense, it is a particularly pernicious assault upon human dignity.

Consonant with the constitutional mandate that Congress shall give the highest priority to the enactment of measures that protect and enhance the right of the people to human dignity (Sec. 1, Art. XIII of the Constitution), and in order to provide victims of sexual harassment appropriate relief, the enactment of this bill into law is urgently recommended.


JOSE D. LINA, JR.
Senator

MAR 10 1993

TIME: 3:00 BY: JV

Introduced by Sen. Lina, Jr.

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AN ACT
PROSCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT ENVIRONMENT AND
PROVIDING PENALTIES THEREFOR

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

SECTION 1. Title. - This Act shall be known as the
"Protection Against Sexual Harassment Act of 1993."

SEC. 2. Purpose. The State values the dignity of every
human person and guarantees full respect for human rights.
Towards this end, it is the objective of this Act to uphold the
dignity of workers, employees and those seeking employment, and
declares unlawful all acts of sexual harassment.

SEC. 3. Sexual Harassment Defined. - Unwelcome or
uninvited sexual advances, requests for sexual favors and other
verbal or physical conduct of a sexual nature constitute sexual
harassment when:

(1) submission to such is made a condition for an
individual's employment; or

(2) submission to or rejection of such conduct by an
individual is used as a basis for employment decisions affecting
such individual; or

(3) submission to or rejection of such would impair the
victims right to self-organization or the right to strike; or

(4) such conduct has the effect of interfering with an
individual's work performance or creating an intimidating,
hostile, or offensive working environment.

SEC. 4. Duty of the Employer. - It shall be the duty of the employer to take the necessary steps to prevent sexual harassment from occurring in their workplace.

Should there be a union in the bargaining unit, such necessary steps shall be jointly formulated by management and the union.

SEC. 5. Who may be held liable. - An employer, manager, supervisory official or other employee or agent of the employer who commits the prohibited acts provided in Section 3 above shall be held liable under this Act.

SEC. 6. Liability of the Employer. - The employer shall be solidarily liable for acts of sexual harassment perpetrated by the employer's agents, supervisory officials or other employees, Provided, that he had prior knowledge did nothing to stops the acts of sexual harassment.

SEC. 7. Illegal Dismissal. - An employee who resigns due to sexual harassment shall be deemed to have been illegally dismissed.

SEC. 8. Penalties. - In addition to the reliefs to which the victim of sexual harassment may be entitled to under labor and civil legislation any person who violate the provisions of this Act shall upon conviction, be penalized by imprisonment of not less than one month nor more than six months or a fine of not less than P10,000.00 nor more than P20,000.00, or both such fine and imprisonment, at the discretion of the court.

SEC. 9. Independent Action for Damages. - Nothing in this Act shall preclude the victim from instituting a separate or independent action for damages with injunction.

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SEC. 10. Repealing Clause. - All laws, decrees, orders, rules and regulations, other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. Separability Clause. - In the event that any provision of this Act is declared invalid or unconstitutional, the other provisions of this Act shall not be affected by such declaration.

SEC. 12. Effectivity. - This Act shall take effect upon its approval.

Approved,



Senate Archives (IRAS)

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