



SEXUAL HARASSMENT POLICIES AND PROCEDURES

WHEREAS, Section 11, Article II of the 1987 Philippine Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights.

WHEREAS, the Philippine Congress enacted on February 14, 1995, Republic Act No. 7877, otherwise known as the "Anti-Sexual Harassment Act of 1995", which took effect on March 5, 1995 and declares unlawful sexual harassment against women and men in the employment, education and training environment.

WHEREAS, Section 4 (a) of Republic Act No. 7877 mandates every employer or head of agency in the public and private sectors to promulgate rules and regulations prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor;

WHEREAS, there is a need to devise uniform rules and regulations particularly in the definition of the administrative offense of sexual harassment and the sanctions therefor, and the procedures for the administrative investigation, prosecution and adjudication of sexual harassment cases.

WHEREAS, sexual harassment violates the dignity of workers and their right to humane, just and safe work environment, defeats and impairs morale and efficiency in the workplace, and violates the merit and fitness principle in the civil service and likewise the provisions of the Labor Code in promoting a humane, just and safe working environment for all employees in the private sector.

NOW, THEREFORE, in consideration of the foregoing provisions, **the LBP (Land Bank of the Phil.) Insurance Brokerage** hereby promulgates the following policies and procedures to prevent the commission of any acts of sexual harassment in its workplace and to provide resolution, settlement and/or disposition of the same.

Rule I POLICY AGAINST SEXUAL HARASSMENT

LBP (Land Bank of the Phil.) Insurance Brokerage, Inc. believes that employees should be afforded the opportunity to work in an environment free of any acts of sexual harassment. As defined by law, sexual harassment refers to behavior that is not welcome, personally offensive, debilitates morale and, therefore, interferes with work effectiveness. Such behavior may be in the form of unwanted physical, verbal or visual sexual advances, requests for sexual favors, and other sexually oriented conduct which is offensive or objectionable to the recipient, including, but not limited to: abusive, derogatory or suggestive comments, slurs or gestures and offensive posters, cartoons, pictures, or drawings.

LIBI will not, in any manner, tolerate any behavior which tantamount to sexual harassment. Any officer or employee found to have been committed any acts of sexual harassment shall be subjected to disciplinary action up to and including dismissal or termination.



RULE II DEFINITION

Under Sec 3 of RA 9877, sexual harassment in workplace can be committed an employer, employee, manager, supervisor, agent of the employer, or any other person who, having authority, influence or moral ascendancy over another in a work environment, demands, requires or otherwise necessitates any sexual favor from the other, regardless of whether the demand, requests or requirement for submission is accepted by the object of said Act.

In a work related or employment environment, sexual harassment is committed when:

1. 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 of conditions, promotions, or privileges; or the 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;
2. The above acts would impair the employees' rights or privileges under existing labor laws; or
3. The above acts would result in an intimidating, hostile, or offensive environment for the employee.

RULE III WHERE SEXUAL HARASSMENT CAN BE COMMITTED

Sexual harassment may be committed in any work or training environment. It may include, but are not limited to the following:

1. At the office;
2. Outside the office;
3. At office-related social functions;
4. In the course of work assignments outside the office;
5. At work-related conferences or training sessions;
6. During work-related travel;
7. Over the telephone

RULE IV FORMS OF SEXUAL HARASSMENT

The following are illustrative forms of sexual harassment:

- a) Physical contact which include but not limited to the following: Malicious Touching; Overt sexual advances; Gestures with lascivious insinuation.
- b) Verbal, such as but not limited to, requests or demands for sexual favors, and lurid remarks;
- c) Use of objects, pictures or graphics, letters or writing notes with sexual underpinnings;



- d) Other forms analogous to the foregoing.

Acts of sexual harassment can also be categorized in the following manner:

1. Light Offense:

- a) stealing a look at a person's private part or undergarments;
- b) sending sexist/smutfy jokes electronic means (i.e. text, email);
- c) malicious ogling;
- d) making offensive hand or body gestures; and
- e) other cases analogous to the foregoing

2. Less Grave Offense:

- a) unwanted touching (non-private parts);
- b) verbal abuse with sexual overtones; and
- c) other cases analogous to the foregoing

3. Grave Offense

- a) unwanted touching of private parts, sexual assault;
- b) request for sexual favor in exchange for employment, promotion, and other work essential benefits which an employee cannot acquire without submitting/granting the request of the offender etc; and
- c) other cases analogous to the foregoing

RULE V
PERSONS LIABLE FOR SEXUAL HARASSMENT

An employee, including the company officers, regardless of sex, is liable for sexual harassment when he/she:

- (a) Directly participates in the execution of any act of sexual harassment as defined by these policy;
- (b) Induces or directs another or others to commit sexual harassment as defined by these policy;
- (c) Cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished;
- (d) Cooperates in the commission of sexual harassment by another through previous or simultaneous acts.



RULE VI
COMMITTEE ON DECORUM AND INVESTIGATION OF SEXUAL HARASSMENT
CASES

LIBI undertakes to establish a Committee on Decorum and Investigation which shall provide and perform the following functions:

- (a) Receive complaints of sexual harassment;
- (b) Investigate sexual harassment complaints in accordance with the prescribed procedure;
- (c) Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- (d) Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.

The Committee shall be composed of one (1) member from the Top Management, one (1) member from the Unit Heads, and (1) representative from the rank-and-file employees. If the member of the Committee is the complainant or the one being complained of in a sexual harassment case, he shall be disqualified from being the member of the Committee.

RULE VII
PROCEDURES ON SEXUAL HARASSMENT CASES

A. FILING OF A COMPLAINT

All complaints for sexual harassment must be under oath and supported by the Affidavit of the offended party. No action shall be taken on an anonymous complaint, nor shall any employee be required to answer or comment on said anonymous complaint.

Any officer or employee, who experiences or witnesses any act of sexual harassment in the workplace, may report the same whether verbal or in writing immediately to the Committee on Decorum and Investigation. They may also report acts of sexual harassment to any other member of LIBI's management or ownership.

All allegations of sexual harassment will be quickly investigated. To the extent possible, the identity of the officer or employee shall remain confidential and that of any witnesses and the alleged offender will be protected against unnecessary disclosure. When the investigation is completed, all parties will be informed of the outcome of the investigation.

B. ACTION ON THE COMPLAINT

Upon receipt of a complaint which is sufficient in form and substance, the Head of Agency shall within five (5) days transmit the same to the Committee on Decorum and Investigation. The Committee on Decorum shall have authority to file the formal charge. The Committee for this purpose may designate a hearing officer from among themselves or if necessary, should seek assistance from the legal department of LANDBANK.



C. PRELIMINARY INVESTIGATION

A preliminary investigation shall be conducted by the Committee wherein the complainant and the respondent shall submit their affidavits and counter-affidavits, as well as those of their witnesses. Failure of the respondent to submit his counter affidavit shall be construed as a waiver thereof.

During the inquiry or proceedings, the parties and their witnesses shall be asked to affirm their signature on said documents and the truthfulness of the statements contained therein. Failure of the parties or witnesses to affirm their signature in their affidavits and the contents thereof during the preliminary investigation shall render such affidavit without evidentiary value.

During the preliminary investigation, the hearing officer shall record in his own handwriting his clarificatory questions to the parties and their witnesses and the answers given thereto. Such record and other notes made by the Hearing Officer shall form part of the records of the case.

The preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the Committee on Decorum and Investigation and shall be terminated not later than ten (10) days thereafter.

Within five (5) days from the termination of the preliminary investigation, the investigating officer shall submit the Report of Investigation and the complete records of the proceeding to the Committee on Decorum for appropriate action.

D. FORMAL CHARGE

When the Committee finds the existence of a prima facie case, the respondent shall be formally charged. The respondent shall be furnished copies of the complaint, sworn statements and other documents submitted by the complainant, unless the respondent shall be given at least seventy-two (72) hours from receipt of said formal charge to submit the answer under oath, together with the affidavits of the witnesses and other evidence. The respondent shall also be informed of the right to assistance of a counsel of his/her choice. If the respondent has already submitted the comment and counter-affidavits during the preliminary investigation, the respondent shall be given opportunity to submit additional evidence. A formal investigation shall be held after the respondent has filed the answer or after the period for filing an answer has expired. It shall be completed within thirty (30) days from the date of the service of the formal charge, unless the period is extended by LIBI in meritorious cases.

Although the respondent did not elect a formal investigation, one shall nevertheless be conducted if upon evaluation of the complaint, the answer, and the documents in support thereof, the merits of the case cannot be judiciously resolved without conducting such a formal investigation.

If respondent fails or refuses to file the answer, respondent shall be considered to have waived the right to file an answer to the charges and formal investigation may already commence.



E. CONTINUOUS HEARING UNTIL TERMINATED: POSTPONEMENT

Hearing shall be conducted on the hearing dates set by the hearing officer or as agreed upon during the pre-hearing conference. Postponements shall be allowed except in meritorious cases, provided, that a party shall not be granted more than two (2) postponements.

The parties, their counsel and witnesses, if any shall be given a notice at least five (5) days before the first scheduled hearing specifying the time, date, and place of the said hearing and subsequent hearings. Thereafter, the schedule of hearings previously set shall be strictly followed without further notice.

If the respondent fails or refuse to appear during the scheduled hearings, the investigation shall proceed ex parte and the respondent is deemed to have waived the right to be present and to submit evidence in his/her favor during those hearings.

RULE VIII CONFIDENTIALITY

LIBI has adopted the provision of Sec 44 of RA 9262 which provides that SECTION 44. Confidentiality. – All records pertaining to cases of violence against women and their children including those in the barangay shall be confidential and all public officers and employees and public or private clinics to hospitals shall respect the right to privacy of the victim. Whoever publishes or causes to be published, in any format, the name, address, telephone number, school, business address, employer, or other identifying information of a victim or an immediate family member, without the latter's consent, shall be liable to the contempt power of the court.

Any person who violates this provision shall suffer the penalty of one (1) year imprisonment and a fine of not more than Five Hundred Thousand pesos (P500,000.00).

RULE IX ADMINISTRATIVE LIABILITIES AND PENALTIES

Any person who is found guilty of sexual harassment shall after investigation be meted the penalty corresponding to the gravity and seriousness of the offense.

The penalties for light, less grave, and grave offenses are as follows:

For Light Offenses:

Reprimand accompanied by written notice to the offender and suspension of not exceeding five (5) days without pay.

For Less Grave Offenses:

Demotion in rank, or salary grade by one (1) step or

Suspension not less than (6) months but not exceeding eight (8) months at the discretion of the disciplining authority.



For Grave Offenses:

Dismissal

The Head of Office who fails to act on any complaint properly filed for sexual harassment after being informed thereof against any employee in LIBI shall be subjected to administrative liability of neglect of duty.

**RULE X
OTHER PROVISIONS**

No employee, regardless of sex, shall be discriminated, in any manner, for filing any complaint or speaks as a witness in the investigation of the sexual harassment case.

All officers and employees of LIBI shall receive a copy of LIBI's sexual harassment policy upon assumption of their respective offices. If at any time an officer or employee would like another copy of the policy, please contact the Office of the Committee on Decorum and Investigation. Should LIBI amends or modifies its sexual harassment policy, all officers and employees shall receive an individual copy of the amended or modified policy.

For female employees who became victim of sexual harassment as determined using the procedures prescribed in this manual shall be entitled to a ten (10) day leave pursuant to Republic Act 9262 otherwise known as the Violence Against Women and their Children Act of 2004.

**RULE XI
EFFECTIVITY CLAUSE**

This policy shall take effect immediately upon approval of LIBI's Board of Directors.