

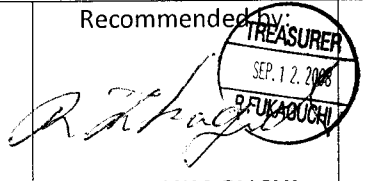
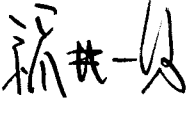


FUJITSU DIE TECH CORPORATION OF THE PHILIPPINES ADMINISTRATION DIVISION	Document Title	SEXUAL HARASSMENT IN THE WORKPLACE			DOC. NO. SAP-ADM-08-001
	Issue No.	01	Issue Date	Sept. 12, 2008	Page 1 of 3
STANDARD ADMINISTRATIVE POLICY	Revision No.	00	Rev. Date	N/A	

Written & Recommended by:  GIL P. GENOTA Administration Manager	Reviewed & Recommended by:  KAZUSHIGE SAITO Senior Manager	Recommended by:  RYUJI FUKAGUCHI AVP/Treasurer	Approved by:  KAZUO FUKUI President
--	---	--	--

OBJECTIVES:

1. To promulgate appropriate rules and regulations implementing RA 7877 otherwise known as the **"ANTI-SEXUAL HARASSMENT ACT OF 1995"**, (an act declaring Sexual Harassment Unlawful in the employment, education or training environment and for other purposes), to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment.
2. To create a Committee on Decorum and Investigation of cases on sexual harassment.

SCOPE:

All employees of **FUJITSU DIE-TECH CORPORATION OF THE PHILIPPINES**, whether regular or probationary, including employees of FDTP service providers/manpower agencies.

DEFINITION:

Work-related sexual harassment is committed by 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 request or otherwise requires any sexual favor from the other, regardless of whether the demand, request 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, 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 employee's rights or privileges under existing labor laws, or;
3. The above acts would result in an intimidating, hostile or offensive environment for the employee.

PROHIBITED ACTIVITIES:

Examples of prohibited sexual harassment include:

1. Supervisors or managers explicitly or implicitly suggesting sex in return for a hiring, compensation, promotion or retention decision.
2. Verbal or written sexually suggestive or obscene comments, jokes or propositions.
3. Unwanted physical contact, such as touching, grabbing or pinching.
4. Displaying sexually suggestive objects, pictures or magazines.
5. Continual expression of sexual or social interest after an indication that such interest is not desired.
6. Conduct with sexual implications when such conduct interferes with the employee's work performance or creates an intimidating work environment.
7. Suggesting or implying that failure to accept a request for a date or sex would adversely affect the employee in respect to a performance evaluation or promotion.

AUTHORITY AND RESPONSIBILITY:

The Administration & Finance Division shall administer this Policy, in coordination with a Committee on Decorum and Investigation, comprising the following:

1. Administration Manager, *Chairman*
2. Accounting Asst. Manager, *Vice Chairman*
3. Supervisor, Member (*provided he/she is not direct superior of the offended party*)
4. Human Resource Supervisor, *Member*
5. President & Senior Admin Manager, *Adviser*

POLICY STATEMENT:

The Company shall value the dignity of every employee, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of its employees, applicants for employment. Toward this end, all forms of sexual harassment in the employment are hereby declared unlawful, as defined by RA 7877.

Any person who directs or induces another to commit any act of sexual harassment as defined by RA 7877, or who cooperates in the commission thereof by another, without which it would not have been committed, shall also be held liable under this Act.

PROCEDURES:

In order to prevent or deter the commission of acts of sexual harassment, the following procedures shall be observed, for the resolution, settlement or prosecution of acts of sexual harassment:

1. Complainant/offended employee shall prepare/complete the SEXUAL HARASSMENT COMPLAINT FORM (Attachment "A") and submit to the Administration Manager/Chairman of Committee on Decorum and Investigation, enumerating relevant facts and details of the alleged sexual harassment case.
2. The complaint must be filed within 180 days of the alleged sexual harassment.
3. Based on the report received by the Administration Manager, the erring employee/respondent accused of sexual harassment will be notified in writing on the nature of the offense being attributed to him/her, through the OFFENSE CITATION FORM (Attachment "B"), with a request to explain in writing within forty-eight (48) hours why no disciplinary action should be taken against him/her based on reported offense.
4. Upon receipt of employee's explanation, the Committee on Decorum and Investigation shall be convened to evaluate all available evidences and conduct the following:
 - a. Call the employee (respondent) to an investigation meeting to shed light on the case.
 - b. Call on witnesses to provide testimonies relevant to the complaint/case.
 - c. Schedule a confrontation meeting between the respondent and witnesses
5. An employee charged with Sexual Harassment, a criminal offense, endangering his/her co-associates lives, may be recommended to be placed under preventive suspension while the investigation of the case is being conducted.
6. The Chairman will evaluate if recommendation for preventive suspension is justified. Final approval for preventive suspension is the President/Vice President.
7. The Committee on Decorum and Investigation shall conduct a thorough investigation of the complaint.
8. Within thirty (30) calendar days from receipt of formal complaint, the Committee on Decorum and Investigation shall inform complainant of final status and a resolution where appropriate.
9. If upon final evaluation, the employee is found to be guilty of sexual harassment, as defined by law, he/she will be issued a Notice of Termination, without prejudice to filing of a criminal case in court against the erring associate.

EFFECTIVITY

This Administrative Policy shall take effect upon approval. All existing company policies and practices inconsistent with any or all of the provisions of this Administrative Policy (SAP) shall be deemed automatically modified, revised, revoked or superseded upon the approval.

REPUBLIC ACT NO. 7877

AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES.

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 "*Anti-Sexual Harassment Act of 1995.*"

SECTION 2. *Declaration of Policy.* - The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

SECTION 3. *Work, Education or Training - Related, Sexual Harassment Defined.* - Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other 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 by the object of said Act.

(a) 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 employee's rights or privileges under existing labor laws; or
3. The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(b) In an education or training environment, sexual harassment is committed:

1. Against one who is under the care, custody or supervision of the offender;
2. Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
3. When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration; or
4. When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces 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 held liable under this Act.

SECTION 4. *Duty of the Employer or Head of Office in a Work-related, Education or Training Environment.* - It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts 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, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefore.

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

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

(b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, 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 a 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, instructors, professors or coaches and students or trainees, as the case may be.

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

SECTION 5. *Liability of the Employer, Head of Office, Educational or Training Institution.* - The employer or head of office, educational or training institution shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken.

SECTION 6. *Independent Action for Damages.* - Nothing in this Act shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

SECTION 7. *Penalties.* - Any person who violates the provisions of this Act shall, upon conviction, 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.

SECTION 8. *Separability Clause* - If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SECTION 9. *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.

SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved:

(Sgd.) EDGARDO J. ANGARA
President of the Senate

(Sgd.) JOSE DE VENECIA, JR.
Speaker of the House of Representatives

This Act is a consolidation of House Bill No. 9425 and Senate Bill No. 1632 was finally passed by the House of Representatives and the Senate on February 8, 1995.

(Sgd.) EDGARDO E. TUMANGAN
Secretary of the Senate

(Sgd.) CAMILO L. SABIO
Secretary General
House of Representatives

Approved: February 14, 1995

(Sgd.) FIDEL V. RAMOS
President of the Philippines

Division / Section : _____ Position : _____

SUBJECT :

[illegible]

--- to be filled up by HR ---

REMARKS:

Employee Signature Over Printed Name

OFFENSE CITATION FORM

REF.NO. HR 201-____ - ____

Area Control No. _____

Name:	Section/Dept./Division	Date:
Employment Status: ____ Regular ____ Probi ____ Direct Con Agency _____		

I. REQUEST FOR WRITTEN EXPLANATION/DESCRIPTION OF VIOLATION:

You are hereby advised to explain in writing within five(5) days from receipt hereof why no disciplinary action may be charged against you for violation of _____ Code of Conduct & Discipline which reads, as follows:

Date/Time/Shift Offense Was Committed:

Failure to comply with the foregoing, as required, will be considered as waiver of your right to be heard or due process.

EXPLANATION OF EMPLOYEE (Attach another paper or use space at the back, if necessary).

--see attached employee explanation report--

SIGNED:

EMPLOYEE'S SIGNATURE

Date: _____

Time: _____ a.m./p.m.

Request Action to be taken:

<input type="checkbox"/> VERBAL WARNING	<input type="checkbox"/> DISMISSAL
<input type="checkbox"/> WRITTEN WARNING	<input type="checkbox"/> SUSPENSION/NO. OF DAYS _____
<input type="checkbox"/> WRITTEN REPRIMAND	<input type="checkbox"/> OTHER ACTIONS (Please specify) _____

Requested by: Razzel Rocio	Reviewed by: Annabelle Arambulo	Approved by: Gil P. Genota
-------------------------------	------------------------------------	-------------------------------

II. REVIEW, RECOMMENDATION AND APPROVALS (to be filled-up by HR)

After a thorough review of subject associate's written explanation regarding his/her violation of _____ the Code of Conduct & Discipline, the following is hereby approved:

<input type="checkbox"/> VERBAL WARNING	<input type="checkbox"/> DISMISSAL
<input type="checkbox"/> WRITTEN WARNING	<input type="checkbox"/> SUSPENSION/NO. OF DAYS _____
<input type="checkbox"/> WRITTEN REPRIMAND	<input type="checkbox"/> OTHER ACTIONS (Please specify) _____

Endorsed by: HR	REMARKS:
-------------------------------	-----------------

Reviewed by: _____ HR Supervisor	Approved by: _____ Administration Manager
---	--

ACKNOWLEDGED BY:

Employee's Signature Over Printed Name
Cc: Area Head/Supervisor

Date/Time: _____