

Inter-Office Memorandum

Ref. No.: HRSM 2019.03.181

TO : ALL EMPLOYEES
FROM : Administrative Division
SUBJECT : SEXUAL HARASSMENT POLICY (AMENDED)
DATE : March 27, 2019

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.

All complaints of sexual harassment will be taken seriously and treated with respect and shall be dealt with high confidentiality. No one will be victimized for making such a complaint.

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

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 complaint from the complainant, the receiver (HR) of the complaint shall:*
 - a. *Immediately record the dates, times and facts of the incident(s)*
 - b. *Ascertain the views of the victim as to what outcome he/she wants*
 - c. *Ensure that the victim understands the company's procedures for dealing with the complaint*
 - d. *Discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome*
 - d.1 *Informal complaints mechanism*

If the victim wishes to deal with the matter informally, the HR shall:

 - *give an opportunity to the alleged harasser to respond to the complaint*
 - *ensure that the alleged harasser understands the complaints mechanism*
 - *facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter*
 - d.2 *Formal complaints mechanism*


If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.
 - e. *Keep a confidential record of all discussions*
 - f. *Respect the choice of the victim*
 - g. *Ensure that the victim knows that they can direct their complaint outside of the company through the relevant country/legal framework*
5. 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
6. 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.
7. The Chairman will evaluate if recommendation for preventive suspension is justified. Final approval for preventive suspension is the President/Vice President.
8. The Committee on Decorum and Investigation shall conduct a thorough investigation of the complaint.

9. 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.
10. 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 shall be deemed automatically modified, revised, revoked or superseded upon the approval.

Prepared by:


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Approved by:


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