 ABS-CBN	ABS-CBN Corporation ELJCC, Eugenio Lopez Ave., Q.C.	HUMAN RESOURCES Reference No: HR-ELR-ALL-P-011 Supersedes: HR-ELR-ALL-P-010 Prepared by: Employee Labor Relations Effectivity Date: Immediately Policy Owner: HROD
	Title: <p style="text-align: center;">POLICY ON ANTI-SEXUAL HARASSMENT IN THE WORKPLACE AND SAFE SPACES</p>	

I. OBJECTIVE

The purpose of this policy is to maintain a safe workplace for all employees noting that no person, either male or female, should be subjected verbally or physically to unwelcome sexual overtures.

The policy aims to protect the dignity of workers and their right to humane, just and safe work environment. In compliance with Republic Act No. 7877, otherwise known as the Anti-Sexual Harassment Act of 1995 and Republic Act No. 11313, the Safe Spaces Act, also known as the "Bawal Bastos Law", this policy is hereby prescribed for the guidance and compliance of all concerned.

ABS-CBN adopts the following guidelines and procedures to provide resolution, settlement and/or disposition of sexual harassment cases and to facilitate a standard implementation throughout the organization.

II. SCOPE

This policy shall apply to all cases involving ABS-CBN *employees.

All regular employees regardless of gender, office location, rank or tenure of service are covered by this Policy. The Policy likewise applies to all contract work employees, consultants, on-the-job trainees, apprentices, security guards, janitorial and general services, and such other employees of contractors, visitors, guests, transients and other persons entering the company premises to such extent specifically provided under this policy and/or allowed under the law.

III. DEFINITIONS

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Company	ABS-CBN Corporation (ABS-CBN)
*Employees	Refers to all employees of ABS-CBN, whether regular (union and non-union members), probationary, project, contractual or casual employee, regardless of rank or position level, program/workpool employees.
Office/Company Premises/Workplace	<p>Refers to company premises which includes company-owned or leased offices and grounds, including company-owned/leased service vehicles. Places which serve as venues of conventions, conferences, meetings, location shoot, seminars or other functions organized by and to be attended by employees of ABS-CBN for the entire time the premises are used for the said purposes.</p> <p>Workplaces include all sites, locations, spaces, where work is being undertaken by an employee within or outside the premises of the usual place of business of the employer.</p>

IV. ABBREVIATIONS

CBA	Collective Bargaining Agreement
DOLE	Department of Labor and Employment
HR	Human Resources

V. KEY PRINCIPLES

A. General Guidelines

1. ABS-CBN does not tolerate any behavior that amounts to sexual harassment and violations of safe spaces. Any employee found to have committed sexual harassment and violations of safe spaces shall after investigation following due process, be subject to disciplinary action.

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2. ABS-CBN adopts the following definitions of Sexual Harassment detailed on Section 3 of R.A. 7877.

2.1 Sexual Harassment in the workplace is committed by an employer, employee, manager, supervisor, agent of the employer, instructor/ trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, requests or requirement for submission is accepted by the object of said Act.

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

- a) The sexual favor is made as a condition in the hiring or in the employment/engagement, re-employment/re-engagement, or continued employment/engagement of said individual, or in granting said individual favorable compensation, terms of conditions, promotions, or privileges; or in giving a passing grade, or payment of a stipend, allowance or consideration to a trainee; 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/engagement opportunities or otherwise adversely affect said employee;
- b) the above acts would impair the trainee or employees' rights or privileges under existing labor laws; or
- c) the above acts would result in an intimidating, hostile, or offensive environment for the trainee or employee.

3. ABS-CBN adopts the following definitions of Gender-Based Sexual Harassment in the Workplace detailed on Rule IV of the IRR of R.A. 11313 "*Safe Spaces Act*".

3.1 The crime of Gender-Based Sexual Harassment in the workplace includes the following:

- 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 systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;
- b) A conduct of sexual nature and other conduct-based on sex 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 systems;

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- c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient.
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- 3.2 Gender-Based Sexual Harassment in the workplace may also be committed between peers, and by a subordinate to a superior officer.
 - 3.3 Gender - refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women and the relations between them.
 - 3.4 8) Gender-based online sexual harassment - refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress and fear of personal safety, sexual harassment acts, including unwanted sexual remarks and comments, threats uploading and sharing of one's photo without consent, video and audio recording, cyber stalking, online identity theft.
 - 3.5 Gender identity and/or expression - refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations and behavior in relation to, masculine or feminine conventions.

4. **Employment-related sexual harassment occurs:**

- 4.1 In the working environment, or
- 4.2 Anywhere else as a result of employment/engagement responsibilities or working relationship including but not limited to:
 - a) The Office
 - b) Outside the Office
 - c) An office related social function
 - d) The course of work assignments outside the office
 - e) Work-related conferences, fora, symposia or training sessions
 - f) Work-related travel
 - g) Over the telephone, cellular phone, fax machine, e-mail etc.
 - h) In any place where the parties were found as a result of work responsibilities or relations

5. **Forms of Request/Demand for Sexual Favor**

A request or demand for any sexual favor may be verbal or non-verbal, as well as express or implied. The following may be considered a request or demand for sexual favors when accompanied by other facts or circumstances that either expressly or impliedly show or indicate such a request or demand:

- 5.1 Sexual Physical Contact and/or Touching
- 5.2 Sexual remarks or gestures

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5.3 Use of objects, pictures, letters or written notes with sexual undertones.

5.4 Other actions which are sexual in nature.

Note: The above examples of a request/demand for sexual favors will constitute sexual harassment only if the other elements¹ enumerated under the law (as stated in Section A.2. above) are present.

6. Aggravating Circumstance

There are instances when minors are involved in ABS-CBN's operations and activities, such as but not limited to entertainments shows, internship programs, etc. ABS-CBN recognizes the special status of these minors who are entitled to special protection by the law against any form of child abuse. In view thereof, the commission of sexual harassment against any minor is strictly prohibited and shall be considered an aggravating circumstance that cancels out the presence of any mitigating circumstance/s. In such cases, the penalty of dismissal shall be imposed upon the perpetrator.

B. Procedures on Sexual Harassment Cases

1. Complaint:

1.1 Any employee who experiences any act of sexual harassment or violations of safe spaces in the workplace, may report the same immediately to either the immediate superior/head, any person part of management, HR, or through the **CODI** (CODI@abs-cbn.com). All allegations made shall be confidential and will be quickly investigated.

1.1.1 The complaint must be in writing (*hardcopy or e-mail*) and signed (*written or digital signature*) by the complainant and shall contain the following:

- a. The full name and address of the complainant.
- b. The full name and position of respondent
- c. A brief statement of the relevant facts;
- d. Evidence, in support of the complaint if any.

1.1.2 Group ER/LR and Legal shall assess whether the case involves sexual harassment. If so, the case shall be endorsed to the Committee on Decorum and Investigation. Otherwise, the case shall be investigated and resolved under the rules on regular disciplinary administrative proceedings.

¹ These elements are the (1) authority or dominant position of the perpetrator; and (2) the effect or perceived effect of the request/demand for sexual favor with regard to the victim's conditions of employment.

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- 1.1.3 Committee on Decorum and Investigation (CODI) - shall refer to the Committee that shall be tasked in conducting investigation, submitting findings and corresponding recommendation regarding sexual harassment complaints and leading the awareness efforts on the prevention of sexual harassment incidents. The CODI shall serve as an independent internal grievance mechanism that will act as the main body in the investigation and resolution of cases involving sexual harassment in the workplace.
 - 1.2 The CODI shall be composed of the following members:
 - 1.2.1 Legal Services Department Head or his/her appointed representative;
 - 1.2.2 Human Resources Department Head or his/her appointed representative;
 - 1.2.3 Internal Audit Department Head or his appointed representative;
 - 1.2.4 One (1) representative appointed by the Supervisory Employees' Union; and
 - 1.2.5 One (1) representative appointed by the Rank & File Employees' Union.
 - 1.3 The CODI shall be headed by a woman and not less than half of its members shall be women.
 - 1.4 The CODI shall be composed of members who should be impartial and not connected or related to the alleged perpetrator within the fourth degree of consanguinity or affinity and have no prior record of involvement as a respondent, defendant or accused in any case of whatever nature on sexual harassment. Further, in case of relation by consanguinity or affinity to either the complainant or respondent, the CODI member shall inhibit from participating in any part of the proceeding, or be substituted by another.
 - 1.5 The complainant or respondent may request a member of the CODI to inhibit, or the CODI member may, on his/her initiative, cause the inhibition based on conflict of interest, manifest partiality, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause a delay in the proceedings.

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- 1.6 The CODI may have additional members/representative in case a member inhibits from any case, or when needed, so as not to cause any delay in the process.

The members of the CODI shall be required to sign a Non-Disclosure Agreement to preserve the confidentiality of all cases.

The Chairman shall be elected by majority vote of the members of the CODI.

The Chairman shall preside over all proceedings of the CODI.

The CODI shall exercise the following powers:

- a. Issue policies relating to the prevention of sexual harassment in the workplace;
- b. Investigate cases involving charges of sexual harassment and;
- c. The CODI shall, at all times, observe due process and, investigate and decide on written complaints within ten (10) working days or less upon receipt thereof. It shall ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible. The ten-day period will not include the period of appeal which shall be available to either party. Should the ten-day period of investigation and issuance of recommendation is not enough due to hearings and thorough investigation to be able to recommend a fair decision, the CODI may continue but shall ensure that the process should be done in the most expedient manner.
- d. Upon investigating a case, issue its findings of facts and recommendations to the management/business unit head;
- e. Form special committees to investigate complaints if needed. The findings and recommendations of the special committee shall be endorsed to the CODI for its evaluation. Thereafter, the CODI shall issue its approved version of the findings and recommendations relating to the case investigated by the special committee.
- f. Conduct seminars/trainings to inform and educate ABS-CBN employees regarding the prevention of sexual harassment in the workplace.

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- g. Formulate and implement rules of procedure in handling the investigation and hearing of cases involving sexual harassment and violations of safe spaces.
- 1.7 The Committee shall evaluate the complaint and, if it deems it appropriate, issue a Show Cause Memorandum to the respondent detailing the alleged acts in violation of this policy and ordering him to submit his written reply to the allegations therein. The respondent shall be accorded procedural due process including the right to a hearing and to present evidence in support of his/her defenses, unless waived by respondent himself.
- 1.8 The penalty for sexual harassment and violations of safe spaces shall be a minimum of suspension of thirty (30) working days up to dismissal, depending on the gravity of the case.
- 1.9 All other previous policies, memos etc. on sexual harassment are hereby superseded.

VI RESPONSIBILITY AND ACCOUNTABILITY

A. COMPANY

- The Company undertakes to provide its employees a work environment free from sexual harassment by management personnel, by co-workers and by others with whom employees must interact with in the course of their employment/engagement. ABS-CBN shall be responsible for preventing all forms of sexual harassment and violations of safe spaces in the workplace, for taking immediate and corrective action to stop sexual harassment in the workplace, and for promptly investigating any allegation of work-related sexual harassment and violations of safe spaces.
- The Company and other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of sexual harassment and violation of safe spaces in the workplace. Towards this end, the Company shall:
 - a) Disseminate or post in a conspicuous place a copy of the law to all persons in the workplace;

Dissemination of the law may be done through, among others: 1) Official notices or means of communications to heads of different divisions/departments; 2) Posting a copy of the law and its rules online or in the official internal online sites; 3) Orientations on the law and its rules and providing employees with copies in print or electronic form as well as preparing information materials such as primers, frequently asked questions and the like. Copies of the law and its rules should always be posted in workplace areas that are easily visible to employees, especially in areas where they usually congregate;

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- b) Provide measures to prevent sexual harassment and violations of safe spaces in the workplace, such as the conduct of anti-sexual harassment seminars, which shall be provided to all employees, regardless of rank and status. Trainings on gender sensitivity, orientations on gender-based violence, and other relevant topics may also be conducted.
- No employee who filed a complaint or acted as a witness in a sexual harassment investigation shall be subjected to any retaliatory act by the respondent or his agents. Any employee who attempts, performs, causes, or encourages any retaliatory act against a complainant or witness shall be penalized with suspension of thirty (30) working days up to dismissal, depending on the gravity of the case, without prejudice to other legal actions the Company may take. If the retaliatory act is also a violation of the Code of Conduct or any other policy, the concerned employee shall also be penalized for such other violations.
- The Company shall provide appropriate support for employee victims of sexual harassment covered by this policy, including among others, psychological or psychosocial counseling services.
- If the act was committed while the employee is in the workplace by a person other than those covered by this policy, the Company shall ensure that assistance is given to the employee, as mandated in the company's policies, and supervised by the CODI and/or Human Resources.

B. HUMAN RESOURCES

- HR shall ensure the proper dissemination of and compliance with this policy.
- HR shall ensure confidentiality of all information in cases of sexual harassment and shall prevent discrimination and other acts that discriminate against employee/s involved in the case.
- HR shall establish a strong partnership with the DOLE and other government and non-government agencies that are involved in the proper implementation of the procedures and programs detailed in this policy.

C. IMMEDIATE SUPERIOR

- Immediate superiors shall ensure strict adherence to this policy and shall, with Human Resources, provide the appropriate action/s in any case of non-compliance.

D. ALL EMPLOYEES

- All employees shall treat each other in a professional manner at all times.
- Refrain from committing acts of sexual harassment in any form.
- Discourage the conduct of sexual harassment in the workplace.
- Report acts of sexual harassment in the workplace.

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VII RECORDING AND MONITORING

The implementation of this policy will be monitored, and a review will be conducted at the end of every 12-month period or on such occasions as circumstances may require. HR-ELR SME is responsible in conducting the review.

HR-ELR shall ensure all recording and filing regarding this policy is accurate and up to date.

VIII REFERENCES

Republic Act No. 7877, “*An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment and for Other Purposes*”; and its Implementing Rules and Regulations.

ABS-CBN Code of Conduct “*The CODI and Administrative Disciplinary Rules on Sexual Harassment Cases*”, Q&A, National Statistics Office, Gender and Development Committee, March.2008, Republic Act No. 11313, “*An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, And Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefor, “Otherwise known as The “Safe Spaces Act”*”; and its Implementing Rules and Regulations.

ANNEXES

ANNEX A

Republic Act No. 7877

ANNEX B

Republic Act No. 11313

IX EFFECTIVITY

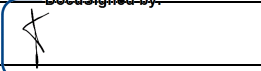
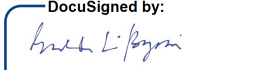


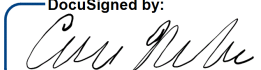
This policy shall take effect immediately.

X DISTRIBUTION LIST

Copies of this document will be provided to members of the ABS-CBN Executive Committee, Management Committees of the various LOBs/divisions, and to HR Accounts and to be communicated to all employees.

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XI AUTHORS AND APPROVERS

Reviewed by:		Signature	Date
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