POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE

CSC MEMORANDUM CIRCULAR NO. 19, s. 1994, May 31, 1994

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Pursuant to CSC Resolution No. 94-2854 dated May 31, 1994, the Commission has adopted a Policy on Sexual Harassment in the Workplace, as follows:

RESOLUTION NO. 94-2854

WHEREAS the State values the dignity of every human person and guarantees full respect for human rights.

WHEREAS, sexual harassment is recognized as a violation of human rights, morale and efficiency in the workplace, violates the merit and fitness principle in the civil service and creates a hostile environment in the workplace which adversely affect productive performance.

WHEREAS, Section 4, RA 6713, provides norms of personal conduct which every public official and employee must observe in the discharge and execution of official duties; that they shall act without discrimination against anyone, and shall at all times respect the rights of others and refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest.

WHEREAS, Section 1, Chapter 1, Title (A), Book V of the Administrative Code of 1987 and Section 4(B), RA 6713, empower the Civil Service Commission to adopt positive measures, to promote morale and efficiency, and observance of the standards of personal conduct, among others, in the civil service;

NOW, THEREFORE, the Commission hereby resolves to promulgate this Policy on Sexual Harassment in the Workplace.

POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE

SECTION 1. Policy Statement and Objective. — It is the policy of the state to afford protection to working women and ensure equal work opportunity for all, as well as full respect for human rights. Towards this end, the Civil Service Commission commits to provide a work environment supportive of productivity, wherein all officials and employees are treated with dignity and respect and will not tolerate any sexual harassment, whether engaged in by fellow employees, supervisors, associates or clients;

Sexual harassment by another employee or officer constitutes a ground for administrative disciplinary action under the offense of Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service or Simple Misconduct provided in Section 46(b), Chapter 6, Title 1(A), Book V of the Administrative Code of 1987 and subject to penalties up to dismissal from the service.

SECTION 2. Coverage. — This policy covers all officials and employees in government, whether in the Career or Non-Career Service, holding positions under permanent or temporary status in the national or local government, including government-owned or controlled corporations, with original charters, state colleges and universities.

This policy shall also include applicants for employment after the application has been received by the agency.

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The Commission recognizes that officers and employees may be the subject of sexual harassment by clients who transact business with them. Under this circumstance, the head of agency shall take responsibility to support and assist the person subjected to such sexual harassment.

Notwithstanding the existence of this policy, every person can have the right to seek redress from the courts, even when steps are being taken under this policy.

This policy is not intended to constrain social interaction between people in government.

SECTION 3. Definition. — (a) Sexual harassment is one or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of sexual nature, made directly, indirectly and impliedly when

(1)

such conduct might reasonably be expected to cause insecurity, discomfort, offense or humiliation to another person or group; or

(2)

submission to such conduct is made either implicitly or explicitly a condition of employment, or any opportunity for training or grant of scholarships, or

(3)

submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security, and benefits affecting the employee); or

(4)

such conduct has the purpose or the effect of interfering with a person's work performance, or creating an intimidating, hostile or offensive work environment.

(b) For this purpose, "employment-related sexual harassment" means sexual harassment by a member or employee of the agency which occurs

(1)

in the working environment, or

(2)

anywhere else as a result of employment responsibilities or employment relationship.

It includes but is not limited to sexual harassment:

- at the office
- outside the office
- at office-related social functions
- in the course of work assignments outside the office
- at work-related conferences or training sessions
- during work-related travel
- over the telephone

SECTION 4. Responsibilities of Heads of Agencies. — The head of agency is responsible for:

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(1) informing officials and employees of this Policy on Sexual Harassment including their rights and responsibilities and the existence of procedures available under this policy

(2) investigating every formal written complaint of sexual harassment and imposing strict disciplinary measures when a complain of employment related sexual harassment is found to have been substantiated regardless of the position and status of the offender;

(3) doing all in its power to provide advice, support and assistance to employees of the agency and applicants who are subjected to sexual harassment whether or not both parties involved are employed within the same agency;

(4) appointing advisors and providing the training are resources for them to fulfill their responsibilities under this policy;

(5) designating an officer of the agency who will be responsible for the investigation and hearing of complaints on sexual harassment;

(6) strictly maintaining confidentiality in all stages of the proceedings to protect the interests of the complainant, the person complained against and any other person who may report cases of sexual harassment;

(7) maintaining records as required by this policy.

SECTION 5. Procedures in disposition of Sexual Harassment Cases. — All complaints for sexual harassment shall be investigated and disposed of in accordance with existing rules and procedures on administrative proceedings.

WHEREFORE, the Commission resolves as it hereby resolves to approve this Policy on Sexual Harassment.

You are hereby enjoined to adopt and implement this Policy upon its effectivity.

This Memorandum Circular takes effect fifteen (15) days after its publication in a newspaper of general circulation.

Adopted: 31 May 1994

(SGD.) PATRICIA STO. TOMAS
Chairman

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