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AMENDING ADMINISTRATIVE ORDER NO. 80S, S. 1991 RE: POLICY AGAINST SEXUAL HARASSMENT

DOLE ADMINISTRATIVE ORDER NO. 68, April 21, 1992

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Whereas, Administrative Order No. 80, series of 1991, besides defining and laying down the policy of the Department of Labor and Employment (DOLE) against sexual harassment, also attempts to lay down mechanisms that would help deter such acts or ensure protection of victims of such acts committed by or against employees or officials of the Department;

Whereas, some of the provisions of said Order need to be further strengthened and clarified;

Whereas, the Department recognizes the need to come up with more concrete measures to ensure and effectuate protection of victims against sexual harassment as such offense violates the principles of merit and fitness in the civil service, undermines the integrity of the workplace, creates a hostile working atmosphere, and adversely affects workers' performance and productivity;

Therefore, in the light of the foregoing Administrative Order No. 80, s. of 1991 is hereby amended as follows:

SECTION 1. Declaration of Policy — In furtherance of the Constitutional provision relative to public office and human rights, as well as the protection of working women and equality of employment opportunities for all, the Department of Labor and Employment shall not tolerate sexual harassment committed by DOLE officials, employees, applicants for employment, or any person transacting official business with DOLE. It shall take disciplinary measures against any official or employee, whether permanent, casual, or contractual, who subjects any fellow official or employee, applicant for employment or client, to sexual harassment.

SECTION 2. What Constitutes Sexual Harassment — Any unwanted or unwelcome sexual advance, demand, or request for sexual favor, or other act or conduct of sexual nature whether written, oral, or physical, shall constitute sexual harassment when the act is committed by a DOLE official or employee upon his/her co-official, co-employee, applicant for employment, or any other client of the DOLE, and such act is:

1. committed to take advantage of the weakness, vulnerability, status, and professional, social and economic standing of the official, employee or client; or

2. explicitly or implicitly imposed as a condition for securing employment, advancement, promotion or preferential treatment; or

3. adversely interfering with the official's or employee's performance; or

4. bound to create a hostile, offensive intimidating or uncomfortable work environment.

Sexual harassment constitutes a disgraceful and immoral act which is classified and penalized as a grave offense under the Grounds for Disciplinary Action of the DOLE Manual on Disposition of Administrative Cases. Such classification and its corresponding penalties shall be adopted by this Order without prejudice to the filing of other cases involving the same act with the regular courts.

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SECTION 3. Fact-Finding Committee: Creation and Composition — A Special Fact-Finding Committee is hereby created to receive and investigate/hear sexual harassment complaints and submit reports/recommendations to the Secretary.

The Committee shall be composed of the following:

1. DOLE Resident Ombudsman — Chairperson

2. Chairperson, DOLE Philippines Development Plan for Women (PDPW) Focal Point — Co-Chairperson

3. Assistant Secretary for Management Services — Member

4. Director, Human Resource Development Service — Member

5. Director, Legal Service — Member

6. President, DOLE or its Concerned Agency Employees Union — Ad Hoc Member

7. Resident Ombudsman of the Agency Concerned — Ad Hoc Member

Any member of the Committee who complains of, or is complained against, any act of sexual harassment shall inhibit herself/himself from participating in the deliberations of the Committee.

SECTION 4. Secretariat — The Legal Service shall act as the Secretariat of the Fact-Finding Committee.

SECTION 5. Procedure in the Disposition of Sexual Harassment Cases — The Secretary shall promulgate rules and regulations implementing this Administrative Order.

SECTION 6. Awareness Raising Campaign/Information Dissemination — Concerned agencies shall undertake information dissemination campaigns to raise awareness on the policy against sexual harassment and to prevent incidence of the same.

This Order shall take effect immediately.

Adopted: 1992

(SGD.) MA. NIEVES ROLDAN-CONFESOR
Acting Secretary

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