



ABS-CBN Corporation
ELJCC, Eugenio Lopez Ave., Q.C.

HUMAN RESOURCES
Reference No: HR-ELR-ALL-P-009
Supersedes: HR-ELR-ALL-P-004
Prepared by: Employee Labor
Relations
Effectivity Date: Immediately
Policy Owner: HROD

Title:
POLICY ON ANTI-SEXUAL HARASSMENT IN THE WORKPLACE

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; pursuant to provisions of Section 4, of Republic Act No. 7877, "*An Act Declaring Sexual Harassment Unlawful in the Employment, Education, or Training Environment and for other Purposes.*"

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 and to such subsidiaries that adopt this policy.

III. DEFINITIONS

Company	ABS-CBN Corporation
*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	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.

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. Any employee found to have committed sexual harassment shall after investigation following due process, be subject to disciplinary action.
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. Employment-related sexual harassment occurs:

- 3.1 In the working environment, or
- 3.2 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.

4. 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:

- 4.1 Sexual Physical Contact and/or Touching
- 4.2 Sexual remarks or gestures
- 4.3 Use of objects, pictures, letters or written notes with sexual undertones.
- 4.4 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.

5. 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

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.

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 in the workplace, may report the same immediately to either the immediate superior/head, any person part of management, HR, or through the Whistleblowing hotline. All allegations of sexual harassment shall be confidential and will be quickly investigated.

1.1.1 The complaint must be in writing and signed 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 (CODI). Otherwise, the case shall be investigated and resolved under the rules on regular disciplinary administrative proceedings.

1.2 The CODI shall be composed of the following members:

- 1. Legal Services Department Head or his appointed representative;
- 2. Human Resources Department Head or his appointed representative;
- 3. Internal Audit Department Head or his appointed representative;
- 4. Representative appointed by the Supervisory Employees' Union; and
- 5. Representative appointed by the Rank & File Employees' Union.

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;

- c. Upon investigating a case, issue its findings of facts and recommendations to the management/business unit head;
 - d. Form special committees to investigate complaints involving sexual harassment. 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.
 - e. Conduct seminars/trainings to inform and educate ABS-CBN employees regarding the prevention of sexual harassment in the workplace.
 - f. Formulate and implement rules of procedure in handling the investigation and hearing of cases involving sexual harassment.
- 1.3 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.
- 1.3.1 The respondent shall be accorded procedural due process including the right to a hearing and to present evidence in support of his defenses, unless waived by respondent himself.
- 1.4 The penalty for sexual harassment shall be a minimum of suspension of thirty (30) working days up to dismissal, depending on the gravity of the case.
- 1.5 All other previous policies, memos etc. on sexual harassment are hereby superseded (HR-ER-011 dated October 01, 1995 and HR-ELR-ALL-P-004 dated July 4, 2018).

4 RESPONSIBILITY AND ACCOUNTABILITY

A. 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 sexual harassment 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.
- 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.

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.

5 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.

6 REFERENCES

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

7 ANNEXES

ANNEX A

Republic Act 7877


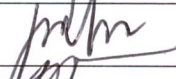


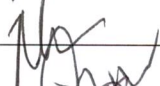
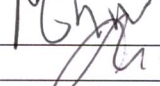
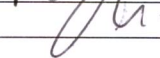
8 EFFECTIVITY

This policy shall take effect immediately.

9 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.

10 AUTHORS AND APPROVERS

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