

	JOHN HAY MANAGEMENT CORPORATION	Documents Code	JHMC-HRD-PM-21-2010
	Personnel Manual	Revision Number	0
		Page Number	1 of 6
	Sexual Harassment	Effectivity Date	June 22, 2010

Pursuant to the provisions of **Section 4, Republic Act No. 7877, “An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, And for Other Purposes,”** the following guidelines governing the prevention of sexual harassment and the procedures for the resolution, settlement and/or disposition of sexual harassment cases are hereby adopted at **John Hay Management Corporation (JHMC)**.

**ARTICLE I
POLICY**

Section 1. Policy Statement and Objective. It is the policy of JHMC to afford protection to all employees (regardless of sex) and ensure equal work opportunity for all, as well as for the full respect of human rights. Towards this end, the Company commits to provide a work environment supportive of productivity, wherein all officials and employees are treated with dignity and respect. Sexual harassment is an unjust and malicious act that degrades the human person and, therefore, as a matter of company policy, the same shall never be tolerated.

**ARTICLE II
COVERAGE**

Section 1. Officials and Employees. These guidelines shall apply to any official or employee of the Company irrespective of the nature or status of employment.

Section 2. Applicants and Clients. These guidelines shall also cover applicants for employment in the Company, as well as clients, customers, and other persons transacting official matters or business with the Company.

**ARTICLE III
SEXUAL HARASSMENT**

Section 1. Who Are Liable. Sexual harassment is committed by any Company official or employee against another official, employee, applicant for employment in the Company, client, customers or other persons transacting official matters or business with the Company, over whom he or she has authority, influence or moral ascendancy regardless of whether or not the demand, request or requirement for submission to such acts is accepted by the person against whom the acts of sexual harassment are alleged to have been committed. In particular, any corporate official or employee, regardless of sex, is liable for sexual harassment when he/she:

- a. Directly participates in the execution of any act of sexual harassment as defined by these policies;

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	JOHN HAY MANAGEMENT CORPORATION	Documents Code	JHMC-HRD-PM-21-2010
	Personnel Manual	Revision Number	0
		Page Number	2 of 6
	Sexual Harassment	Effectivity Date	June 22, 2010

- b. Induces or directs another or others to commit sexual harassment as defined by these policies;
- c. Cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished;
- d. Cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

Section 2. Definition. The offense of sexual harassment is an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a corporate employee or official in a work-related, related environment of the person complained of committed under the following circumstances:

- 1. Submission to or rejection of the act or series of acts is used as a basis for any employment decision (including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits and any other personnel action) affecting the applicant/employee; or
- 2. The act or series of acts have the purpose or effect of interfering with the complainant's work performance, or creating an intimidating, hostile, or offensive work environment; or
- 3. The act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a co-employee, applicant, customer, or word of the person complained of.

(taken from CSC Resolution No. 01-0940)

Section 3. Where Committed. Sexual harassment may take place:

- 1. in the premises of the workplace or office;
- 2. in any place where the parties were found, as a result of work responsibilities or relations;
- 3. at work-related social functions;
- 4. while on official business outside the office or school or during work travel;
- 5. at official conferences, fora, symposia or training sessions; or
- 6. by telephone, cellular phone, fax machine or electronic mail.

ARTICLE IV FORMS OF SEXUAL HARASSMENT

Section 1. The following are illustrative forms of sexual harassment:

- a. Physical

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	JOHN HAY MANAGEMENT CORPORATION	Documents Code	JHMC-HRD-PM-21-2010
	Personnel Manual	Revision Number	0
		Page Number	3 of 6
	Sexual Harassment	Effectivity Date	June 22, 2010

- i. Malicious Touching;
 - ii. Overt sexual advances;
 - iii. Gestures with lewd insinuation.
- b. Verbal, such as but not limited to, requests or demands for sexual favors, and lurid remarks;
- c. Use of objects, pictures or graphics, letters or writing notes with sexual underpinnings;
- d. Other forms analogous to the forgoing.
- (CSC Resolution No. 01-0940)

ARTICLE V
CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT

Section 1. *Sexual harassment is classified as grave, less grave and light offenses.*

- A. Grave Offenses shall include, but are not limited to:
1. unwanted touching of private parts of the body (genitalia, buttocks and breast);
 2. sexual assault;
 3. malicious touching;
 4. requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance, and
 5. other analogous cases.
- B. Less Grave Offenses shall include, but are not limited to:
1. unwanted touching or brushing against a victim's body;
 2. pinching not falling under grave offenses;
 3. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
 4. verbal abuse with sexual overtones; and
 5. other analogous cases.
- C. The following shall be considered Light Offenses;
1. surreptitiously looking or staring a look of a person's private part or worn undergarments;
 2. telling sexist/smUTTY jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or,

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OFFICE RECEIVED DATE

STAMP MASTER COPY

	JOHN HAY MANAGEMENT CORPORATION	Documents Code	JHMC-HRD-PM-21-2010
	Personnel Manual	Revision Number	0
		Page Number	4 of 6
	Sexual Harassment	Effectivity Date	June 22, 2010

even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;

3. malicious leering or ogling;
4. the display of sexually offensive pictures, materials or graffiti;
5. unwelcome inquiries or comments about a person’s sex life;
6. unwelcome sexual flirtation, advances, propositions;
7. making offensive hand or body gestures at an employee;
8. persistent unwanted attention with sexual overtones;
9. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
10. other analogous cases.

(CSC Resolution No. 01-0940)

ARTICLE VI COMMITTEE ON DECORUM AND INVESTIGATION

Better: A Committee on Decorum and Investigation (hereinafter referred to as the “Committee”) is hereby established in the Company.

Section 2. Composition. The Committee shall be composed of the following:

- a) The head of Admin Services Department - Chairman
- b) Corporate Legal Counsel – Vice-Chairman
- c) Representative for Managers – Member
- d) Representative for the Supervisors – Member
- e) Representative from the Rank-and-file Employees – Member

Section 3. The Committee shall have the following functions:

- a. Receive complaints of sexual harassment;
- b. Investigate sexual harassment complaints in accordance with the prescribed procedure;
- c. Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- d. Lead in the conduct of discussions about sexual harassment within the office to increase understanding and prevent incident of sexual harassment.

Any member of the Committee who complains of, or is himself/herself charged with sexual harassment, shall inhibit himself/herself from participating in the deliberations of the Committee. The chairman of the corporation shall appoint an alternate in these situations so as to meet the necessary quorum as necessary.

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OFFICE RECEIVED DATE

STAMP MASTER COPY

	JOHN HAY MANAGEMENT CORPORATION	Documents Code	JHMC-HRD-PM-21-2010
	Personnel Manual	Revision Number	0
		Page Number	5 of 6
	Sexual Harassment	Effectivity Date	June 22, 2010

Section 4. Other Functions. The Committee shall develop and implement programs to increase awareness and understanding about sexual harassment. In addition, the Committee shall issue guidelines in the settlement and disposition of sexual harassment complaints, taking into consideration confidentiality and respect to privacy, including the identities of the personalities involved. The Committee shall also ensure that the person alleged to have committed the acts of sexual harassment shall not be unjustly and prematurely judged, and that the complainant shall not be subjected to further harassment and/or retaliation.

ARTICLE VII PROCEDURE

Section 1. Procedure in Disposition of Sexual Harassment Cases. Unless otherwise provided by the Committee or in this Code, all complaints for sexual harassment shall be investigated and disposed of in accordance with the procedural due process provided for in the Company's CODE OF CONDUCT.

Section 2. Any person who is found guilty of sexual harassment shall, after the investigation, be meted the corrective action corresponding to the gravity and seriousness of the offense.

Section 3. The penalties for light, less grave, and grave offenses are as follows:

A. For light offenses:

1st offense – Reprimand

2nd offense – Disciplinary suspension not exceeding thirty (30) days

3rd offense – Dismissal

B. For less grave offenses:

1st offense – Disciplinary suspension of not less than thirty (30) days

2nd offense – Dismissal

C. For grave offenses: Dismissal

If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

However, in accordance with the provisions of the CODE OF CONDUCT, the Company may reduce or increase the corrective action on a case-to-case basis, subject to the mitigating or aggravating circumstances surrounding the situation in which the infraction was committed.

ARTICLE VIII

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	JOHN HAY MANAGEMENT CORPORATION	Documents Code	JHMC-HRD-PM-21-2010
	Personnel Manual	Revision Number	0
		Page Number	6 of 6
	Sexual Harassment	Effectivity Date	June 22, 2010

EFFECTIVITY

Section 1. These guidelines shall take effect fifteen (15) days after the completion of its posting in at least two (2) conspicuous places in the workplace for the information of all concerned.

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