

[**DOLE, March 25, 1992**]

**RULES AND REGULATIONS GOVERNING DISPOSITION OF CASES
ON SEXUAL HARASSMENT (IMPLEMENTING A. O. NO. 68, S.
1992)**

In the interest of the service and pursuant to Section 5 of the Administrative Order No. 68, s. 1992, the following rules and regulations governing the disposition of cases on sexual harassment are hereby issued.

Rule I
Title and Definition

SECTION 1. Title — This issuance shall be known as the Implementing Rules and Regulations of Administrative Order NO. 68, s. 1992.

SECTION 2. Definition of Terms

a. **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 said act or conduct is committed by an official or employee of the Department of Labor and Employment (DOLE) upon his/her co-official, co-employee, applicant for employment or any other client of the Department, and such act:

1. is committed to take advantage of the weaknesses, vulnerability, status and professional, social, and economic standing of the official employee, or client; or
2. is explicitly or implicitly imposed as a condition for securing employment, advancement, promotion, assistance, services, or preferential treatment; or
3. interferes adversely with the official's or employee's performance; or
4. is bound to create a hostile, offensive, intimidating, or uncomfortable work environment.

b. **Victim** refers to any Department official or employee including an applicant or external client of the Department who is sexually harassed.

c. **Department** refers to the Department of Labor and Employment.

d. **Secretary** refers to the Secretary of Labor and employment.

e. **Department Official** refers to the officials of the Department from the rank of Director and higher.

f. **Department Employee** refers to the employees of the Department below the rank of Director.

g. **Applicant/Client** refers to any person who seeks assistance and/or avails of the various services, projects, and programs of the Department, its offices and bureaus, as well as its attached agencies including applicants seeking employment within the Department, applicants for licenses, permits and all other individuals transacting official matters or business within the Department.

h. **Committee** — refers to the Fact-Finding Committee created under Administrative Order No. 80, as amended.

j. **Manual** — refers to the Department Manual on Disposition of Administrative Cases.

Rule II

Scope

SECTION 1. Coverage — This Implementing Rules and Regulations shall cover all acts of sexual harassment, committed by any official or employee of the Department, its offices and bureaus, as well as its attached agencies.

SECTION 2. Acts Constituting Sexual Harassment — The acts constituting sexual harassment as defined under *Section 2* of Rule I of this Implementing Rules and Regulations may take any of the following forms:

a. **Physical sexual harassment:**

- a.1 Overt sexual advances
- a.2 Unwelcome or improper affectionate gestures
- a.3 Any other physical expression or insinuations

b. **Verbal sexual harassment:**

- b.1 Request or demand for sexual favors including but not limited to request to go out on dates, outing, or the like for the purpose of engaging in sexual relations.
- b.2 Graphic commentaries on the victim's body by using sexually offensive words.
- c. Any other act or conduct, made directly or indirectly, expressly or impliedly which suggests something of sexual nature and is generally annoying, disgusting or offensive to the victim.

Rule III

Fact-Finding Committee

SECTION 1. Composition — The Committee shall be composed of the following:

- a. Department Resident Ombudsman — Chairperson
- b. Chairperson, Department Philippine Development Plan for Women (PDPW) Focal Point — Co-Chairperson
- c. Assistant Secretary for Management Services — Member
- d. Director, Human Resource Development Service — Member
- e. Director, Legal Service — Member
- f. President, Department or its Concerned Agency's Employees Union — *ad hoc* Member
- g. Concerned Agency's Resident Ombudsman — *ad hoc* Member

SECTION 2. Functions — The Committee shall receive complaints, conduct investigations and hear, sexual harassment cases, prepare and submit reports with corresponding recommendations for the decision of the Secretary.

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

SECTION 3. Secretariat — The Legal Service shall serve as the Secretariat of the Committee.

Rule IV

Procedure in Handling Sexual Harassment Cases

SECTION 1. Complaint — (a) The party filing the complaint shall be called the COMPLAINANT, while the officer or employee charged or against whom the complaint is filed shall be called the RESPONDENT.

b. The complaint shall be filed with the Fact-Finding Committee on Sexual Harassment

c. No particular form is required but the complaint must be in writing, signed and sworn to by the complainant. It must contain the following:

- c.1 the full name and address of the complainant;
- c.2 the full name and address of the respondent;
- c.3 a specification of the charge or charges;
- c.4 a brief statement of the relevant and material facts.

Where the complaint is not under oath, the complainant shall be summoned by the Fact-Finding Committee to swear to the truth of the allegations in the complaint.

d. In support of the complaint, the complainant shall submit any evidence she/he