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PRIMER
ON
SEXUAL HARASSMENT

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What is **SEXUAL HARASSMENT**?

It consists of unwanted sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature when:

- they are made a condition for employment, enrollment or entrance into any school or organization.
- tolerance or consent to sexual harassment is made a condition for any decision on a victim's promotion or benefit at work, passing or receiving a good grade or acceptance in a neighborhood or organization.
- such conduct badly affects the victim's performance at work, school and other activities by creating an intimidating, hostile or offensive educational, work or student living environment.

**SEXUAL HARASSMENT IS A FORM OF DISCRIMINATION ON THE BASIS OF SEX.**

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SEXUAL HARASSMENT IS DIRECTLY OR INDIRECTLY FELT AS A THREAT TO THE VICTIM, TO HIS OR HER WORK, EDUCATION OR OTHER ACTIVITIES. IT HAMPERS THE VICTIM'S ABILITY TO PERFORM WORK OR ANY OTHER ACTIVITY.

WHAT ARE THE FORMS OF SEXUAL HARASSMENT?

Sexual Harassment may be physical, verbal or visual in nature.

1. PHYSICAL - touching, pinching or rubbing up against the victim.

2. VERBAL - sexual innuendo (hints, especially negative jokes on a person's reputation), comments on appearances, sexual propositions and emotional blackmail.

3. VISUAL - sending pornographic materials, lewd letters and notes; showing pornographic videos and films.
WHERE DOES SEXUAL HARASSMENT OCCUR?

AT WORK

The "lay down" or lay-off policy has become common occurrence. In export processing zones, the garment industry and assemblyline, many women workers complain of male managers, co-workers, supervisors and even security guards who undo brassieres during inspection, or kiss them if they fall asleep on the night shift, lift skirts to embarrass them, molest them during strikes, and proposition them to grant sexual favors in exchange for employment or promotion.

Women in managerial and supervisory positions of some of the country's biggest corporations attest that sexual harassment exists even in high levels of management. Women will continue to be sexually harassed if the culture and leadership of the company make womanizing a way of life.

AT SCHOOL

In the University of the Philippines, 250 respondents of a survey said that sexual harassment usually occurs after class hours when a student (usually female) is asked to stay alone with the professor either in an empty classroom or office. Students also said harassment occurred in the comfort room, along dark corridors and in public places.

IN PUBLIC AREAS, IN NEIGHBORHOODS, ON THE STREET, BUSES AND JEEPNYES

Victims report being patted, touched and rubbed against in public areas: on the street, in bars and restaurants, movie houses, public vehicles, shopping malls and markets. Many women report that men and even some women make animal sounds at them like cat calls, howls or hoots, lewd remarks. Flashers expose their genitals in front of the victims.
WHO ARE THE VICTIMS?

Women make up 90 to 95 percent of sexual harassment victims.

Girls and women below 30 years of age make up more than half of the reported victims.

Women who are poor and without powerful connections are more prone to sexual harassment, by virtue of their working and living conditions.

Women with few options to other jobs/schools are more likely to cave in to harassment than someone who can easily find alternatives.

Women who are single, divorced, separated or widowed are more likely to be harassed than married women perhaps because of the perception that they are lonely and sexually available.

Women in jobs where there are more men, in jobs traditionally reserved for men or in jobs where there are more male supervisors/managers than women, are more prone to harassment. These jobs are in construction, auto-mechanics, management and supervisory positions. Much of the harassment derives from hostility for invading "male territory".

Victims who are more educated or are aware of what constitutes sexual harassment as well as their rights in the workplace report a greater incidence of sexual harassment. This is perhaps because they are aware of their rights and because many of them enter educational and professional fields that are male-dominated.
WHAT ARE THE COSTS OF SEXUAL HARASSMENT?

PSYCHOLOGICAL COST

Humiliation, shame and anger. Many more victims feel frightened, alienated, alone, helpless and guilty thinking they may have done something to cause the harassment.

Women victims have reported strained relations with other men, including their husbands.

In the worst cases, victims experience a change of attitude towards work, life and school, including a loss of ambition and self-confidence. Students' intellectual development can be hindered because of confusion, uncertainty, self-doubt and distrust in the professor-harasser or a fellow student.

SOCIO-ECONOMIC COST

A though a systematic survey of the costs of sexual harassment still has to be made for the Philippines, the cost could run into millions of pesos every year. This would include losses due to job turnover, cost of offering a job (advertisement and recruitment), doing background checks, paper work, training new employees, and losses due to emotional and physical strain on individuals.

PHYSICAL COST

Victims of persistent sexual harassment have reported all kinds of illnesses related to mental strain and tension.
WHO ARE THE HARASSERS?

In the majority of cases, the harasser is male or a group of males.

On the job, most harassers are lone males; either a co-worker or supervisor of the victim and very rarely a subordinate or lower level worker.

In a survey conducted by Prof. Elena Samonte of UP college students and faculty, most harassers were reported to be male, usually male teachers or fellow students. Other harassers were reported to be fellow passengers in jeeps and buses, strangers, classmates, bosses, co-workers, movie viewers, relatives, neighbors and friends.

WHAT TO DO IF YOU ARE BEING SEXUALLY HARASSED

1. Tell the harasser to stop in a calm but loud voice. If it takes place in a closed room, be sure your voice carries outside the room. If the situation is desperate, scream.

2. Leave the place immediately. If the door is locked, bang it with your fists or any hard object to attract outside attention.

3. Use whatever defense tactics you know: pushing, slapping, biting, kicking. Be careful- the harasser may retaliate with greater violence.

4. Report the incident immediately to the department chair, the dean or any figure of authority. Use the chancellor’s hotline if you have to. Do not allow hours or days to pass.

5. Write down the details and circumstances as accurately as possible to aid further investigation.
HOW TO AVOID SEXUAL HARASSMENT?

Be aware of some of the warning signs which precede harassment: a locked door, someone taking the telephone off the hook, other staff members being sent out of the room on some pretext. These may be your cues to take action.

Be alert to suggestive looks, comments, body language of potential harassers. Get out of situations where these occur.

Do all your consulting in academic buildings; do not accept invitations to consult your professor in his home or his car.

Whenever possible, consult your professor in small groups or bring a friend with you. Avoid prolonged one on one meetings and confine yourself to academic matters.

Find out who are the reputed harassers and stay away from them. Do more than that: spread the word.

PROCEDURES IN FILING CHARGES OF SEXUAL HARASSMENT

Informal Procedure

1. Informal procedures do not involve a formal investigation of the sexual harassment complaints but resolves the situation in less intrusive and official ways. However, the incident/s will be documented to determine if patterns of harassment are present. No informal procedure will be initiated without the consent of the complainant. Information, referral and counseling will be given by the UCWS Crisis Counseling Facility and the file on it shall be kept confidential except for statistical information. The Crisis Counselling Facility can submit a report of complaint/s on behalf of the victim/s of sexual harassment to the Chancellor with the victim's consent.
Formal Procedure

A formal complaint requires that the complainant be willing to identify the respondent so that a thorough investigation and hearing of the charge shall be conducted. A formal charge of sexual harassment will be filed only on a subscribed sworn complaint. Complaint procedures must conform to the principles of due process.

The complainant shall file a written complaint with the office of the Chancellor who shall, upon receipt of the complaint, determine whether probable cause exists before giving due course to the complaint. Upon a finding of probable cause, a campus-wide committee consisting of: (1) the Vice-Chancellor for Student Affairs (if it concerns a student) or Vice Chancellor for Administration (if it concerns administrative staff) or their duly designated representatives as chairperson, the UCWS Director or her representative, and a representative from the sector concerned to be appointed by the Chancellor, shall be created. (Note: this has not been officially adopted nor implemented)

Laws & Policies on Sexual Harassment Applicable to U.P. Employees and Students

<table>
<thead>
<tr>
<th>Law/Policy</th>
<th>Agency</th>
<th>Applicability</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republic Act No. 7877 or &quot;Anti-Sexual Harassment Act of 1995&quot;</td>
<td>Philippine</td>
<td>All Filipino Citizens</td>
<td>Passed into law</td>
</tr>
<tr>
<td>Civil Service Commission Memorandum Circular No. 19 (1994): Policy on Sexual Harassment in the Workplace</td>
<td>CSC</td>
<td>All government officials and employees</td>
<td>Now in effect complementing RA 7877</td>
</tr>
<tr>
<td>Civil Service Commission Resolution 956161</td>
<td>CSC</td>
<td>All government officials and employees</td>
<td>Now in effect. Rules and guidelines of CSC Memo #19 (1994)</td>
</tr>
<tr>
<td>UP DiliMan Policy on Sexual Harassment</td>
<td>UP DiliMan</td>
<td>Students, faculty and staff of UP DiliMan</td>
<td>Approved in principle by DiliMan University Council</td>
</tr>
<tr>
<td>Implementing Rules and Regulations for RA 7877</td>
<td>UP System</td>
<td>Students, faculty and staff of UP System</td>
<td>Approved by the Board of Regents. Now in effect.</td>
</tr>
</tbody>
</table>
LEGAL DEFINITION OF SEXUAL HARASSMENT
AS BASED ON R.A.7877

Section 3. Work, Education or Training-related Harassment Defined.- Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of the said Act.

(a) In a work-related or employment environment, sexual harassment is committed when:

1. The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor result in limiting, degrading, or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
2. The above acts would impair the employee’s rights or privileges under existing labor laws; or
3. The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(b) In an education or training environment, sexual harassment is committed:

1. Against one who is under the care, custody or supervision of the offender;
2. Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
3. When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
4. When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed shall also be held liable under this Act.
LEGAL DEFINITION OF SEXUAL HARASSMENT AS BASED ON CIVIL SERVICE CIRCULAR Section 3

(a) Sexual harassment is one or a series of incidents involving unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of sexual nature, made directly, indirectly and implied 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 scholarship; 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:

1. at the office
2. outside the office
3. at office-related social functions
4. in the course of work assignments outside the office
References:

Guidelines and Procedures for the Implementation of the Proposed UP Diliman Policy on Sexual Harassment. University of the Philippines, Diliman, Quezon City


Feliciano, Myrna S. Sexual Harassment At Work Within the Philippine Legal Context. From a Forum Sponsored by PILIPINA and the Ateneo Center for Social Policy and Public Affairs at The Asian Social Science Institute, held Nov. 24, 1986.


