



Government Mandated Policies
Anti-Sexual Harassment Act
RA 7877

ABOITIZ EQUITY VENTURES
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Revised: October 2012

Rules and Regulations Implementing R.A. 7877

Pursuant to the provision of Section 4, Republic Act No. 7877 (R.A. 7877) titled “An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes”, the following Rules and Regulations (“Rules”) governing the prevention of sexual harassment, the procedure for the resolution sexual harassment cases, settlement and/or disposition of sexual harassment cases, as well as prescribing the proper decorum in the workplace for Team Leaders and Team Members of Aboitiz Equity Ventures (“AEV”), is hereby issued.

Rule1. Definition of Terms

Section 1.1 Definition of terms – As used in these Rules, the following terms shall mean and be understood as indicated below:

- a. “Applicant” refers to a person seeking employment with AEV.
- b. “Company” refers to AEV and is the employer referred to under Section 4 and Section 5 of R.A 7877.
- c. “Committee” refers to the “Committee on Decorum and Investigation” of the Company.
- d. “Employee” refers to any employee of AEV or any person with whom AEV has an employer-employee relationship regardless of the status of the employment and whether or not the person is a Team Leader or a Team Member.
- e. “Offender” refers to any Team Leader who has been determined by the Committee as guilty of committing the act or acts constituting sexual harassment.
- f. “Team Leader” refers to any employee of AEV who has the authority to direct, coach, supervise and appraise the work performance of a team member.
- g. “Team Member” refers to an employee of AEV under the direction, coaching and supervision of a Team Leader.
- h. “Trainee” refers to a person undergoing an organizational and instructional process undertaken, sponsored, initiated, organized or sanctioned by the Company by virtue of which such individual acquires any knowledge or skill.

- i. "Victim" refers to any Team Member, Applicant, or Trainee against whom an act or acts of sexual harassment has/have been committed against.

Rule 2. Coverage

Section 2.1 Team Leaders and Team Members – These Rules shall cover any Team Leader who can be the Offender or Team Member who may be a Victim of sexual harassment.

Section 2.2 Applicants and Trainees – These Rules shall also cover applicants for employment with the Company as well as its trainees and other persons seeking employment with the Company against whom act or acts of sexual harassment may be committed by Team Leaders.

Rule 3. Sexual Harassment

Section 3.1 When-committed – Sexual harassment, which is prohibited by law, is committed when:

- a. A sexual favor is made as a condition in hiring, re-employment or continued employment or in granting favorable compensation, promotions or privileges, and other terms and conditions of employment;
- b. The refusal to grant sexual favor, demand, request or requirement results in limiting, segregating or classifying an Employee which in any way would discriminate against or deprive the Victim of employment opportunities or otherwise would adversely affect the said Victim;
- c. Any form of sexual offense, attack or assault or unwanted or unwelcome sexual advance is committed by a Team Leader against a Team Member, an Applicant or a Trainee.
- d. The above act or acts would constitute an offensive act or would result in an intimidating, hostile or offensive environment for the Victim.

Section 3.2 Because AEV is also a training environment, sexual harassment may also be committed:

- a. When the sexual favor is made as a condition to the giving of a scholarship, or the payment of a stipend, allowance or other benefits, privileges or considerations, passing mark for training or any condition for employment or promotion; and
- b. When the sexual advances result in an intimidating, hostile or offensive environment for the students, trainees or apprentices.

Section 3.3 Committed By Whom and To Whom Committed Against – Sexual harassment, as defined and prohibited under these Rules, may be committed by:

- a. A Team Leader against a Team Member, or
- b. A Team Leader against an Applicant or Trainee.

regardless of whether or not the demand, request or requirement for submission to such act or acts is accepted by the person against whom an act or acts of sexual harassment is or are alleged to have been committed.

Section 3.4 Other persons liable – Any Team Leader who directs or induces another to commit any act or acts of sexual harassment as stated under Section 1 of this Rule or who cooperated in the commission thereof by another without which it would not have been committed, shall also be liable for sexual harassment.

Section 3.5 Where committed – Sexual harassment may be committed in a work or a training environment.

Rule 4. Committee on Decorum and Investigation

Section 4.1 Creation – Pursuant to Section 4 (b) of R.A. 7877, a Committee on Decorum and Investigation of cases on sexual harassment is created. The Committee shall conduct meetings, as the case may be, with officers and employees, trainers or trainees to increase understanding and prevent incidents of sexual harassment and shall also conduct investigations of alleged cases constituting sexual harassment.

A Committee shall be established in the AEV offices in Cebu and in Makati.

The members of the Committee shall be appointed by the Company’s Management Committee (MANCOM). A member of the Committee shall remain as such unless replaced by the MANCOM or unless the Committee member voluntarily resigns. Any replacement member to the Committee shall come from the group where the member being replaced is from.

Section 4.2 Each Committee established pursuant to this Rules shall be composed of the following:

- a. A member of AEV Legal as Chairperson;
- b. A representative from the Team Leaders as Member;
- c. A representative from the Team Members as Member; and
- d. A representative from the Human Resource and Quality(“HRQ”) as member;

Section 4.3 Functions –The Committee shall, among others:

- a. Conduct meetings, as the case may be, with Team Leaders, Team Members trainers, and students or trainees to increase understanding and prevent incidents of sexual harassment;
- b. Receive complaints on sexual harassment cases;
- c. Investigate and hear sexual harassment cases;
- d. Prepare and submit reports with corresponding recommendations for the decision of AEV's MANCOM;
- e. Develop and implement programs to increase understanding and awareness on sexual harassment;
- f. If warranted, develop rules, apart from the Rules set forth herein, in the settlement and disposition of sexual harassment complaints, taking into consideration the confidentiality and the respect for the privacy of the Victim;
- g. Conduct fact-finding investigations in cases where no formal complaint has been filed but a report has reached it that an incident constituting sexual harassment may have been committed;
- h. Ensure, to the best of the Committee's ability, that no complainant shall be subjected to further harassment or retaliation by the person alleged to have committed an act or acts of sexual harassment; and
- i. Recommend Rules, regulations or guidelines to update these Rules.

Section 4.4 Inhibition – Any member of the Committee who complains of sexual harassment or is complained of for sexual harassment shall inhibit himself/herself from participating in the deliberations of the Committee and the Chairman of the ManCom shall appoint a replacement.

Section 4.5 Procedure involving Senior Officers – The MANCOM reserves the right to investigate and process a case involving a senior officer of AEV including the meting out of the appropriate penalty as provided herein when warranted.

Rule 5. Procedure on the Disciplinary Case for Sexual Harassment

Section 5.1 Complaint-

- a. The Team Member filing the complaint for a disciplinary case for sexual harassment shall be called the Complainant, while the Team Leader charged or against whom the complaint is filed shall be called the Respondent.
- b. The complaint shall be written and under oath (notarized) filed with the Committee, the HRQ or the ManCom. If filed with the latter, it shall transmit the complaint to the Committee within two (2) working days from receipt of the complaint.
- c. No particular form is required for the complaint but it must be in writing and must contain the following:
 - i. The full name and address of the complainant;
 - ii. The full name and address of the respondent;
 - iii. A specification of the charge or charges; and
 - iv. A brief statement of the relevant and material facts.
- d. In support of the complaint, the complainant shall submit any evidence that he/she has, including affidavits of witnesses, if any, together with the complaint.
- e. Where the complaint is vague or too general, the Committee may require the complainant to specify the act or acts complained of as sexual harassment in writing within five (5) working days from receipt of notice, otherwise such complaint shall not be deemed duly filed.
- f. A withdrawal of the complaint made or filed at any stage of the proceeding shall not preclude the Committee from proceeding with the investigation of the case.

Section 5.2 Answer -

- a. Not later than three (3) working days from the filing of the Complaint or from the receipt of the clarification on the vague or general matters in the complaint or from the receipt of the transmittal of the complaint coming from the HRQ or the ManCom, the Committee shall issue a Notice to Explain (NTE) addressed to the respondent notifying him/her that a Complaint charging him/her of sexual harassment has been filed against him/her attaching therein the copy of the complaint. The NTE shall state the specific relevant allegations contained in the complaint and it shall require that the respondent shall file his answer within five (5) working days from his/her receipt of the NTE and the copy of the complaint.

- b. The answer shall be in writing, signed and notarized, with copy furnished the Complainant. No particular form is required, but it is sufficient if the Answer contains a specific admission or denial of the charge or charges and a statement of the relevant fact(s) constituting the Respondent's defense(s).
- c. In support of the Answer, the Respondent shall submit any evidence he/she has including affidavits of witnesses, if any, together with the Answer.
- d. The Answer shall be filed through personal, email or courier service to the Committee. If done through email, a PDF signed copy of the – Answer should be attached with the hard copy of the same sent through mail.
- e. Unless otherwise directed by the Committee, failure of the Respondent to file an Answer or to appear in the investigation shall be construed as a waiver to present evidence in his/her behalf. On the basis of the evidence and pleadings submitted and the report/recommendation of the Committee referred to under Section 5.6 here of the Committee shall then resolve the case.

Section 5.3 Reply and Rejoinder – The Complainant may file a Reply within five (5) working days from the receipt of the Answer.

Section 5.4 Preventive Suspension –

- a. Upon recommendation of the Committee after the filing of the Respondent's Answer or the expiration of the period to file the same, the ManCom may suspend any employee for not more than thirty (30) calendar days pending an investigation if there are strong reasons to believe that the Respondent is guilty of charges which would warrant his/her removal from employment.
- b. When the case against the Respondent under preventive suspension is not finally decided within a period of thirty (30) days after the date of suspension of the Respondent, he/she shall be automatically reinstated.

Section 5.5 Administrative Hearing of the Disciplinary Case for Sexual Harassment

- a. After all the pleadings have been submitted, the Committee may conduct an administrative hearing on the disciplinary case within ten (10) working days from the date of receipt of the Complainant's Reply or the expiration of the period to file the same and shall terminate such hearing within thirty (30) days from the filing of the charges. However, the Committee may extend the period of hearing when necessary.

- b. The parties and their respective witnesses shall be notified of the scheduled hearing at least three (3) working days before the date thereof specifying the time, date and place of hearing.
- c. Either party may require the attendance of witnesses and the production of documentary evidence in his/her favor by requesting the Committee to issue invitations addressed to such witnesses requiring their attendance to the administrative hearing. Such invitation may be accompanied by a request that the witnesses invited bring such documents in their possession that the requesting party wanted produced before the administrative hearing.
- d. Either party may avail himself/herself of the services of counsel.
- e. No postponement shall be granted except in meritorious cases.
- f. All documentary evidence shall be admitted for whatever value they may have and shall be attached to the record of the case.

Section 5.6 Report and Recommendation – A report/recommendation shall be submitted by the Committee to the ManCom within ten (10) calendar days after the conclusion of the investigation or hearing.

Section 5.7 Decision –

- a. Within ten (10) calendar days from receipt of the Committee report and recommendation, the ManCom shall render its decision.
- b. The decision of the ManCom shall be final and immediately executory after receipt of the copy thereof by the parties.

Section 5.8 Penalty– Sexual Harassment amounts to disgraceful, immoral, disrespectful and offensive conduct and is considered one of the severest and gravest offenses that may be committed by any Employee. For such reason, the penalty for those found guilty of violating these Rules and/or the provisions of R.A. 7877, upon the recommendation of the Committee to the ManCom may be:

- a. Termination – for those whose act or acts of sexual harassment are severe or grave in nature; or
- b. Suspension of not more than 90 calendar days for those who commit less severe or less grave act or acts of sexual harassment.

Offenders who were once meted-out with the penalty of suspension based on a prior disciplinary case of sexual harassment shall be terminated upon the finding of guilt for a second offense.

Notwithstanding the penalty provided under the law, it is Company policy to ensure a safe and healthy working environment and that acts of sexual harassment or any propensity for such acts committed within the scope of these Rules shall merit suspension or termination.

Section 5.9 Criminal and Civil Prosecutions – Administrative sanctions shall not bar the prosecution in the proper courts against the Offender for his/her unlawful act or acts of sexual harassment and nothing in these Rules shall preclude the Victim of sexual harassment from instituting a separate and independent action for damages and other affirmative reliefs.

Section 5.10 Duty of each Employee in sexual harassment cases – Each Employee is duty bound to report to and inform the Committee, the HRQ or the ManCom of any knowledge of or any information that an act or acts of sexual harassment has/have been committed against another Employee. The identity of the informant shall be kept in confidentiality but the information may be used by the Committee to conduct a fact-finding investigation.

Section 5.11 Fact-finding investigation – On the basis of any information on any incident of alleged act or acts of sexual harassment committed against any Employee, the Committee may, on its own discretion, conduct a fact-finding investigation to determine the veracity of the information. For such purpose, the Committee may conduct such meetings and interviews to concerned employees and on the basis of such, make the proper recommendations to the ManCom. If no complaint is formally filed, the fact-finding investigation shall be terminated.

The Committee can make oral reprimands and reminders to the parties involved that they must maintain the proper decorum and behavior within and outside of the covered places in these Rules.

However, no penalty of suspension or termination may be meted-out to an Employee pursuant to such fact-finding investigation except when the subject matter of the investigation is converted to a full-blown disciplinary complaint for sexual harassment filed by the Complainant pursuant to these Rules, and a finding of guilt has been made.

In such case, the procedure outlined in this Rule shall be followed and the fact-finding investigation shall be converted to a full-blown disciplinary investigation over a complaint for sexual harassment. All information gathered pursuant to the fact-finding investigation may be used by the Committee in its recommendation on the disciplinary investigation.

Section 5.12- Prescription- Any action arising from the violation of the provisions of Republic Act 7877 shall prescribe in three (3) years from the commission of the act or acts complained of Rule 6. Support Services to Victims

Rule 6. Support Services to Victims

Section 6.1 Support Services – The Company shall extend support services to any Employee who may become a victim of sexual harassment committed by other employees.

Subject to certain conditions imposed on official leave of absence the Victim may pursue activities indispensable to the prosecution of civil or criminal action as the case may be for sexual harassment on official time. Whenever possible, the Victim shall inform the Team Leader, who is not the person complained of at least one (1) day in advance of the intended date to undertake such activities on official time.

Section 6.2 Counseling – The Company shall also extend counseling services to the Victim through counseling professionals that the Company shall provide for the Victim.

Rule 7. Responsibilities of AEV

Section 7.1 Establishment of Committee – It shall be the responsibility of the Mancom of AEV to ensure the establishment of the Committee created by Rule V of these Rules.

Section 7.2 Immediate Action Upon Complaints – It shall likewise be its obligation to act immediately on any complaint arising from an act or acts sexual harassment committed in the A EV employment environment.

For purposes of the preceding paragraph immediate action shall mean acting on the information within two (2) working days from the time such information was given by the offended party.

Rule 8. Effectivity

Section 8.1 Effectivity – These Rules and Regulations shall take effect upon signing thereof by the Chairman of the ManCom .

Section 8.2 Posting – The Human Resources and Quality Department of AEV shall disseminate or post a copy of these Rules and R.A. 7877 including the composition of the Committee in at least two conspicuous places in the workplace for the information of all concerned.

Approved by:



XAVIER JOSE ABOITIZ
SVP- CHIEF HUMAN RESOURCE OFFICER

Date: July 17, 2013