



Office Circular No.: 22-036A  
Series of 2022

**REVISED GUIDELINES ON ANTI-SEXUAL HARASSMENT**

**A. RATIONALE**

Pursuant to the provisions of Republic Act No. 7877 otherwise known as Anti-Sexual Harassment Act of 1995 and Republic Act No. 11313, otherwise known as Safe Spaces Act, the LBP Leasing and Finance Corporation shall implement guidelines to prevent the sexual harassment in the workplace and to provide the procedure for the resolution, settlement and/or disposition of sexual harassment cases.

**B. OBJECTIVES**

These guidelines are prepared to:

1. Create and maintain a working environment where all LLFC personnel can work harmoniously in an atmosphere free from all forms of harassment, exploitation and intimidation; and
2. Provide a process for reporting and responding to complaints of sexual harassment in order to prevent, correct, and if necessary, discipline any employee who violates this policy
3. Recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men.

**C. COVERAGE**

These guidelines cover all personnel of LBP Leasing and Finance Corporation as well as Service Company workers assigned to LLFC.

**D. DEFINITION OF TERMS**

<b>Education or Training related Sexual Harassment</b>	Committed against one who is under the actual or constructive care, custody, or supervision of the offender, or against one whose education, training, apprenticeship, internship, or tutorship.
<b>Online Harassment</b>	Gender-based online sexual harassment may be committed through an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear for personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photo's without consent, video and audio recordings, cyberstalking and online identity theft.
<b>Sexual Harassment</b>	sexual harassment in workplace is committed by an employer, employee, manager, supervisor, agent of the employer, or any other person who, having authority, influence or moral ascendancy over another in a work

	<p>environment, demands, requires 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 said act.</p> <p>In a work-related or employment environment, sexual harassment is committed when:</p> <ol style="list-style-type: none"> <li>a. The sexual favor is made as a condition in the hiring or in the employment, reemployment, or continued employment of said individual, or in granting said individual favorable compensation, terms of conditions, promotions, or privileges; 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 opportunities or otherwise adversely affect said employee;</li> <li>b. The above acts would impair the employees' rights or privileges under existing labor laws; or</li> <li>c. The above acts would result in an intimidating, hostile, or offensive environment for the employee</li> </ol> <p>Sexual harassment may be committed in any of the following forms:</p> <ol style="list-style-type: none"> <li>a. Overt sexual advances;</li> <li>b. Unwelcome or improper gestures of affection;</li> <li>c. Request or demand for sexual favors including but not limited to going out on dates, outings, or the like for the same purpose;</li> <li>d. Any other act or conduct of a sexual nature or for purposes of sexual gratification which is generally annoying, disgusting or offensive to the victim.</li> </ol> <p>Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore, interferes with work effectiveness.</p>
<p><b>Sexual Harassment in Streets and Public Spaces</b></p>	<ol style="list-style-type: none"> <li>a. Committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.</li> <li>b. Includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic and sexist slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks. Acts constitutive of sexual harassment in streets and public spaces are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.</li> </ol>



<b>Gender-Based Sexual Harassment in the Workplace</b>	<ul style="list-style-type: none"> <li>a. An act or series of act involving any unwelcome sexual advances, request or demand for sexual favors or any act of sexual nature, whether done verbally, physically or using technology such as text messaging or electronic mail or through any forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individuals' employment or education, job performance or opportunities.</li> <li>b. A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient.</li> </ul>
--	--

## E. GENERAL GUIDELINES

1. LLFC undertakes to provide its officers and employees a work environment free of sexual harassment by Management personnel, by co-workers and by others with whom officers and employees must interact in the course of their employment in LLFC.
  - a. Sexual harassment is specifically prohibited as unlawful and as a violation of LLFC's policy. LLFC is responsible for preventing sexual harassment in the workplace, by taking immediate corrective action and for promptly investigating any allegation of work-related sexual harassment.
  - b. It is also considered a violation of the Anti-Sexual Harassment Policy for anyone to make a false complaint/report of sexual harassment or to provide false information regarding a complaint/report of sexual harassment.
  - c. 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 liable under this policy.
  - d. It is intended that individuals who violate this Policy be disciplined or subjected to corrective action, up to and including termination for cause.
  - e. When an incident of sexual harassment has been referred for investigation and disposition, all concerned parties are enjoined to ensure the confidentiality of the issue and all matters related to the incident and guarantee the utmost respect for individual privacy.

2. Composition of Committee on Decorum and Investigation (CODI) of Sexual Harassment Cases

LLFC shall establish CODI who shall be composed of at least one representative from Management, Supervisory and Rank and File employees. It shall be chaired by a woman and a person with authority. More than 50% of the members of the CODI should be women.

The Corporation shall establish a CODI through issuance of a Special Order.

3. Duties and Responsibilities
  - a. **Head of LLFC**
    - i. The Head of the LLFC shall prevent and deter the occurrence of sexual harassment cases, as well as ensure that necessary action be taken on complaint filed with the CODI.
    - ii. Institutionalize the dissemination or posting in a conspicuous place of a copy of the law and this guidelines to all covered persons in the workplace.

- iii. Ensure adoption of measures to prevent sexual harassment in the workplace to include seminar and training relevant to Gender-Based violence and sensitivity.
  - iv. Ensure creation of Committee on Decorum and Investigation (CODI) to investigate and address complaints of sexual harassment.
- b. **CODI**
- i. The CODI shall serve as an independent and internal mechanism to investigate and address complaints of gender-based sexual harassment.
  - ii. The CODI shall be composed of members who should be impartial and not connected or related to the alleged perpetrator.
  - iii. The CODI shall ensure the complainant's protection from retaliations like diminution of benefits and compromised security of tenure.
  - iv. The CODI shall guarantee a gender-sensitive handling of cases and confidentiality of the identity of the parties and the proceedings to the greatest extent possible.
  - v. The CODI shall observe due process and within ten (10) days from the termination of the conduct of the investigation, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision.
  - vi. The CODI shall lead the discussion of handling sexual harassment cases in terms of recommendation to prevent recurring cases, providing an assistance for counselling, and other needs for welfare and protection of the victim.
- c. **Employees and Co-workers**
- i. Refrain from committing acts of gender-based sexual harassment.
  - ii. Discourage the conduct of gender-based sexual harassment in the workplace.
  - iii. Provide emotional or social support to fellow employees, co-workers, colleagues, or peers who are victims of gender-based sexual harassment.
  - iv. Report acts of gender-based sexual harassment witnessed in the workplace.

**4. Handling of Sexual Harassment Cases**

- a. All the sexual harassment related cases shall be endorsed to the CODI for investigation and they shall work with the Investigating Team and Accountability Assessment Committee (AAC) to take action with the complaint in accordance with due process.
- b. The CODI and Disciplining Authority shall follow the Process of Handling Incidents and Administrative Disciplinary Cases according to OC No. 031 s. 2021, Enhanced Guidelines on Handling of Disciplinary Cases and Procedural Lapses for cases related to sexual harassment.

**5. Classification of Offenses**

<b>SEXUAL HARASSMENT IN THE WORKPLACE</b>		
<b>Category</b>	<b>Offenses</b>	<b>Penalty</b>
<b>Grave Offenses</b>	a. Unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast).	Dismissal



<b>SEXUAL HARASSMENT IN THE WORKPLACE</b>		
<b>Category</b>	<b>Offenses</b>	<b>Penalty</b>
	<ul style="list-style-type: none"> <li>b. Sexual assault</li> <li>c. Malicious touching</li> <li>d. 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 other analogous cases.</li> </ul>	
<b>Less Grave Offenses</b>	<ul style="list-style-type: none"> <li>a. Unwanted touching or brushing against a victim's body.</li> <li>b. Pinching not falling under grave offenses.</li> <li>c. Derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person.</li> <li>d. Verbal abuse with sexual overtones; and</li> <li>e. Other analogous cases.</li> </ul>	<p><b>1<sup>st</sup> Offense:</b> Suspension of one (1) month or one (1) day to six (6) months.</p> <p><b>2<sup>nd</sup> Offense:</b> Dismissal</p>
<b>Light Offenses</b>	<ul style="list-style-type: none"> <li>a. surreptitiously looking at a person's private part or worn undergarments.</li> <li>b. Making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar.</li> <li>c. Malicious leering or ogling.</li> <li>d. Display of sexually offensive pictures, materials or graffiti.</li> <li>e. Unwelcome inquiries or comments about a person's sex life.</li> <li>f. Unwelcome sexual flirtation, advances, propositions.</li> <li>g. Making offensive hand or body gestures at an employee.</li> <li>h. Persistent unwanted attention with sexual overtones.</li> <li>i. Unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and</li> <li>j. Other analogous cases.</li> </ul>	<p><b>1<sup>st</sup> Offense:</b> Written Reprimand</p> <p><b>2<sup>nd</sup> Offense:</b> Suspension of One (1) to 30 days</p> <p><b>3<sup>rd</sup> Offense:</b> Dismissal</p>

<b>SEXUAL HARASSMENT IN STREETS AND PUBLIC PLACES COMMITTED BY THE LLFC PERSONNEL</b>		
<b>Category</b>	<b>Offenses</b>	<b>Penalty</b>
<b>Grave Offenses</b>	Personnel who engage in acts that include public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks, and parks.	Dismissal
<b>Less Grave Offenses</b>	Personnel who engage in acts that include unwanted invitations, misogynistic, transphobic and sexist slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details or making statements comments and suggestions with sexual innuendos.	<b>1<sup>st</sup> Offense:</b> Suspension of one (1) month or one (1) day to six (6) months.  <b>2<sup>nd</sup> Offense:</b> Dismissal
<b>Light Offenses</b>	Personnel who engage in acts that include catcalling or wolf-whistling.	<b>1<sup>st</sup> Offense:</b> Written Reprimand  <b>2<sup>nd</sup> Offense:</b> Suspension of One (1) to 30 days  <b>3<sup>rd</sup> Offense:</b> Dismissal

<b>ONLINE SEXUAL HARASSMENT COMMITTED BY THE LLFC PERSONNEL</b>		
<b>Category</b>	<b>Offenses</b>	<b>Penalty</b>
<b>Grave Offenses</b>	Uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing online of any of the victim's photos, videos, or any information of sexual content, impersonating identities of victims online or posting lies of sexual nature about the victims to harm their reputation or filing false abuse reports to online platforms to silence victims of sexual harassment.	Dismissal
<b>Less Grave Offenses</b>	Personnel who engage in acts that include the use information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats with sexual overtones.	<b>1<sup>st</sup> Offense:</b> Suspension of one (1) month or one (1) day to six (6) months.  <b>2<sup>nd</sup> Offense:</b> Dismissal
<b>Light Offenses</b>	Personnel who engage in acts that include unwanted sexual misogynistic, transphobic,	<b>1<sup>st</sup> Offense:</b>

<b>ONLINE SEXUAL HARASSMENT COMMITTED BY THE LLFC PERSONNEL</b>		
<b>Category</b>	<b>Offenses</b>	<b>Penalty</b>
	homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging with sexual overtones.	Written Reprimand  <b>2<sup>nd</sup> Offense:</b> Suspension of One (1) to 30 days  <b>3<sup>rd</sup> Offense:</b> Dismissal

6. Personnel is liable for sexual harassment if he/she:
- c. Directly participates in the execution of any act of sexual harassment as defined by these rules.
  - d. Induces or directs another to commit sexual harassment as defined in these rules.
  - e. Cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished.
  - f. Sexual harassment in the workplace may also be committed by the personnel in a work-related, training or education related environment of the person complained of, against any person regardless of the motive for committing such action or remarks, between peers, and by a subordinate to a superior officer.

7. Retaliation

It is also considered a violation of LLFC's Anti-Sexual Harassment Policy to retaliate against a person who reports an alleged incident of sexual harassment or who testifies, assists or participates in any proceeding, investigation or resolution of a sexual harassment report. Retaliation includes, but is not limited to, threats, intimidation, reprisals, and/or any adverse action related to employment or a business decision

**F. EFFECTIVITY**

These guidelines shall take effect on **01 December 2022**.



**MICHAEL P. ARAÑAS**  
President/CEO