

# **Sexual Harassment in the Philippine Setting — Steps Towards a Solution of the Problem**

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## **Introduction**

Awareness of sexual harassment has heightened in the Philippines in the past few years. Increasingly, victims have come out and reported cases of sexual harassment both in the workplace and in academe. Some of these cases have been given wide publicity by the media, thus focusing public attention on the problem and on steps taken to solve it. Although in many cases, some of these reports have been sensationalized or have been beset by inaccuracies, media exposure in the form not only of news reports but of editorials, columns and feature articles, has nevertheless served to keep the problem in sight of the public and has added to public knowledge of the issues involved.

## **Sexual Harassment in the Workplace: the Case of Government**

Complaints of sexual harassment have been filed in several government offices. There are also anecdotal reports of cases for which no official complaints have been filed. One of the earliest government offices to recognize the problem is the Department of Labor and Employment which issued a landmark memorandum addressing the issue in 1991. This memorandum, however, covered only the Department's own employees. A more important and comprehensive document is the memorandum circular issued by the Civil Service Commission (CSC) in May, 1994 promulgating

a policy on sexual harassment in the workplace. This memorandum represents a significant step in addressing the problem since it covers "all officials and employees of government, whether in the Career or Noncareer Service, holding positions under permanent or temporary status in the national or local government, including government-owned or controlled corporations with original charters, state colleges and universities."

This memorandum circular on sexual harassment specifically focuses on women workers and sees sexual harassment as a human rights issue. It recognizes both peer harassment as well as harassment by superiors, unequivocally stating that the Civil Service Commission "will not tolerate any sexual harassment, whether engaged in by fellow employees, supervisors, associates or clients." Hence, it seeks to protect its employees even in cases where the harassment is perpetrated not just by other employees but by a client or clients.

Its definition of sexual harassment is quite comprehensive, defining it as "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 or impliedly 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.

In this definition, sexual harassment is not limited to that which occurs in the office but "anywhere else as a result of employment

responsibilities or employment relationship," including office-related social functions, work assignments outside the office, work-related conferences or training sessions, work-related travel and even work-related telephone conversations.

The sanctions prescribed by the CSC memorandum circular fall within those prescribed by the government's Administrative Code which lists three kinds of offenses: Grave Misconduct which is punishable by dismissal; Conduct Prejudicial to the Best Interest of the Service and Simple Misconduct, both punishable by suspension for the first offense and dismissal for the second.

### **Sexual Harassment in the Workplace: Private Business and Industry**

Few specific cases of sexual harassment in private industry or business have been brought to public attention although it is reported that sexual harassment is similarly widespread in these sectors. According to a 1985 study on women industrial workers, a high incidence of sexual harassment is reported in the Export Processing Zones where there are a large number of young female employees supervised mostly by males. These supervisors are said to demand sexual favors in return for promotions, privileges or job retention to the extent that this has come to be known as the "lay down or lay off policy."<sup>1</sup>

Female personnel in department stores, hotels, banks and other offices are similarly victimized. According to a spokesperson of the National Association of Trade Unions, female bank employees are made to do overtime work by male executives who have designs on them. These executives then "offer to bring them home but they end up somewhere else."<sup>2</sup> Female salespersons are routinely searched when they go off work and in the process sometimes suf-

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<sup>1</sup>Rosario del Rosario, *Life on the Assemblyline: An Alternative Philippine Report on Women Industrial Workers*. Manila: Philippine Women's Research Collections, 1955" cited in Center for Social Policy and Public Affairs and Pilipina Legal Resource Center, *Sexual Harassment at Work: A Primer*: Quezon City, n.d.

<sup>2</sup>"Sexual Harassment and the Working Woman" by Eleanor A. Dionisio, *Midweek*, June 20, 1990, pp. 20-22, reprinted from *The Workers Advocate*, 1988).

fer indignities. Similarly, female hotel personnel suffer sexual harassment "routinely" from male hotel guests, usually foreigners, but since standard hotel policy is that "the guest is always right," there is nothing much that is done about it.

In spite of the reported incidence of sexual harassment in private business and industry, few, if any corporate or industrial organizations have taken general action by formulating a policy on sexual harassment or instituting complaint procedures. Nevertheless, some interest in the problem is beginning to be manifested. In the 1994 national convention of the Philippine Institute of Public Accountants, an influential business association with several thousand members, one of the topics discussed was "Sexual Harassment in a Business Environment."

Labor unions are also beginning to recognize the ill effects of sexual harassment although some of them still consider sexual harassment "more of a personal problem." Some unions, however, such as the National Union of Hotel, Restaurant and Allied Industries (NUWHRAIN) are taking a more active role in seeking institutional intervention.

### **Sexual Harassment in Academe**

The problem of sexual harassment in schools is particularly grave because the youth and immaturity of students make them highly vulnerable. In Philippine culture, moreover, the youth look up to their elders with profound respect and defer to them in every way. The teacher is particularly looked up to because he is perceived as a person of learning, intelligence and wisdom. As such, the teacher is in a position of trust and responsibility and is expected to provide both moral and intellectual leadership to his students.

Such a position is subject to abuse. Over the years, there have been several officially reported cases but many more anecdotal reports of sexual harassment of students by their teachers/professors. Sexual harassment does not arise only from the teacher-student relationship, however. In a 1992 study on perceptions of sexual harassment and a 1994 study on incidence of sexual harassment within the university undertaken at the University of the Philip-

pines, the harassers were variously identified within the university as teachers, supervisors, co-workers, health personnel and outside the university as fellow passenger (jeep/bus), stranger, movie viewer, neighbors, etc.<sup>3</sup>

The problem cuts across various levels of education: the elementary, secondary and tertiary. Young teen-aged students are particularly vulnerable. Sometimes, they are not even aware that they are being sexually harassed. The common term among school girls is "chancing" and they accept it as one of the realities of being young, being a student and being female. For the cultural reasons stated above and also because sexual harassment is a painful and degrading experience, students who have been harassed are reluctant to make an official complaint. Not knowing where to go, whom to talk to and what procedures to follow further discourages them.

The University of the Philippines (U.P.), the premier state university in the Philippines, has pioneered in addressing the problem of sexual harassment. Perceiving sexual harassment as a result of unequal gender relations, its University Center for Women's Studies (UCWS) has led the way in taking action on the problem. Almost from the time it was established in 1990, the Center has held various seminars, public fora and advocacy workshops to raise awareness of the problem in the university community, to inform students of their rights and to present ways of combating sexual harassment. It has conducted a study of perceptions of sexual harassment among students and faculty and disseminated the results in its journal, *The Review of Women's Studies*.<sup>4</sup> It has also published a *Primer on Sexual Harassment* and prepared handouts for students on "How to Avoid Sexual Harassment" and "What to do if You Are Sexually Harassed." Early this year, it started Crisis Counseling Services for students and others in the university

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<sup>3</sup>See Rosalinda Ofreneo, A Study of Sexual Harassment in U.P. Diliman, A study Commissioned by the Chancellor's Task Force On Sexual Harassment, UP Diliman, Quezon City, 1994 and Elena Samonte, "Sexual Harassment: Perceptions of UP Students and Faculty" in *Review of Women's Studies*, Vol. III, No. 2, 1993, pp. 107-143.

<sup>4</sup>Samonte, op. cit.

community who have experienced sexual harassment or other crisis situations. These services include peer counseling and referral services.

The flagship campus of the U.P., the U.P. Diliman Campus which has an enrollment of 19,000 students, has likewise taken positive steps to solve the problem. Soon after its present Chancellor assumed office, he constituted a task force to study the nature and incidence of sexual harassment on campus and to formulate a policy. The task force commissioned a study of sexual harassment in U.P. Diliman with the objectives of surfacing the forms of sexual harassment as they actually occur among all the sectors on the Diliman campus and to elicit suggestions from these sectors for addressing the problem. It became clear from the study that there was an urgent need for a policy on sexual harassment "which explicitly states that it shall not be tolerated," which covers all sectors — students, faculty, research personnel and administrative staff — and which includes a "flexible, speedy and coordinated grievance procedure." Moreover, "sanctions and penalties should be clear, enforceable and according to the degree of gravity of the offense and should apply equally to all."<sup>5</sup>

The policy as finally drafted is student-focused and gives particular attention to the academic setting. While its definition of sexual harassment is substantially similar to that of the CSC memorandum circular, it focuses on that which may take place between members of the college community: student, professor or faculty member, staff member and administrator. It stresses the undermining effect of sexual harassment on the "atmosphere of trust on which the educational process depends" and notes the element of power in the relationship between teacher and student. Accordingly, "it is incumbent upon those with authority not to abuse or seem to abuse, the power with which they are entrusted."<sup>6</sup>

Since the U.P. is a state university, it falls within the purview of the CSC memorandum circular; its own policy on sexual harassment serves to highlight its academic context and also serves

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<sup>5</sup>Ofreneo, *op. cit.*

<sup>6</sup>Draft Policy on Sexual Harassment, U.P. Diliman, 1994.

as an implementing tool of the CSC memorandum. The penalties prescribed therefore are essentially those prescribed by the Administrative Code, as described earlier. The policy, however, specifies that “the determination of what constitutes sexual harassment depends on the specific facts and the context in which it occurs. The basic question is always whether the conduct is unwelcome to the individual to whom it is directed, regardless of the intentions of the author.”<sup>7</sup>

The U.P. Diliman draft policy on sexual harassment is expected to be adopted by the entire University of the Philippines System with its four autonomous campuses, comprising close to 40,000 students from all over the Philippines. It is also expected to serve as a model for the network of some 80 state universities and colleges throughout the country.

### **The Law Against Sexual Harassment**

Republic Act No. 7278 “An Act Declaring Sexual Harassment Unlawful In The Employment, Education or Training Environment, And For Other Purposes” has just been passed by the Legislature of the Philippines and signed into law by the President of the Philippines. Widely hailed as the first of its kind, it seeks to address the problem of sexual harassment not just in the workplace but in an educational setting. Like the CSC memorandum circular, it places the problem of sexual harassment within a human rights context. However, its definition is quite narrow, limiting sexual harassment to the requesting, demanding or requiring of sexual favors by one who has “authority, influence or moral ascendancy over another in a work or training or education environment.” Apart from the fact that it limits the range of behavior classified as sexual harassment it also does not recognize peer harassment. Moreover, the prescribed penalties are relatively light, specifying imprisonment of not less than one month and not more than six months or a fine of not less than ten thousand pesos and not more than twenty

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<sup>7</sup>Ibid.

thousand pesos. Apparently, however, this does not preclude administrative sanctions where these are applicable.

### **Other Initiatives to Combat Sexual Harassment**

In addition to the laws and policies that have been promulgated, both government organizations (GOs) and non-governmental organizations (NGOs) conduct education and information campaigns as well as gender sensitization training. The National Commission on the Role of Filipino Women (NCRFW), a government organization, has been tasked to carry out gender sensitization training for government officials. Among the many NGOs that have worked on information and advocacy campaigns on sexual harassment are the Sentro ng Alternatibong Lingap Panlegal (Alternative Legal Assistance Center, Inc.) which, when the Anti-Sexual Harassment Act was still being deliberated in the Senate, held a multi-sectoral conference on the proposed law. Representatives from labor groups, women's organizations, non governmental organizations, government agencies, people's organizations and the academe attended the conference and presented their views to the lawmakers, both from the lower and upper houses of the legislature who were sponsoring the bill. The objective of the conference was to hasten immediate passing of the law and to provide inputs to the Bicameral Conference Committee which was in charge of reconciling various versions of the proposed act.

Primers on sexual harassment have also been prepared by the NCRFW and some NGOs, in particular the Center for Social Policy and Public Affairs of the Ateneo de Manila University and the Pilipina Legal Resources Center which together have published a primer on sexual harassment at work, illustrated with comic strips that give a graphic representation of instances of sexual harassment.

Finally, prominent public figures who have regular radio programs, such as Senator Gloria Macapagal Arroyo, have discussed sexual harassment on their programs as have several public service programs over radio and television which have invited experts as well as victims of sexual harassment to talk about the problem in depth.



### **Conclusion: Some Reflections on Sexual Harassment and Philippine Culture**

That various sectors of Philippine society, including government agencies and non-governmental organizations, have taken steps to combat sexual harassment is encouraging.

It must be noted, however, that there has been some resistance to these initiatives on the grounds that sexual harassment, broadly defined (see definition given above), is basically alien to Philippine culture. According to this argument, Filipinos are emotionally expressive and gestures and touching are often resorted to with no malicious intent. Moreover, the traditional Filipino courtship is a game where the female says no when she means yes. As one columnist puts it, "our women realize that sexual harassment is a legitimate part of the mating game, by which women must first resist a man's advances, then triumphantly block his retreat."<sup>8</sup> Finally, it is pointed out that the Filipino woman has a relatively high status, compared to some of her sisters in Asia and even the west.

This last point is stressed to show that gender inequality which women advocates see as a cause of sexual harassment does not really obtain in the Philippines. There may be some truth to this: among the affluent and educated Filipinos, women are not consciously denied opportunities for education and employment. But this is not so in the mass labor market where, according to studies, women are still marginalized and are often not given due compensation for their labor.

More important, there are gender assumptions in Philippine society that conduce to sexual harassment. The Philippines has often been characterized as a macho society where the double standard of morality still obtains. In such a society, there are certain culturally accepted roles men and women are expected to play. The male is accorded sexual prerogatives such as initiating sexual interaction and being the aggressor in any sexual relationship while

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<sup>8</sup>Hilarion Henares, "Sexual Harassment and the Mating Games," *Philippine Daily Inquirer*, Nov. 5, 1991, p.5.

the woman is seen as passive and submissive, a willing recipient of these attentions. This is further reinforced by images of women in mass media where women's bodies and other sexual images are used to sell liquor, cigarettes, cosmetics and wearing apparel. The emphasis on woman as an object of sexual attention is thus often carried over to other areas of social interaction (e.g., employment, education) where a woman's sexuality is stressed over her other qualifications and exploited by those who have the power — power over resources, power to make employment or academic decisions, etc.

This "confluence of power and sexuality"<sup>9</sup> which is at the root of sexual harassment does not seem to be sufficiently recognized, especially by some of those who make laws and policies. While most agree that sexual harassment often arises from a relationship of power, that power is often seen only in a formal or institutional sense (i.e., arising from institutional roles such as teacher, employer); the power of the male over female sexuality which is inscribed in our culture is not sufficiently taken into account. Thus, there is still something to be done. Even while recognizing that, as in all spheres of human relations, there are gray areas which require careful thought and rational judgment, we must see to it that these measures are taken not just as quick responses to a topical problem but as a means of bringing about structural change. As one of the many primers on sexual harassment so aptly puts it:

Laws, support groups, and support services are not the final answer. They are useful insofar as they help individual targets of sexual harassment. But their real significance lies in how we use them to challenge and change the structures of power that set the stage for sexual harassment in our society.<sup>10</sup>

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<sup>9</sup>The phrase is borrowed from Michele Paluli, "Ethnicity, Sex and Sexual Harassment: Implications for Education, Advocacy and Practices" Paper presented at the NEA Higher Education Conference, February, 1992, San Diego, California.

<sup>10</sup>Center for Social Policy and Public Affairs and Pilipina Legal Resource Center, *Sexual Harassment at Work: A Primer*, Quezon City, n.d.

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