



BenguetCorp

BENGUET CORPORATION

SEXUAL HARASSMENT POLICY

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I. PURPOSE

Benguet Corporation (BC) believes the working environment should at all times be supportive of the dignity and self-esteem of individuals.

Achieving this desired environment greatly depends upon the mutual respect, cooperation and understanding among fellow workers. Attitudes and behavior that undermine this goal are detrimental to all and should not be tolerated. High on the list of unacceptable behavior is sexual harassment which is deemed unlawful by Republic Act No. 7877, "An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment and for Other Purposes."

Benguet Corporation is committed to maintaining a work environment that is free from sexual harassment and all forms of sexual intimidation and exploitation. In keeping with this commitment, we will not tolerate harassment of Benguet Corporation employees by anyone, including any of its supervisor, co-worker, vendor, client or customer.

Benguet Corporation also considers as a violation of this sexual harassment policy retaliation/reprisal in any way against anyone who has articulated any concern about sexual harassment, whether that concern directly relates to sexual harassment or results to discrimination against the individual raising the concern or against another individual.

II. COVERAGE

This policy applies to all employees, consultants, and retainers of Benguet Corporation and its subsidiaries.

III. DEFINITION OF TERMS

Work or Training Environment – refers to the place or environment where work is being undertaken or training is going on or where an employment or training relationship exists between and among individuals.

Assault – refers to any attempt or threat to inflict injury upon the person of another, when coupled with an apparent present ability to do so and any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm. It may be committed without actually touching, or striking, or doing bodily harm, to the person of another.

Committee – refers to the Committee on Decorum and Investigation mentioned in Section 4 of Republic Act No. 7877.

Managerial Employee – refers to one who is vested with powers or prerogatives to lay down and execute management policies and/or to hire, transfer, suspend, lay-off, recall, discharge, assign or discipline employees.

Supervisor Employee – refers to one who, in the interest of the employer, effectively recommends such managerial actions if the exercise of such authority is not merely routinary or clerical in nature but requires the use of independent judgment.

Trainee – refers to a person undergoing an organizational and instructional process undertaken by the company through which an individual acquires any knowledge and skill.

Complainant – refers to the party filing the complaint.

Respondent – refers to the individual charged or against whom the complaint is filed.

Progressive Discipline – refers to the penalty imposed from reprimand, warning, and suspension to dismissal from service.

IV. GUIDELINES

A. WHEN SEXUAL HARASSMENT IS COMMITTED

Any person who, having authority, influence or moral ascendancy over another in a work 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 said act. In a work-related or employment environment, sexual harassment is committed when:

1. A sexual favor is made as a condition in the hiring, or in the employment or re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions or privileges; or
2. 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;
3. The above acts would impair the employee's rights or privileges under existing labor laws;
4. The above acts would result in an intimidating, hostile or offensive environment for the employee.

B. WHERE SEXUAL HARASSMENT CAN BE COMMITTED

Sexual harassment may be committed in any work environment which includes but is not limited to the following:

1. In or outside the office building;
2. At the office or training-related social functions;



3. In the course of work assignments outside the office;
4. At work-related conferences, studies or training sessions; or
5. During work-related travel.

C. FORMS OF SEXUAL HARASSMENT

Sexual harassment may take many forms. It may be subtle and indirect or blatant or overt. It may be physical, verbal or visual in nature. Sexual harassment acts may include but are not limited to the following:

1. Persistently telling smutty jokes to a co-employee who has indicated she/he finds them offensive;
2. Taunting a co-employee with constant talk of sex or sexual innuendos;
3. Displaying offensive pictures or publications in the workplace;
4. Asking a co-employee intimate questions on his/her sexual activities;
5. Making hand or body gestures at a co-employee; staring or leering at a co-employee
6. Making obscene phone calls to a co-employee during and outside work hours;
7. Pinching, unnecessarily brushing up against a co-employee's body;
8. Requesting for dates or favors in exchange for a job, favorable working conditions or assignments; and
9. Touching a co-employee in sensitive parts of his/her body, threats of a sexual nature and actual sexual assault.

Any person who directs or induces another to commit any act of sexual harassment as defined, or who cooperates in the commission by another without which it would not have been committed, shall also be liable.

D. RETALIATION FOR SEXUAL HARASSMENT COMPLAINTS

Any person against whom a complaint for sexual harassment is filed is deemed to commit retaliatory acts under Article 248 of the Labor Code when he carries out any of the following:

1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation;
2. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up acts of sexual harassment;
3. Threatening the promotional opportunities, job securities and other service-related benefits and privileges; or



4. Other acts similar to the foregoing.

E. FILING OF A COMPLAINT FOR SEXUAL HARASSMENT

A complaint for sexual harassment should be filed with the Committee on Decorum and Investigation.

Any complaint concerning sexual harassment must be put in writing, signed and sworn to by the complainant and filed with the Committee on Decorum and Investigation within three (3) years after the incident. Benguet Corporation will provide its employees with convenient confidential and reliable mechanisms for reporting incidents of sexual harassment and retaliation.

F. COMMITTEE ON DECORUM AND INVESTIGATION

The Committee on Decorum and Investigation is composed of the Human Resource Manager, Legal Manager, Security Manager, Mine Operations Manager and Mill Operations Manager. The Committee shall undergo gender sensitivity training.

G. FUNCTIONS OF THE COMMITTEE

The Committee shall have the following functions:

1. Receive complaints, investigate and hear sexual harassment cases, prepare and submit reports with the corresponding recommendations;
2. Conduct meetings with employees to increase understanding and prevent incidents of sexual harassment.
3. Promulgate rules on proper decorum and behavior in the workplace. The names, responsibilities, work locations and phone numbers of each Committee member will be routinely and continuously be posted so that an employee seeking such name can enjoy anonymity and remain inconspicuous to all of the employees in the place in which he or she works.

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

H. PROCEDURE FOR MAKING, INVESTIGATING AND RESOLVING SEXUAL HARASSMENT AND RETALIATION COMPLAINTS

The procedure will be as follows:

Complaint

1. No particular form is required but the complaint must be in writing, signed and sworn to by the complainant. However, it must contain the following:
 - a. The full name and address of the complainant;
 - b. The full name and address of the respondent;
 - c. A specification of the charge or charges;
 - d. A brief statement of the relevant and material facts.

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

2. In support of the complaint, the complainant shall submit any evidence he/she has, including affidavits of witnesses, if any, together with the complaint.
3. Where the complaint is vague or too general, the Committee may require the complainant to specify the acts complained of as sexual harassment in writing within five (5) days from the receipt of the notice, otherwise the complaint shall be dismissed.
4. A withdrawal of the complaint made or filed at any stage of the proceedings shall not preclude the Committee from proceeding with the investigation of the case.

Answer

1. Answers shall be filed within ten (10) days from the receipt of the complaint.
2. The answer shall be in writing, signed and sworn to by the respondent, and 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 facts constituting the respondent's defense.
3. The respondent shall indicate in his/her answer whether or not he/she elects a formal investigation.
4. In support of the answer, the respondent shall submit any evidence he/she has, including affidavits of witnesses, if any, together with the answer.
5. 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 evidence and pleadings submitted the Committee shall then resolve the case.

Reply

The complainant may file a reply within ten (10) days from the receipt of the answer.

Preventive Suspension

1. The HR Manager may suspend any officer or employee for not more than thirty (30) 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 the service.
2. When the case against the officer or employee 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 in the service. Provided, that when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of the delay shall not be counted in computing the period of suspension.

Hearing

1. After all the pleadings have been submitted, the Committee may conduct a hearing not earlier than five (5) days nor later than ten (10) days from the date of receipt of the respondent's answer or complainant's reply if any, and shall terminate such hearing within thirty (30) days from the filing of the charges. However, the Committee may extend the period of hearing if it deems necessary.
2. The parties and their respective witnesses shall be notified of the scheduled hearing at least five (5) days before the date, specifying the time, date and place of hearing.
3. Either party may avail himself/herself of the services of counsel.
4. No postponement shall be granted except in meritorious cases.
5. All documentary evidence shall be admitted for whatever value they may have and shall be attached to the record of the case.
6. The parties may be required to submit their respective memoranda within ten (10) days after the hearing of their case.
7. A report/recommendation shall be submitted by the Committee within fifteen (15) days after the conclusion of the investigation or hearing.

Decision

The decision shall be final and executory ten (10) days after receipt of the copy by the parties unless a motion for reconsideration or appeal is filed with the HR Manager.

Motion for Reconsideration

1. The aggrieved party may file a motion for reconsideration with the HR Manager within ten (10) days from the receipt of the copy of the decision based on any of the following grounds:
 - a. New evidence has been discovered which materially affects the decision.
 - b. The decision is not supported by the evidence on record.
 - c. Errors of law or misrepresentation of facts.
2. The motion for reconsideration shall be deemed filed on the date of receipt by the HR Manager.
3. A motion for reconsideration suspends the ruling of the period for appeal.
4. Nothing in this procedure shall preclude the victim of sexual harassment from instituting a separate action in the proper courts.

Schedule of Penalties

Where progressive discipline is provided for in the Company's Employee Code of Discipline, violation of this policy moves the offending employee through the steps of disciplinary action. In other words, it is not necessary for an employee to repeat the same precise conduct in order to move up the scale of discipline.

A written record of each action taken pursuant to this policy will be placed in the offending employee's 201 file. The record will reflect the conduct, or alleged conduct, and the warning given, or discipline imposed.

1. **Assault and Rape** – Any employee's first proven offense of assault or threat of assault, including assault of a sexual nature, attempted, frustrated and consummated rape will result in dismissal.
2. **Other acts of harassment by co-workers** – An employee's commission of acts of sexual harassment other than assault will result in written warning, suspension or discharge upon the first proven offense, depending upon the nature and severity of the misconduct, and suspension or discharge upon the second proven offense, depending on the nature and severity of the misconduct.
3. **Retaliation** – Alleged retaliation against a sexual harassment complainant will result in non-disciplinary oral counselling. Any form of proven retaliation will result in suspension or discharge upon the first proven offense, depending upon the nature and severity of the retaliatory acts, and discharge upon the second proven offense.

A supervisor's commission of acts of sexual harassment (other than assault) with respect to any other employee under the person's supervision will result in final warning or dismissal for the first offense, depending upon the nature and severity of the misconduct and discharge for any subsequent offense.

I. EDUCATION AND TRAINING TO ENFORCE SEXUAL HARASSMENT POLICY

Education and training for employees at each level of the work force are critical to the success of Benguet Corporation's policy against sexual harassment.

Educational posters using concise messages conveying Benguet Corporation's opposition to workplace sexual harassment will reinforce the company's policy statement.

Education and training include the following components:

1. For all Benguet Corporation employees: As part of general orientation, each recently hired employee will be given a copy of the policy and requested to read and sign a receipt so that they are on notice of the standards of behavior expected. In addition, supervisory employees who have attended a management training seminar on sexual harassment will explain orally at least once every six (6) months at meeting attended by all employees the kinds of acts that constitute sexual harassment, the company's serious commitment to eliminating sexual harassment in the workplace, the penalties for engaging in harassment, and the procedures for reporting incidents of sexual harassment.
2. For all female employees: All women employed at Benguet Corporation will participate on company time in annual seminars that teach strategies for resisting and preventing sexual harassment. At least a half-day in length, these seminars will be conducted by one or more experienced sexual harassment educators, including one instructor with work experience in the trades.
3. For all employees with supervisory authority over other employees, and all employees working in a managerial capacity: All supervisory personnel will participate in an annual half-

day long training session on sexual discrimination harassment. The HR Manager will introduce the seminar with remarks stressing the potential liability of Benguet Corporation and individual supervisors for sexual harassment and the need to eliminate harassment. Each participant will be informed that they are responsible for knowing the contents of Benguet Corporation's sexual harassment policy and for giving similar presentation at meetings to employees.

4. For all Investigating Officers: The Investigating Officer and their designees, if any, will attend annual full-day training seminars conducted by experienced sexual harassment educators and/or investigators to educate them about the problems of sexual harassment in the workplace and techniques for investigating and stopping it.

J. RESPONSIBILITIES OF SUPERVISORY/MANAGERIAL EMPLOYEES

An effective sexual harassment policy requires the support and model behavior of company personnel in positions of authority. Benguet Corporation's employees who engage in sexual harassment or retaliation or who fail to cooperate with company-sponsored investigations of sexual harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures, obstruct the remedial efforts of other Benguet Corporation's employees, and/or retaliate against sexual harassment complainants or witnesses may be immediately sanctioned by suspension or dismissal.

V. EXCEPTIONS

Exceptions to the policy must be approved by the President, or in his absence the OIC.

VI. ADMINISTRATION

Human Resources shall administer this policy

VII. EFFECTIVITY

This policy will take effect upon approval date