

CENTURY PACIFIC FOOD INC. POLICIES AND PROCEDURES		
POLICY TITLE: ANTI- SEXUAL HARASSMENT AND SAFE SPACES POLICY	Policy No. CPFI HR20-1102	No. of Pages: 9
	Effectivity Date: Upon approval	Date Issued:
	Supersedes Policy dated : July 1, 2010	

I. POLICY STATEMENT

Upholding its core value of Respect for Individual, the Company shall prohibit all forms of sexual harassment in its workplaces and in all business endeavors.

The Company is steadfast to ensure a working environment that is free from all forms of sexual harassment. Working environment must at all times be supportive of the peace of mind, dignity and self-esteem of individuals.

II. OBJECTIVE

The objective of this policy is to protect the dignity of workers and their right to humane, just and safe work environment and promote the morale and efficiency in the workplace.

In compliance with Republic Act No. 7877, otherwise known as the Anti-Sexual Harassment Act of 1995 (the "Law") and the newly enacted Republic Act No. 11313, the Safe Spaces Act (the "Law"), also known as the "Bawal Bastos Law", this Policy is hereby prescribed for the guidance and compliance of all concerned.

III. COVERAGE

This policy shall apply to Century Pacific Food Inc. However, General Tuna Corporation, Pacific Meat Company Inc., Century Pacific Agricultural Ventures Inc. may adopt and/or come up with a similar policy of their own depending on their business needs and requirement subject to alignment and approval by the Corporate Human Resources.

All regular employees regardless of gender, office location, rank or tenure of service are covered by this Policy.

The Policy likewise applies to all contract work employees, consultants, on-the-job trainees, apprentices, security guards, janitorial and general services, and such other employees of contractors, residents of the plant housing community, visitors, guests, transients and other persons entering the Company premises to such extent specifically provided under this Policy and/or allowed under the law.

The Policy also applies during work-related activities, including but not limited to, Company functions and events, customer/client or supplier visits or calls, and training, whether the same be conducted within or outside Company premises.

IV. DEFINITION OF TERMS

1) Sexual Harassment - is an offense, committed by an employer or employee, who, having authority, influence or moral ascendancy over another person, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted or not. More particularly, it shall refer to the following as:

- 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;
- b. The above acts would impair the employee's rights or privileges under existing labor laws; or
- c. The above acts would result in an intimidating, hostile, or offensive environment for the employee.

2) Committee on Decorum and Investigation - shall refer to the Committee that shall be tasked in conducting investigation, submitting findings and corresponding recommendation regarding sexual harassment complaints and leading the awareness efforts on the prevention of sexual harassment incidents.

3) Ex Parte Examination - shall refer to the examination of documents without the presence of the person who submitted the documents.

4) Ex Parte Investigation - shall refer to the investigation that is conducted without the presence of the other party.

5) Prima-Facie Evidence - evidence which is sufficient to prove an issue unless overcome or rebutted by other evidence.

6) Catcalling - refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic and sexist slurs.

7) Gender - refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women and the relations between them.

8) Gender-based online sexual harassment - refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress and fear of personal safety, sexual harassment acts, including unwanted sexual remarks and comments, threats uploading and sharing of one's photo without consent, video and audio recording, cyber stalking, online identity theft.

9) Gender identity and/or expression - refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations and behavior in relation to, masculine or feminine conventions.

10) Stalking - refers to conduct directed at a person including the repeated visual physical proximity, non-consensual communication or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others or to suffer emotional distress.

V. PROCEDURES

A. What is Sexual Harassment?

Sexual harassment is an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or nature, committed by an employee or official in a work-complained of.

1. Work related sexual harassment is committed under the following circumstances:

- i) Submission to or rejection of the act or series of acts is used as a basis for any employment decision (including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits and any other personnel action) affecting the applicant/employee; or
- ii) The act or series of acts that have the purpose or effect of interfering with the complainant's work performance, or creating an intimidating, hostile or offensive work environment; or
- iii) The act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a co-employee, applicant, or customer of the person complained of.

2. Gender-based sexual harassment in the workplace is committed under the following circumstances:

- i) An unwelcome sexual advances, requests or demand for sexual favor, or any sexual act that has a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities.

- ii) Conduct of sexual nature or based on sex affecting the dignity of a person, which is unwelcome, unreasonable and offensive to the recipient.
- iii) Conduct that is unwelcoming and pervasive and creates an intimidating, hostile or humiliating environment to the recipient.
- iv) May be verbal, physical or through the use of technology such as text messaging or e-mail.
- v) May also be committed between peers, to a superior officer by a subordinate or to a trainer by a trainee.

3. Gender-based online sexual harassment – using information and communication through technology terrorizing and intimidating victims, such as thru messaging, cyber stalking, sharing of photos, audio or video without consent.

B. Sexual harassment may take place:

- (i) In the premises of the workplace;
- (ii) In any place where the parties were found as a result of work responsibilities or relations;
- (iii) At work-related social functions;
- (iv) While on official business outside the office related travel;
- (v) At official conferences, fora, symposia or training sessions; or
- (vi) By telephone, cellular phone, fax machine or electronic mail.

C. The following are illustrative forms of sexual harassment:

- (i) Physical (Malicious Touching, overt sexual advances, gestures with lewd insinuation);
- (ii) Verbal, such as but not limited to, requests or demands for sexual favors, and lurid remarks;
- (iii) Use of objects, pictures or graphics, letters or writing notes with sexual underpinnings;
- (iv) Thru messaging, cyber stalking, sharing of photos, audio or video without consent;
- (v) Other forms analogous to the foregoing.

D. Persons Liable for Sexual Harassment - Any employee, regardless of sex, is liable for sexual harassment when he/she:

- (i) Directly participates in the execution of any act of sexual harassment as defined above;
- (ii) Induces or directs another or others to commit sexual harassment as defined by above;
- (iii) Cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished.

E. Creation and Tasks of Committee on Decorum and Investigation on Sexual Harassment Complaints

The Company shall create a Committee on Decorum and Investigation on Sexual Harassment Cases. Committee membership shall equally be distributed to managerial, supervisory and rank and file employees. The VP—HR and Corporate Affairs shall appoint the members of the Committee on Decorum and Investigation for corporate employees while the Plant Managers shall appoint members to the Committee for the respective business units/plants. The written appointment shall be submitted to Corporate HR within 30 days from the promulgation of this policy. The Appointment shall be posted at the Bulletin Boards for dissemination. Within fifteen days from their appointment, the appointed members shall convene as a committee to familiarize themselves with the policy and appoint among themselves a Chairman and a Secretary.

The Committee on Decorum and Investigation that must be created to investigate and address complaints of gender-based sexual harassment shall:

- (i) Adequately represent management, supervisors, and rank and file employees.
- (ii) Designate a woman as its head and at least half of its members must be women.
- (iii) Be composed impartial members, not connected or related to the alleged perpetrator.
- (iv) Investigate and decide complaints within ten (10) days upon receipt.
- (v) Observe due process.

The Committee's tasks are as follows:

1. Receive complaints of sexual harassment;
2. Investigate sexual harassment complaints in accordance with the prescribed procedure;
3. Submit a report of its findings with the corresponding recommendation to the Department/Division Head concerned for decision. The Office of the President through VP – HR and Corporate Affairs shall be provided with a copy of all resolved cases;
4. Lead in the conduct of discussions about sexual harassment (gender respect status) to increase understanding and prevent incidents of sexual harassment and promote gender respect efforts. The Committee, through the HR Department, may seek assistance from the Regional Office of DOLE regarding the promotion of gender respect. The Committee shall schedule every first Monday of the first month of every quarter a Committee Assessment Meeting. A copy of the Minutes of Committee Assessment Meeting shall be noted by the Plant Manager.

When a member of the Committee is the complainant or the person complained of in a sexual harassment case, he/she shall be disqualified from being a member of the Committee and shall be replaced.

F. Standard Operating Procedures in Attending to Victims of Sexual Harassment

Below are the procedural rules provided and the standard requirements in handling a sexual harassment case.

1. Complaint and Action on the Complaint

- (a) The complaint may be filed at any time with the Committee on Decorum and Investigation.
- (b) The complaint must be in writing and signed by the Complainant. 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. The Complaint shall contain among others the following:
 - > Full name, position title, department of the complainant;
 - > Full name, and position title and department of the respondent;
 - > Brief statement of the relevant facts;
 - > Evidence, in support of the complainant, if any;
- (c) Withdrawal of the complaint at any stage of the proceedings shall not preclude the Committee from proceeding with the investigation where there is obvious truth or merit to the allegations in the complaint or where there is documentary or direct evidence that can prove the guilt of the person complained of.
- (d) Upon receipt of a complaint, the Committee shall evaluate the complaint and thereafter, shall send written notice to the employee accused of sexual harassment requiring him to submit in writing his response/explanation on the accusation.

2. Preliminary Investigation

A preliminary investigation shall be conducted by the Committee on Decorum and Investigation. The investigation involves the ex parte examination of documents submitted by the complainant and the person complained of. There shall be no confrontation between the accused and the complainant during the preliminary investigation. During the preliminary investigation, the parties may submit subsequent documents, including but not limited to affidavits and counter-affidavits.

Upon receipt of the counter-affidavit or comment under oath, the Committee on Decorum and Investigation may now recommend whether a prima facie case exists to warrant the issuance of a formal charge.

During preliminary investigation, proceedings before the Committee on Decorum and Investigation shall be held under strict confidentiality.

A preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the Committee on Decorum and Investigation and shall be terminated within fifteen (15) working days thereafter. If a prima facie case is established during the investigation, a formal charge shall be issued by the Department Head in coordination with the HR Head within three (3) working days from receipt of the Investigation Report. On the other hand, in the absence of a prima facie case, the complaint shall be dismissed within the same period. As closure to the case, a written notice shall be sent to both parties.

3. Formal Charge

After finding a prima facie case, the Department Head shall formally charge the person complained of via Notice of Charge. The Notice of Charge shall contain a specification of the charge(s), a brief statement of material or relevant facts, with the signed written testimony/complaint by the alleged victim as attachment.

If the respondent has submitted his/her comment and counter-affidavits during the preliminary investigation, he/she shall be given the opportunity to submit additional evidence.

4. Formal Answer

The answer of the respondent shall be in writing. He may attach all relevant documents if any, in support of his case. Should the respondent fail or refuses to file his/her answer to the formal charge within five (5) days from receipt thereof without justifiable cause, he/she shall be considered to have waived his right thereto and formal investigation may commence. Upon receipt of the written explanation, the Department Head shall schedule a Formal Investigation, to be conducted by the Committee on Decorum and Investigation together with the HR Manager.

5. Formal Investigation

The investigation shall be held not earlier than five (5) days not later than ten (10) days from receipt of the respondent's answer. Said investigation shall be finished within thirty (30) days from the issuance of the formal charge or the receipt of the answer.

Hearings shall be conducted on the hearing dates set by the Committee on Decorum which shall strictly be followed. A party shall be granted only one (1) postponement upon oral or written requests. A further postponement may be granted only upon written request and subject to the discretion of the Committee on Decorum and investigation. If the respondent fails to appear during the scheduled hearings despite

due notice, the investigation shall proceed ex-parte and the respondent is deemed to have waived his right to be present and to submit evidence in his favor during those hearings.

The guidelines in conducting Panel Investigation (documentation of appearances, proceedings, permission from the accused and complainants to use of recorder, right to counsel, etc.) shall be observed during the Formal Investigation.

6. Formal Investigation Report

Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the Committee on Decorum and Investigation to the Department Head. The complete records of the case shall be attached to the Report of Investigation. The Department Head shall later on turn over to the files to HR for 201 Filing.

7. Decision

The Department Head shall render his decision on the case within thirty (30) days from receipt of the Report on Investigation, based on the findings and recommendation. As in our rules, decision to terminate and employment needs the approval of the Corporate Human Resources and the President/Chief Executive Officer. The penalty to be imposed shall be in accordance to CPG case as sexual harassment is a criminal offense.

Administrative sanctions shall not bar the prosecution in the proper courts against the offender for his/her act or acts of sexual harassment and nothing in this Policy shall preclude the victim of sexual harassment from instituting a separate and independent action for damages and other affirmative reliefs.

VI. RESPONSIBILITY

Department Managers, Section Managers, Supervisors shall ensure that the implementation of this policy as it is based on the one of the Core Values of the Company, that is, Respect for Individual.

The Corporate Human Resources shall be responsible in the interpretation, overall supervision of the implementation and revision of this policy, should it become necessary.

VII. EFFECTIVITY

This policy will take effect immediately upon approval and signature of the President and any policy issued in the past that is contrary to any of the aforementioned provisions is hereby superseded and revoked.