

alternergy

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Policy on Sexual Harassment



1. Objective

The following policies and procedures are being issued by the Company to prevent or deter the commission of acts of sexual harassment, to address sexual harassment issues in the workplace, and to provide the procedure for the resolution, settlement and/or disposition of sexual harassment cases.

This is also in compliance with the provisions of Section 4, Republic Act No. 7877, entitled *"An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment and For Other Purposes"*.

2. Company Philosophy on Sexual Harassment

The Company believes that employees should be afforded the opportunity to work in an environment free of sexual harassment. Sexual harassment is a form of misconduct that undermines the employment relationship. No employee should be subjected to verbal or physical unsolicited and unwelcome sexual overtures or conduct.

Sexual harassment refers to behavior that is not welcome, is personally offensive, debilitates morale and, therefore, interferes with work effectiveness. Such behavior may be in the form of unwanted physical, verbal or visual sexual advances, requests for sexual favors, and other sexually oriented conduct which is offensive or objectionable to the recipient, including but not limited to: epithets, derogatory or suggestive comments, slurs or gestures and offensive posters, cartoons, pictures, or drawings.

The Company will not tolerate any behavior that amounts to sexual harassment and any employee found to have committed sexual harassment shall be subjected to disciplinary action, up to and including dismissal.

The Company is responsible for taking immediate corrective action to stop sexual harassment in the workplace and for promptly investigating any allegations of work-related sexual harassment.

3. Definition of Sexual Harassment

The Company has adopted the definition of sexual harassment set forth in Section 3 of R.A. 7877. It defines that sexual harassment in a 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 environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, requests or requirement for submission is accepted by the object of said act.

In a work-related environment, sexual harassment is committed when:

- a. The sexual favor is made as a condition in the hiring or in the employment, re-employment, or continued employment of the 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 employees' rights or privileges under existing labor laws; or
- c. The above acts would result in an intimidating, hostile, or offensive environment for the employee.

Any person who directs or induces another to commit any 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 held liable.

4. Where Sexual Harassment is Committed

Sexual harassment may be committed in any work environment. It may include, but is not limited to the following:

- a. In or outside the office building or training site;
- b. At the office or training-related social functions;
- c. In the course of work assignments outside the office;
- d. At work-related conferences, studies or training sessions; or
- e. During work-related travel.

5. What is not sexual harassment

Sexual harassment does not refer to occasional compliments of a socially acceptable nature.

6. Procedures for Sexual Harassment Cases

a) Committee on Decorum and Investigation

A Committee on Decorum and Investigation (the "Committee") shall be created and composed of three (3) members:

- i. One (1) member representing the Management who shall be the head of the department where the erring employee belongs;
- ii. One (1) member representing the Supervisory Rank who shall be a Legal Officer to be appointed by the Head of the Legal Department; and
- iii. One (1) member representing the Rank-and-File Employees who shall be from the Human Resources Department or any employee from the Rank-and-File level, to be appointed by the Head of the Human Resources Department.

In case the Respondent is either the Head of the Department where the erring employee belongs, or the Head of the Legal Department, or the Head of the Human Resources Department, such member shall be replaced by any member of the Executive Committee. The Executive Committee may at their discretion, designate other Department Heads as replacements.

The head of the department where the erring employee belongs shall be the *primus inter pares* Chairman of the Committee.

The Committee shall be responsible for:

- i. receiving, investigating and hearing the sexual harassment complaint or case; and
11. preparing and submitting a recommendation or resolution to the complaint or case.

b) Complaint

- i. The employee filing the complaint shall be called the "Complainant", while the employee charged or against whom the complaint is filed shall be called the "Respondent".

The Complainant may either be:

1. Officers and employees, whether regular, probationary or part-time, of Alternergy Holdings Corporation., its affiliates or subsidiaries; or
2. Officers and employees of contractors providing services for the Company, its affiliates or subsidiaries.

However, the Respondent shall be limited to Officers and employees, whether regular, probationary or part-time, of Alternergy Holdings Corporation, its affiliates or subsidiaries.

- ii. Any complaint about sexual harassment shall be made in writing, signed and sworn to by the Complainant, narrating the material and relevant facts which occurred.
- iii. The complaint shall be filed with the Human Resources Department. The Head of the Human Resources Department may *motu proprio* or upon its own initiative, file a complaint for sexual harassment against the Respondent.
- iv. Based on the Complaint, the Head of the Human Resources Department shall determine if the complaint filed is sufficient to support a case for sexual harassment. If found sufficient, the Head of the Human Resource Department shall request the Committee on Decorum and Investigation to convene and investigate within three (3) working days from receipt of the complaint. Otherwise, the complaint shall be dismissed.
- v. In support of the complaint, the Complainant may submit any evidence he/ she has, including affidavits of witnesses, if any, together with the complaint.

- vi. If the complaint is vague, the Committee may require the Complainant to file a clarificatory or supplementary complaint within three (3) working days from receipt thereof. Otherwise, failure to do so may result in the dismissal of the complaint.
- vii. The withdrawal of the complaint at any stage of the proceedings shall not preclude the Committee from proceeding with the investigation of the case. The Committee shall treat the complaint with the utmost confidentiality.

c) Answer

- i. The Respondent shall be summoned in writing by the Committee within three (3) working days from receipt of the complaint or supplemental complaint.
- ii. The Committee shall give the Respondent an opportunity to be heard by filing an answer within ten (10) working days from receipt of the summons. The answer shall be in writing, signed and sworn to by the Respondent. The answer must contain a specific admission or denial of the charge and a statement of the relevant facts constituting the Respondent's defense.
- iii. In support of the answer, the Respondent may submit any evidence he/she has, including affidavits of witnesses, if any, together with the answer.
- iv. Failure of the Respondent to file an answer or to appear in the investigation shall be construed as a waiver to present evidence on his/her behalf. The Committee shall then resolve the case based on the available facts and information.

d) Hearing

- i. After all the pleadings have been submitted, the Committee may call both parties for a hearing to be conducted within ten (10) working days from receipt of the Respondent's answer if any. At any time, the Chairman of the Committee may require additional hearings, if necessary.

- ii. The parties and their respective witnesses shall be notified of the scheduled hearing at least five (5) working days before the date thereof, specifying the time, date, and place of the hearing.
- iii. Either party may require the attendance of witnesses and the production of documentary evidence in his/her favor.
- iv. No postponement shall be granted except in meritorious cases.
- v. All documentary evidence shall be admitted for whatever value it may have and shall be attached to the record of the case.
- vi. The Committee shall require the parties to submit their respective memoranda within ten (10) working days after the hearing of the case. Thereafter, the case shall be submitted for recommendation or resolution.

e) Resolution and Recommendation

Based on the pleadings, the affidavits of the witnesses and the evidence presented during the hearing, the case shall be resolved by the Committee by a majority vote of 2 out of 3.

f) Execution

- i. The resolution shall be final and executory from receipt of the copy thereof by the parties.
- ii. A copy of the resolution shall also be forwarded to the following persons concerned:
 - a. Head of the Legal Department;
 - b. Head of the Human Resources; and
 - c. President.
- iii. The Head of the Legal Department shall enforce the resolution following the normal procedure in disciplinary action.

7. Penalty

The penalty for sexual harassment shall be dismissal from employment.

8. Other Forms of Sexual Misconduct

These are acts which do not constitute sexual harassment but possess sexual context. If the act committed is determined after examination to be acts constituting other forms of sexual misconduct, the Committee shall, through a resolution, refer the matter to the Head of the Human Resources Department, who shall hear and decide on its merits based on the Company's Code of Conduct.

The abovementioned disciplinary actions for sexual harassment or other forms of sexual misconduct to be implemented by the Company shall not be a bar for the Complainant to prosecute in the proper judicial courts.

9. Confidentiality

To the extent possible, the identity of the employee shall remain confidential and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure.

10. Retaliation

The Company will not permit nor tolerate employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment.

11. Scope and Applicability

This policy shall apply to all officers and employees, whether regular, probationary, or part-time, of Alternergy Holdings Corporation, its affiliates, or subsidiaries. This policy shall also have a limited application to officers and employees of contractors providing services for the Company, its affiliates, or subsidiaries.

12. Written Policy

All officers and employees of the Company shall receive a copy of this sexual harassment policy upon the assumption of their respective offices. Should the Company amend or modify this policy, all officers and employees will receive an individual copy of the amended or modified policy.