



Republic Act No. 11313
“SAFE SPACES ACT”

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Public spaces refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; and

Gender-Based Streets and Public Spaces Sexual Harassment

- catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests 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 such as alleys, roads, sidewalks and parks. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

Gender-Based Streets and Public Spaces Sexual Harassment

- zero-tolerance policy
- assistance to victims of gender-based sexual harassment
- coordinating with local police authorities
- CCTV footage
- clearly-visible warning signs
- hotline number in bold letters
- designate at least one (1) anti-sexual harassment officer
- Security guards in these places may be deputized
- utility vehicles
- suspend or revoke the franchise of transportation operators
- in case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures

Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces

(a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, pursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety

- **First offense** - fine of One thousand pesos (1,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar
- **Second offense** - be punished by arresto menor (**6 to 10 days**) or a fine of Three thousand pesos (₱3,000.00);
- **Third offense** - be punished by arresto menor (**11 to 30 days**) and a fine of Ten thousand pesos (₱10,000.00).

Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces

(b) For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions

- **First offense** - fine of Ten thousand pesos (₱10,000.00) and community service
- **Second offense** - arresto menor (11 to 30 days) or a fine of Fifteen thousand pesos (₱15,000.00);
- **Third offense** - arresto mayor (1 month and 1 day to 6 months) and a fine of Twenty thousand pesos (₱20,000.00).

Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces

- (c) For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b), when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 11 paragraphs (a) and (b)
- **First offense** - arresto menor (11 to 30 days) or a fine of Thirty thousand pesos (₱30,000.00)
 - **Second offense** - arresto mayor (1 month and 1 day to 6 months) or a fine of Fifty thousand pesos (₱50,000.00);
 - **Third offense** - arresto mayor in its maximum period or a fine of One hundred thousand pesos (₱100,000.00).

Gender-Based Sexual Harassment in the Workplace

- a) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;
- b) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;

Gender-Based Sexual Harassment in the Workplace

- c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: Provided, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and
- d) Information and communication system refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

Duties of Employers - Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

- a) Disseminate or post in a conspicuous place a copy of this Act to all persons in the workplace;
- b) Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;

Duties of Employers - Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

c) Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment which shall:

- Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any;
- Designate a woman as its head and not less than half of its members should be women;
- Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
- Investigate and decide on the complaints within ten (10) days or less upon receipt thereof;
- Observe due process;
- Protect the complainant from retaliation; and
- Guarantee confidentiality to the greatest extent possible;

Duties of Employers - Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

- d) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall:
 - Expressly reiterate the prohibition on gender-based sexual harassment;
 - Describe the procedures of the internal mechanism created under Section 17(c) of this Act; and
 - Set administrative penalties

Duties of Employees and Co-Workers

- ☐ Refrain from committing acts of gender-based sexual harassment;
- ☐ Discourage the conduct of gender-based sexual harassment in the workplace;
- ☐ Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and
- ☐ Report acts of gender-based sexual harassment witnessed in the workplace.

Liability of Employers.

- a) Non-implementation of their duties under Section 17 of this Act, as provided in the penal provisions; or
- b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (₱5,000.00) nor more than Ten thousand pesos (₱10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (₱10,000.00) nor more than Fifteen thousand pesos (₱15,000.00).

Section 20. Routine Inspection. -The Department of Labor and Employment (DOLE) for the private sector and the Civil Service Commission (CSC) for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Act.

Gender-Based Sexual Harassment in Educational and Training Institutions.

All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of this Act, and shall, ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students

The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

Duties of School Heads. - School heads shall have the following duties:

- a) Disseminate or post a copy of this Act in a conspicuous place in the educational institution;
- b) Provide measures to prevent gender-based sexual harassment in educational institutions, like information campaigns;

Duties of School Heads. - School heads shall have the following duties:

c) Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment which shall:

- 1) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;
- 2) Designate a woman as its head and not less than half of its members should be women;
- 3) Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI as far as practicable;
- 4) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
- 5) Investigate and decide on complaints within ten (10) days or less upon receipt, thereof;
- 6) Observe due process;
- 7) Protect the complainant from retaliation; and
- 8) Guarantee confidentiality to the greatest extent possible.

Duties of School Heads. - School heads shall have the following duties:

d) Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:

- 1) Expressly reiterate the prohibition on gender-based sexual harassment;
- 2) Prescribe the procedures of the internal mechanism created under this Act; and
- 3) Set administrative penalties.