

Regulations for Establishing Measures of Prevention, Complaint and Punishment of Sexual Harassment in the Workplace

Amended Date 2008.07.08

- Article 1 These guidelines are enacted pursuant to Paragraph 3 of Article 13 of the Gender Equality in Employment Act.
- Article 2 For an employer hiring over thirty employees, he (or she) shall set up measures of prevention, complaint and punishment of sexual harassment in accordance with these guidelines. These measures shall be openly displayed in a noticeable place in the workplace and given to all employees.
- Article 3 An employer shall provide a work environment free of sexual harassment for his (or her) employees and job applicants. He (or she) shall adopt appropriate measures to prevent, correct, punish and handle this conduct and protect the privacy of the parties involved.
- Article 4 Measures for preventing and correcting sexual harassment shall include the following items:
- (1) Implement educational programs for preventing and correcting sexual harassment.
 - (2) Announce and publicly present a written policy for the prohibition of sexual harassment in the workplace.
 - (3) Promulgate complaint procedures for handling sexual harassment incidents and designate specific personnel or organization in charge of these procedures.
 - (4) Handle these complaints in confidentiality and protect complainant from any retaliation or other disadvantageous treatment.
 - (5) Establish measures for punishing those who are proven to be perpetrators after formal investigation.
- Article 5 An employer shall set up designated telephone, telex, special mail box or e-mail addresses to handle the complaints concerning sexual harassment. The related information shall be openly displayed at a noticeable place in the workplace.
- Article 6 The complaint of sexual harassment shall be filed orally or in writing. For

orally filed complaints, the personnel or unit in charge of receiving these complaints shall put them in record. After clearly announcing them to the complainant or let him (or her) read and ascertain the correctness of their contents, the complainant shall sign his (or her) name or imprint his (or her) seal on the record.

The written form referred to in the preceding paragraph shall be signed or sealed by the complainant and shall contain the following items:

(1) Name, service unit and position title, address or residence, contact telephone number of the complainant and the date of filing the complaint.

(2) If he (or she) has an agent, a commission form shall be forwarded and the name, address or residence and contact telephone number of the agent shall be listed.

(3) Facts and contents of the complaint.

Article 7 An employer who handles a complaint concerning sexual harassment shall be processed in secret.

For the purpose of handling a complaint referred to in the preceding paragraph, an employer and representatives of the employee shall jointly set up a compliant committee for handling sexual harassment. An appropriate ratio of the sexes of members of this committee shall be adverted.

Article 8 After an employer in receipt of a complaint, he (or she) may proceed to conduct an investigation. In the process of conducting such an investigation, the right of privacy and other legal rights concerning personality of the parties involved shall be protected and respected.

Article 9 When the compliant committee for handling sexual harassment is in session, it may inform the parties involved and other related persons to be present and make statements. It may also invite other persons with related expertise and experience to provide assistance.

Article 10 The compliant committee for handling sexual harassment shall render its decision with grounded reasons. It may also offer punishment or other proposals for solving the compliant.

The decision referred to in the preceding paragraph shall be informed to the complainant, the respondent of the complaint and the employer in

writing.

Article 11 A complaint shall be finalized and closed in three months after it is filed. If a complainant or a respondent of the complaint is not satisfied with the decision on the complaint, he (or she) may file an appeal within ten days. After the case is finalized and closed, the related parties may not file a complaint on the same incident.

Article 12 After a conduct of sexual harassment is investigated and proved to be taken place, an employer shall make an appropriate punishment or render other corrective measures to the respondent of the complaint in accordance with the seriousness of the incident. If the fact of false reporting is proved, the employer shall make an appropriate punishment or render other corrective measures to the complainant.

Article 13 An employee shall adopt follow-up monitoring, evaluation and supervision measures to ensure the effectiveness of the implementation of punishment and other related corrective measures. He (or she) shall avoid the recurrence of the same incident or the occurrence of retaliatory activities.

Article 14 If an employer regards that it is necessary to provide counseling or medical treatment for the parties involved, he (or she) may refer them to professional counselors or medical institutions.

Article 15 These guidelines shall be effective on the date of promulgation.