

Enforcement Rules of the Sexual Harassment Prevention Act

Announced Date 2006.01.25

- Article 1 These rules are promulgated pursuant to Article 27 of the Sexual Harassment Prevention Act (hereinafter referred to as the Act).
- Article 2 The determination of sexual harassment referred to in the Act shall be examined on a case-by-case basis, in order to investigate the concrete facts of the background of occurrence, environments, interpersonal relationships, the offender's speech and conduct and the understandings of the respondents.
- Article 3 The sexual assault crimes referred to in Article 2 of the Act shall mean the crimes prescribed in Article 2 of the of Sexual Assault Prevention Act.
- Article 4 The organizations, troops, schools, institutions or employers taking effective corrective measures according to Paragraph 1 to Article 7 of the Act shall pay attention to the following aspects:
1. Protecting victim's rights and privacy.
 2. Maintaining and improving the safety of the surrounding environment.
 3. Punishments to the offenders.
 4. Other prevention and improvement measures.
- Article 5 The calculation of the number of the organization's staff, employees or customers referred to in Paragraph 2 to Article 7 of the Act shall cover branch offices and subsidiary units. The number shall be calculated by the total amount of employees hired by the employer on the first working day of the month that the victim proposes a complaint. The customers mentioned in the preceding paragraph refers to those who receive services in that organizations, troops, schools, institutions or employers' places and not the organization's staff or employees.
- Article 6 When investigating the complaint or appeal of sexual harassment incidents, the organizations, troops, schools, institutions, employers or the competent authority of municipality and county (city) government may request the assistance of the police authorities if necessary.
- Article 7 Except the regulations in Paragraph 2, the competent authority of municipality and county (city) government prescribed in the Act refer to the competent authority of municipality and county (city) government of the offender's organization, troop, school, institution or employer when the victims of sexual harassment incidents propose a complaint. If the offender disappears or his or her organization, troop,

school, institution, or employer is unknown, the competent authority of municipality and county (city) government refers to the competent authority of municipality and county (city) government in the area of the sexual harassment incident.

The competent authority of municipality and county (city) government prescribed in Article 22 of the Act refers to the competent authority of municipality and county (city) government of the offender's organization, troop, school, institution or employer.

Article 8 The Enforcement Rules shall be implemented from February 5, 2006.