

勞動部「工作場所性騷擾防治措施申訴及懲戒辦法訂定準則」

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制定政策：2012

政策審查：2020

Article Content

Title : Regulations for Establishing Measures of Prevention, Correction, Complaint and Punishment of Sexual Harassment at Workplace^{CH}

Amended Date : 2020-04-06

Category : Ministry of Labor (勞動部)

Article 1

The Regulations are prescribed in accordance with of Paragraph 3 of Article 13 of the Act of Gender Equality in Employment.

Article 2

For an employer hiring over thirty employees, he/she shall set up measures of prevention, correction, complaint and punishment of sexual harassment in accordance with the regulations. These measures shall be openly displayed in a noticeable place in the workplace and given to all employees.

The measures in the preceding paragraph shall specify that when the employer is the harasser, the employee or applicant may also file a complaint with the local competent authority in addition to filing a complaint through the company's internal channels.

Article 3

An employer shall provide a work environment free of sexual harassment for his/her employees and applicants. He/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 correction of sexual harassment shall include the following items:

1. Implement educational programs for preventing and correction

of 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 adverse treatment.
5. Establish measures for punishing those who are proven to be perpetrators after formal investigation.

Article 4-1

Employers shall identify the risks of sexual harassment of the work environment and provide necessary prevention measures for employees working at workplaces could not be directed and managed by the employers; employers shall thoroughly inform employees of such information beforehand.

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/her read and ascertain the correctness of their contents, the complainant shall sign his/her name or imprint his/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/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 deals with a complaint concerning sexual harassment shall cope with the matters in secret.

For the purpose of dealing with the complaint referred to in the preceding paragraph, the employer and the employee representatives shall organize a committee for handling sexual harassment complaints. When the committee aforesaid is organized, attention shall be paid to an appropriate proportion of committee members' gender.

If the employer is a school, the complaint concerning sexual harassment may be handled by the Gender Equity Education Committee of the school in accordance with the Regulations.

Article 8

After an employer in receipt of a complaint, he/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 complaint.

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 decided in two months after it is filed. The process may be extended for one more month when it is necessary.

Both parties must be informed regarding the extension. The complainant or the respondent of the complaint may file a written

appeal within 20 days from the date of receiving the decision if either party is not satisfied with the decision.

Once the case aforesaid is closed, neither party may file a complaint for 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/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/she may refer them to professional counselors or medical institutions.

Article 15

The Regulations shall become effective on the date of promulgation.

The Regulations amended on April 6, 2020, shall take effect from November 1, 2020.