

## The Law on Sexual Harassment: A Focus on Employer's Liability

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The Article explores Republic Act R.A. No. 7877, the Law on Sexual Harassment, by specifically focusing on the liability of the employer. It first discusses the historical background of the creation of the law and the relief granted under it as explained in *Landgraf v. USI Film Products*. It also discusses the forms of sexual harassment both under Philippine Law and United States (U.S.) Law. It also delves into the standards applied in hostile working environment cases involving supervisors, namely, actual or constructive knowledge standard, bifurcated standard, and strict liability standard, as well as discusses the cases that addressed these standards such as *Meritor Savings Bank, FSB v. Vinson* and *Harris v. Forklift Systems, Inc.*

The Article also analyzes the application of these standards, more specifically actual or constructive knowledge standard in cases of co-workers and non-employers by discussing illustrative U.S. jurisprudence such as *Kelly-Zurian v. Wohl Shoe Co, Inc.* and *Weeks v. Baker & McKenzie*. The Article concludes that although there are differences between Philippine law and U.S. law on sexual harassment, there are similarities as well. Both recognize *quid pro quo* type and hostile working environment type of sexual harassment. In addition, cases decided by U.S. courts are relevant in resolving sexual harassment litigation that might arise under R.A. No. 7877. Furthermore, sexual harassment in the Philippines is a criminal offense, unlike in the U.S. where it is merely a civil offense. The standard used under Philippine law is knowledge on the part of the employer after having been informed of acts of sexual harassment by the offended party.