



POLICY

ANTI-SEXUAL HARASSMENT AND SAFE SPACES ACT

1AP-HRM-HRM-012

Communication Plan	
Target Date of Cascade	2021.06.01
Method of Cascade	<input checked="" type="checkbox"/> Email <input type="checkbox"/> SPOC Meeting <input type="checkbox"/> Other Meeting <input type="checkbox"/> Training <input type="checkbox"/> Bulletin Board <input type="checkbox"/> Others: _____
Target Participants	All AboitizPower Employees

Revision No.	Description of current revision	Effective Date
00	Initial Issue	2021-06-16

Document Approval				
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1. PURPOSE

1.1. Pursuant to Section 4, Republic Act No. 7877 (R.A. 7877) entitled “An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes” and Article IV, Section 17, Republic Act No. 11313 (R.A. 11313) entitled “An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefor” or the “Safe Spaces Act,” this Policy (the “Policy”) governing the prevention of all forms of sexual harassment, the procedure for filing, investigating and resolving sexual harassment complaints, and the proper decorum in the workplaces of the Company, is hereby issued.

2. SCOPE

2.1. This Policy applies to all team members, team leaders, applicants and trainees of the Company.

2.1.1. Team Leaders and Team Members - These rules shall cover any team leader who can be the offender or team member who may be a victim of sexual harassment

2.1.2. Applicants and Trainees - These rules shall also cover applicants for employment with the Company as well as its trainees and other persons seeking employment with the Company against whom act or acts of sexual harassment may be committed by team leaders/team members.

2.1.3. Project/Fixed Term Employees and Consultants - These rules shall also cover project/fixed term employees and consultants of the Company against whom act or acts of sexual harassment may be committed by team leaders/team members.

3. DEFINITION OF TERMS

The following terms shall mean and be understood as indicated below:

- 3.1.** Applicant - refers to a person seeking employment with the Company.
- 3.2.** Company - refers to each of Aboitiz Power Corporation and its subsidiaries and is the employer referred to under R.A. 7877 and R.A. 11313.
- 3.3.** CODI - refers to the “Committee on Decorum and Investigation” of the Company.
- 3.4.** Complainant - refers to the person filing the Complaint for a disciplinary case for sexual harassment.
- 3.5.** Complaint - refers to the written allegations filed by a Complainant against a Respondent in accordance with *7.1 Complaint*.
- 3.6.** Human Resource (HR) – refers to the Human Resources Department of the Company.
- 3.7.** HR Head – refers to the head of the Human Resources Department of the Company.
- 3.8.** Respondent - refers to the TM/TL against whom a Complaint is filed.

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- 3.9.** Team Leader (TL) - refers to the immediate supervisor, manager or officer, who has the authority to direct, coach, supervise and appraise the work performance of a Team Member.
- 3.10.** Team Member (TM) - refers to any person with whom the Company has an employer-employee relationship under the direction, coaching and supervision of a Team Leader.
- 3.11.** Project/Fixed Term Employee - refers to any person whose employment is co-terminus to an assigned project or deliverable.
- 3.12.** Consultant - Professionals or experts who render advisory services to the Company.
- 3.13.** Trainee - refers to a person undergoing an organizational, educational, or instructional process undertaken, sponsored, initiated, organized or sanctioned by the Company by virtue of which such individual acquires any knowledge or skill.

4. RESPONSIBILITIES

- 4.1.** For AP: President and AP Human Resources Head (AP HR Head)
For BUs: Chief Operating Officer (COO) and HR Head
 - 4.1.1.** Establishment of Committee on Decorum and Investigation (CODI) – It shall be the responsibility of the President and AP HR Head for AP, and the BU COO and BU HR Head for each BU, to ensure the establishment of this CODI under this Policy.
 - 4.1.2.** Immediate Action Upon Complaints – It shall likewise be the responsibility of the President and AP HR Head , and the BU COO and BU HR Head for each BU, to ensure that the CODI immediately acts on any Complaint or report involving an act or acts of sexual harassment committed in the Company’s employment environment. The President and AP HR Head and the BU COO and BU HR Head for each BU, may subject the members of the CODI to disciplinary action under the Company’s Code of Discipline, should they fail or refuse to act on such Complaints or reports in accordance with this Policy.
- 4.2.** Committee on Decorum and Investigation (CODI) - The CODI shall, among others:
 - 4.2.1.** Receive, investigate, and hear Complaints or reports of alleged sexual harassment cases;
 - 4.2.2.** Upon prior consultation with or subject to confirmation of the AEV Legal Labor team, AP Legal team, CSU Head, and HR Head, resolve sexual harassment cases within ten (10) working days upon receipt of a written Complaint or the clarifications of the Complainant under 7.1.4;
 - 4.2.3.** Prepare and submit reports for the President and AP HR Head , and the BU COO and BU HR Head for each BU, regarding the status of sexual harassment cases and reports in AP or the BU, as the case may be;
 - 4.2.4.** Collaborate with HR in developing and implementing programs to increase understanding and awareness on sexual harassment, and in establishing measures to prevent sexual harassment in the workplace;

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- 4.2.5. Ensure, to the best of the CODI's ability, protection of Complainants from further harassment or retaliation in connection with the alleged act or acts of sexual harassment;
- 4.2.6. Guarantee, to the greatest extent possible, gender-sensitive handling of sexual harassment cases and the confidentiality of the proceedings and the identities of all persons involved in sexual harassment cases; and
- 4.2.7. Review, improve, and further develop this Policy, in collaboration with HR.
- 4.3. Human Resource (HR):
 - 4.3.1. Shall disseminate or post copies of this Policy, R.A. 7877, and R.A. 11313, in a visible place in the workplace for the information of all concerned.
 - 4.3.2. Work with CODI in developing and implementing programs related to this Policy.
- 4.4. Team Members (TMs) and Team Leaders (TLs):
 - 4.4.1. Shall report to and inform any member of the CODI, the HR Head, and/or such TM/TL's CSU Head of any knowledge of or any information that an act or acts of sexual harassment has/have been committed in the workplace. The identity of the informant shall be kept confidential but the information may be used by the CODI to conduct a fact-finding investigation;
 - 4.4.2. Refrain from committing acts of sexual harassment;
 - 4.4.3. Discourage the conduct of sexual harassment in the workplace;
 - 4.4.4. Provide emotional or social support to fellow TM/TL's, co-workers, colleagues or peers who are victims of sexual harassment.

5. DEFINITION OF SEXUAL HARASSMENT

- 5.1. Committed when the act or conduct constitutes a violation of, or sexual harassment under R.A. 7877, particularly when, in a work-related or employment environment:
 - 5.1.1. The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms of conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the TM/TL which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said TM/TL;
 - 5.1.2. The above acts would impair the TM/TL's rights or privileges under existing labor laws; or
 - 5.1.3. The above acts would result in an intimidating, hostile, or offensive environment for the TM/TL.
- 5.2. Constitutes a violation of Gender Based Sexual Harassment under R.A. 11313, such as:
 - 5.2.1 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 e-mail or through any other forms of information and communication systems, that has

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or could have a detrimental effect on the conditions of an individual's employment, training or education, job performance or opportunities;

5.2.2 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; or

5.2.3 A conduct that is unwelcome and pervasive and creates an intimidating, hostile or a humiliating environment for the recipient.

5.3. Sexual harassment may be committed:

5.3.1 By a TM/TL, manager, officer, an agent or representative of the Company, trainer, or any other person, who having authority, influence or moral ascendancy over another in a work or training or education environment, when the sexual harassment falls under 5.1 or 5.2.

5.3.2 By any person, such as between peers, to a superior officer by a subordinate, or to a trainer by a trainee, or by a TM/TL against a client or customer of the Company, when committed in the Company premises or during official business, when the sexual harassment falls under under 5.2.

5.3.3 In any place, when committed in accordance with 5.1 or 5.2.

5.3.4 In the workplace, which include all sites, locations, spaces, where work is being undertaken by a TM/TL within or outside the premises of the usual place of business of the employer, when committed in accordance with 5.1 or 5.2.

5.4. Other persons liable – Any person who directs or induces another to commit any act or acts of sexual harassment, or who cooperated in the commission or concealment thereof, shall also be liable for sexual harassment.

6. COMMITTEE ON DECORUM AND INVESTIGATION

6.1. A Committee on Decorum and Investigation (CODI) is hereby created for each of the Company's offices.

6.2. Unless otherwise provided under the law or this Policy, the members of the CODI, together with their alternates, shall be appointed by the President and the AP HR Head with respect to the AP CODI, and the BU COO and the BU HR Head, with respect to the BU CODI. A member of the CODI shall remain as such unless replaced, or unless the CODI member voluntarily resigns or is separated from the Company.

6.3. Each CODI established pursuant to this Policy shall be composed of five (5) members, with corresponding alternates, as follows:

6.3.1. A representative from Human Resource holding the position of Assistant Vice President or higher as Chairperson.

6.3.2. A representative from AP Legal, BU Legal or, in case a BU does not have a Legal Department, BU Compliance, holding the position of Assistant Vice President,

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or, in the absence of such person, the highest ranking TL from the legal or compliance department, as Vice Chairperson.

- 6.3.3.** A representative from the TLs holding a managerial level as Member;
- 6.3.4.** A representative from the Officer level as Member;
- 6.3.5.** Another representative from the Associate/Specialist level or union members (if any), as Member.
- 6.3.6.** In all cases, the Chairperson must be a woman and at least half of the CODI members must be women. The representative from the Associate/Specialist level shall be selected among them and by vote.
- 6.3.7.** No TM/TL who has a prior record as a Respondent, defendant or accused in any sexual harassment case may be appointed as a member of the CODI.
- 6.4.** At least three (3) members of the CODI shall constitute a quorum. Any act of the CODI shall require the concurrence of at least a majority of the CODI members present at a meeting at which there is a quorum. CODI meetings may be conducted through videoconference or teleconference, whenever practical or necessary.
- 6.5.** See 4.2 for *CODI Responsibilities*.
- 6.6.** Inhibition from any member of the CODI happens when:
 - 6.6.1.** There are Complaints of sexual harassment against such member;
 - 6.6.2.** Is complained of for sexual harassment;
 - 6.6.3.** Is requested by either the Complainant or the Respondent to inhibit based on conflict of interest, manifest partiality, or other reasonable grounds, where sufficient grounds for inhibition are unanimously found by the remaining members of the CODI, provided that the remaining members constitute a quorum;
 - 6.6.4.** Is connected or related to the Complainant, offender or the Respondent within the fourth degree of consanguinity or affinity, shall inhibit himself/herself from participating in the deliberations of the CODI and be replaced by the alternate member from the same group where the inhibiting member is from.
- 6.7.** On the basis of any reported act or alleged acts of sexual harassment committed by any TM/TL, the CODI, in coordination with AEV Legal – Labor, shall conduct a fact-finding investigation to determine the veracity of the report. After verification of any such allegations or reports and if a Complainant files a Complaint, the CODI shall proceed with the disciplinary case for sexual harassment against the Respondent pursuant to 7.0 *Procedure on the Disciplinary Case for Sexual Harassment* of this Policy.
- 6.8.** For procedures involving senior officers, the President, the BU COO or the HR Head reserves the right to independently investigate, hear, and process a case involving a senior officer of the Company, including the meting out of the appropriate penalty as provided herein, when warranted. For purposes of this Policy, “senior officer” shall mean any person employed by the Company who is classified as GSL 5 and up.

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7. PROCEDURE ON THE DISCIPLINARY CASE FOR SEXUAL HARASSMENT

7.1. Complaint

- 7.1.1.** The Complaint shall be in writing and filed with the CODI, HR Head or CSU Head. If filed with the HR Head or the CSU Head, the Complaint shall be transmitted to the CODI within two (2) calendar days from receipt of the Complaint. The Chairperson must immediately notify the AEV CEO and the AEV Group HR Head, CEO and AP HR Head, or BU COO and BU HR Head, as the case may be, of any Complaint received where the Respondent is an officer of the Company. For purposes of this Policy, “officer” shall mean any person employed by the Company who is classified as GSL 3 and up. In all cases, the CODI, AP HR Head, BU HR Head, or CSU Head, shall notify and furnish AEV Legal-Labor with a copy of the Complaint.
- 7.1.2.** The Complaint is not required to be notarized or executed under oath. No particular form is required for the Complaint but it must contain the following:
- 7.1.2.1 The full name and address of the Complainant;
 - 7.1.2.2 The full name and address of the Respondent;
 - 7.1.2.3 A specification of the charge or charges; and
 - 7.1.2.4 A brief statement of the relevant and material facts.
- 7.1.3.** The Complainant should exert reasonable efforts to submit any evidence in his/her possession, including affidavits of witnesses, together with the Complaint, or to provide the same during the administrative hearing.
- 7.1.4.** Where the Complaint is vague, too general, or lacks the prescribed information in 7.1.2, the CODI may require the Complainant to clarify the allegations or provide additional details in writing. The Complaint shall not be deemed duly filed if the Complainant refuses or fails to provide clarifications despite notice.
- 7.1.5.** A withdrawal of the Complaint at any stage of the proceedings shall not preclude the CODI from proceeding with the investigation of the case.
- 7.1.6.** Within two (2) calendar days from receipt of the Complaint or the clarifications of the Complainant, the CODI shall issue a Notice to Explain (NTE) to the Respondent. The contents of the NTE shall be in accordance with the Company’s Code of Discipline.
- 7.1.7.** For a report of alleged sexual harassment received via the Company’s whistleblowing portal, the report may be transmitted by the Chief Legal Officer within the same period from notice of the report to be acted upon in accordance with 6.7. *Fact-finding Investigation*.

7.2. Respondent’s answer

- 7.2.1.** The Respondent must submit his/her answer within the prescribed period under the NTE. The answer shall be in writing and signed by the Respondent, copy furnished the Complainant. If the Complaint is notarized, the answer must likewise be notarized. No particular form is required, but it is sufficient that the

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answer contains a specific admission or denial of the charge or charges and a statement of the relevant facts constituting the Respondent's defense.

7.2.2. The Respondent may submit any evidence in his/her possession, including affidavits of witnesses, together with the answer.

7.2.3. Failure of the Respondent to file an answer or to appear during the administrative hearing shall be construed as a waiver to present evidence in his/her behalf, and the CODI shall resolve the case based on the evidence at hand.

7.3. Preventive Suspension

7.3.1. The CODI may place the Respondent under preventive suspension for up to thirty (30) calendar days during the pendency of the Complaint.

7.3.2. The basis, effective date, and the duration of the preventive suspension shall be indicated in the NTE.

7.4. Administrative Hearing of the Disciplinary Case for Sexual Harassment

7.4.1. Except in cases where the Respondent has admitted guilt on the commission of the sexual harassment, the CODI shall conduct an administrative hearing on the disciplinary case.

7.4.2. The Complainant and the Respondent shall be notified in writing of the time, date and place of the hearing, at least one (1) calendar day before the scheduled hearing.

7.4.3. During the administrative hearing, either party may present witnesses and submit additional evidence.

7.4.4. Either party may be assisted by counsel during the administrative hearing.

7.4.5. No postponement shall be granted except in meritorious cases and upon prior consent of the Complainant or the Respondent.

7.5. Decision

7.5.1. The CODI must issue the Notice of Decision, upon prior consultation with or subject to confirmation of AEV Legal - Labor, AP Legal, CSU Head and HR Head, within ten (10) working days from receipt of the Complaint or the clarifications of the Complainant, copy furnished the Complainant. The Notice of Decision must be in writing and must indicate the penalty imposed. *Please refer to Annex "A" Breakdown of 10-working day requirement processing time*

7.6. Penalty

7.6.1. Sexual Harassment is considered disgraceful, immoral, disrespectful and offensive conduct and one of the severest and gravest offenses that may be committed by any TM/TL. For such reason, the penalty of termination of employment shall be imposed upon those found guilty of Sexual Harassment, including the other persons liable under *5.4 Other persons liable*, depending on

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gravity or severity of their act or conduct, or the extent of their participation or involvement in the commission of sexual harassment.

7.7. Appeal

7.7.1. Either the Complainant or the Respondent may file an appeal to the President/BU COO and the HR Head, within five (5) calendar days from receipt of the Notice of Decision. The appeal must be in writing, indicating the grounds or reasons therefor.

7.8. Criminal and Civil Prosecutions

7.8.1. Administrative sanctions shall not bar the prosecution in the proper courts against the Respondent for his/her unlawful act or acts of sexual harassment. Nothing in this Policy shall preclude the Complainant from instituting a separate and independent action for damages and other affirmative reliefs.

7.9. Suppletory Application of the Company Code of Discipline.

7.9.1. The Code of Discipline of the Company shall have suppletory application in the procedure on sexual harassment cases.

8. SUPPORT SERVICES TO VICTIMS

8.1. The Company shall extend support services to any TM/TL who is, or may become, a Complainant.

8.1.1. Subject to certain conditions and limits imposed on availing of official leave of absence, the TM/TL may pursue activities indispensable to the prosecution of civil or criminal action as the case may be for sexual harassment on official time. Whenever possible, the TM shall inform his/her TL, who is not the person complained of, at least one (1) day in advance of the intended date to undertake such activities on official time.

8.1.2. The Company shall also provide access to sexual harassment-related counseling services to TM/TL's through counseling professionals engaged or retained by or through the Company.

9. EFFECTIVITY

9.1. This Policy shall take effect upon signing thereof by the President and the AP HR Head, for AP, and the respective BU COOs and BU HR Heads, for the BUs.

10. REFERENCES

- | | | |
|--------------|-------------------------------|----------------------------------------------------|
| 10.1. | Republic Act No. 7877 | Anti-Sexual Harassment Act of 1995 |
| 10.2. | Republic Act No. 11313 | Safe Spaces Act |
| 10.3. | IRR of Republic Act No. 11313 | IRR of Safe Spaces Act |
| 10.4. | 1AP-HRM-011 | Aboitiz Group Code of Ethics and Business Conduct) |
| 10.5. | 1AP-HRM-011-G001 | Guideline(Employee Discipline) |

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ANNEX "A"

Breakdown of 10-working day requirement processing time

Breakdown of 10-working day requirement processing time	<p>Procedure</p> <p>a) Counting of 10-working day requirement commences from the day immediately after the CODI's receipt of the Complaint or clarifications, whichever is later (period covering the receipt of and transmittal to CODI by the HR Head, CSU Head, or Whistleblowing Committee not included)</p> <p>b) Within 2 calendar days from receipt of the Complaint or clarifications of Respondent, whichever is later, CODI to issue Notice to Explain (NTE)</p> <p>c) Within 5 calendar days from receipt of NTE, Respondent to file Answer</p> <p>d) From receipt of Answer or lapse of 5 calendar days, issue a Notice of Administrative Hearing to Respondent at least 1 day prior to hearing schedule</p> <p>e) CODI conducts administrative hearing</p> <p>f) CODI deliberations</p> <p>g) CODI issues Notice of Decision (NOD)</p> <p>Note: 10-working days consist of business days in general, excluding holidays, non-working special days, or when the employer is closed</p> <p>Illustration for a 5-day workweek:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Process</th> <th style="text-align: center;">Day of the Week</th> <th style="text-align: center;">Working day computation</th> </tr> </thead> <tbody> <tr> <td>CODI receives Complaint</td> <td style="text-align: center;">Monday</td> <td></td> </tr> <tr> <td>CODI issues NTE</td> <td style="text-align: center;">Wednesday</td> <td style="text-align: center;">2nd day</td> </tr> <tr> <td>Respondent files Answer</td> <td style="text-align: center;">Monday</td> <td style="text-align: center;">5th day</td> </tr> <tr> <td>CODI issues Notice of Admin Hearing</td> <td style="text-align: center;">Tuesday</td> <td style="text-align: center;">6th day</td> </tr> <tr> <td>Conduct of administrative hearing</td> <td style="text-align: center;">Wednesday</td> <td style="text-align: center;">7th day</td> </tr> </tbody> </table>	Process	Day of the Week	Working day computation	CODI receives Complaint	Monday		CODI issues NTE	Wednesday	2 nd day	Respondent files Answer	Monday	5 th day	CODI issues Notice of Admin Hearing	Tuesday	6 th day	Conduct of administrative hearing	Wednesday	7 th day
Process	Day of the Week	Working day computation																	
CODI receives Complaint	Monday																		
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	CODI deliberations	Thursday	8 th day
	CODI prepares NOD, for confirmation by AEV Legal - Labor, AP Legal, CSU Head, and HR Head	Friday	9 th day
	CODI issues NOD	Monday	10 th day