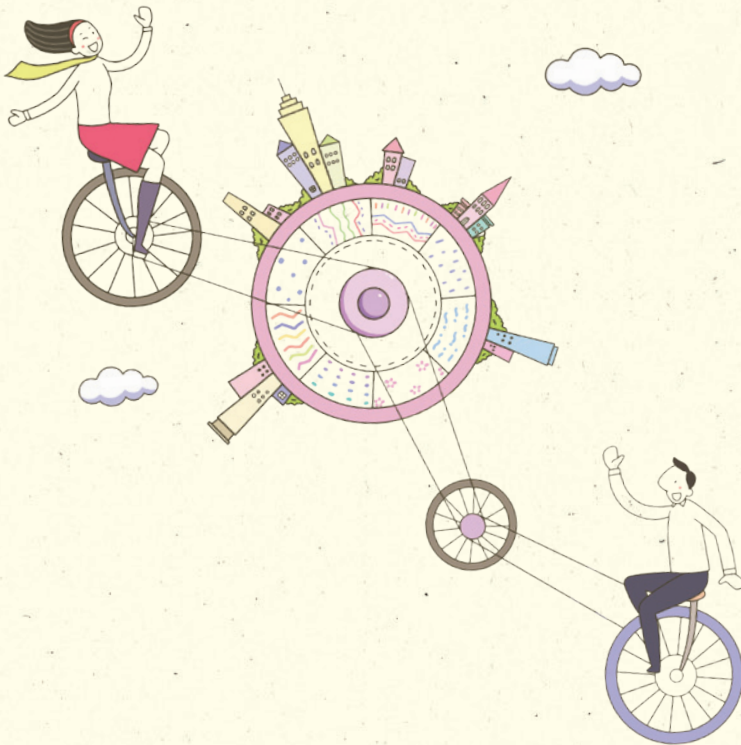
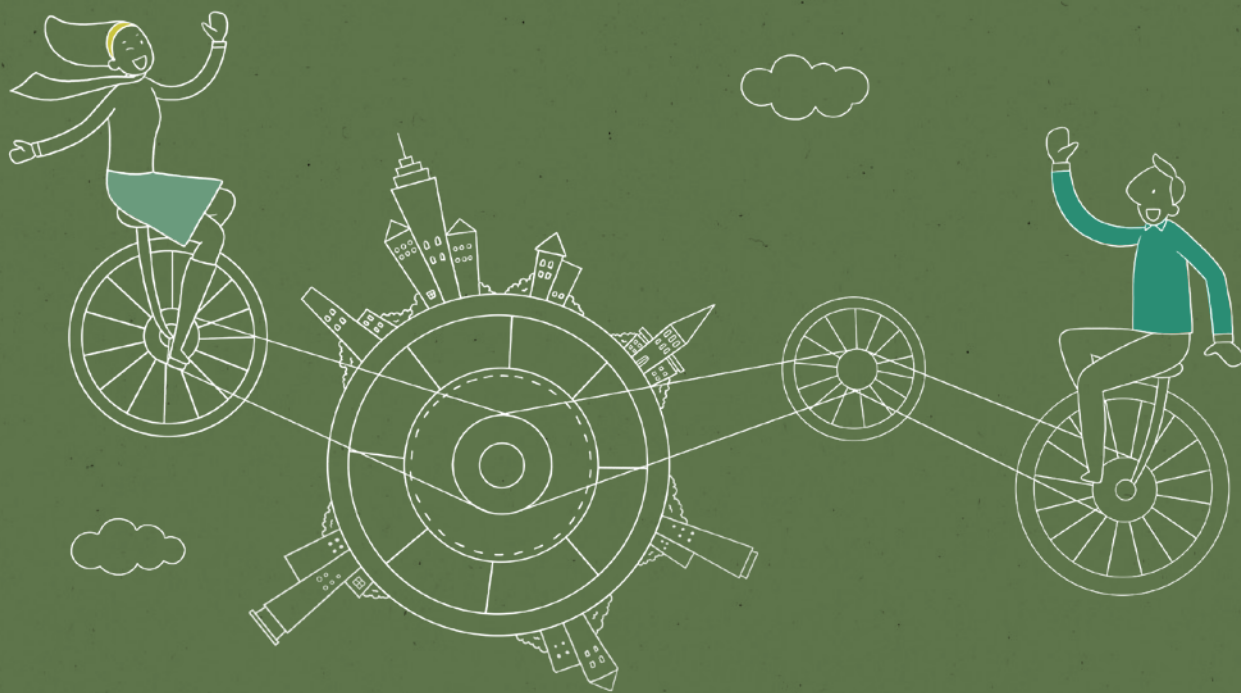


Prevention of Sexual Harassment,
The First Step towards a
Happy Working Environment.



Prevention of Sexual Harassment,
The First Step towards a
Happy Working Environment.



Contents

What is Sexual Harassment at Work? _ 04

Criteria of Sexual Harassment at Work _ 05

How to Handle Sexual Harassment at Work _ 07

How to Avoid Being an Offender of Sexual Harassment at Work _ 08

Employers' Obligation to Conduct Sexual Harassment Prevention Education at Work _ 09

Guidelines for Sexual Harassment Prevention Education at Work _ 10

Disciplinary Measures Taken by Employers against Sexual Harassment at Work _ 11

Prevention Efforts against Sexual Harassment from Clients and Others _ 12

Penalties for Sexual Harassment at Work _ 13

Employers' Support for Prevention of Sexual Harassment at Work _ 14

What is Sexual Harassment at Work?

What is Sexual Harassment at Work?

The term "sexual harassment at work" refers to a situation where an employer, a superior, or a worker causes another worker to feel sexually humiliated or offended by sexually charged words or actions by using their position in the workplace or in relation to work, or giving disadvantages in employment for disregarding sexual words or actions or any other demands, etc.

* Article 2(2) of 「Act on Equal Employment and Support for Work-Family Reconciliation」 (hereinafter referred to as 'the Act')

■ an employer, a superior or a worker (including colleagues and subordinates)

* A superior is a person who has effective control over his/her subordinates within the company (e.g. a president, registered director or non-standing officer).

■ a colleague

* Both men and women can be the victims of sexual harassment at work. While the majority of victims are women colleagues or subordinates, men can also fall victim to the harassment.

■ a person who perpetrates by using his/her position in the workplace or in relation to work

■ a person who makes another worker feel humiliated or offended by sexually charged words or advances, or gives disadvantages in employment for disregarding sexual words or advances or any other demands, etc.

No employer, superior or worker shall engage in sexual harassment at work (Article 12 of the Act).

Criteria of Sexual Harassment at Work

* Addendum 1 of Enforcement Regulations of the Act.

Physical or verbal conduct of a sexual nature

■ Physical conduct

- Unwelcome physical advances, such as hugging or kissing
- Intentional sexual contacts with certain body parts such as breasts or buttocks
- Unwanted pressure for sexual favors such as massage or caressing

■ Verbal conduct

- Unwanted sexual teasing, jokes or remarks, including harassing telephone calls
- Sexual comments about a person's physical appearance or looks
- Asking about sexual preferences or history, or spreading sexual rumors about another person
- Unwanted pressure or persuasion for sexual acts
- Coercing a person to sit next to him/her to pour drinks

■ Visual conduct

- Posting or showing obscene photos, pictures or written materials (including via electronic means such as a computer or fax machine)
- Touching or rubbing oneself sexually, or intentionally exposing certain body parts

■ Other physical or verbal conducts of a sexual nature that may be socially or ethically considered to cause sexual humiliation or repulsion

Quid pro quo harassment

- Quid pro quo harassment is when employment and/or employment decisions for an employee, such as job cancellation, pay cut, withholding promotion, transfer, suspension, leave of absence, or dismissal, are based on that employee's acceptance or rejection of unwelcome sexual advances.

Note

Sexual harassment should be determined based on the victim's personal or subjective view of the incident, while also considering the objective views and possible reactions of the social norms to the same situation. In this regard, it should be noted that whether the work environment created by unwelcome sexual behavior or advances is offensive and hostile, and that adversely affects the employee's ability to do his/her job.

How to Handle Sexual Harassment at Work

Sexual harassment in the workplace must be strongly confronted.

■ Make it clear that you consider the behavior harassment and want it to stop.

- * If a direct rejection is difficult, try different means such as sending a letter demanding a halt to the harassment.

■ Gather evidence.

- * Write down the details of the incident, including the date, time, place, relevant details, witness testimony, and what you felt and thought of the offender's sexual remarks or physical advances, etc.

■ If there is no honorary equal employment inspector or grievance settlement committee person to help, notify and require a superior to take action to stop the harassment.

■ Ask for assistance or file a complaint at local employment and labor offices.

Call 1644-3119

Mobile application 「Report violations at work」
URL - www.moel.go.kr
Mobile URL - m.moel.go.kr

- * For FAQ or further information on sexual harassment at work, please contact the customer service of MOEL by dialing 1350.

- * Other counseling centers: 15 nation-wide Counseling Offices for Equal Employment

- * For any sexual abuse or assault, please call the Emergency hotline for Women at 1366.



How to Avoid Being an Offender of Sexual Harassment at Work

- Do not post sexually suggestive pictures or photos, or make sexually charged jokes.
- Do not comment about physical appearance or private life, or make unnecessary physical contacts.
- Stop immediately when confronted.
- Do not request for dates by using the position within the company.
- Do not make a worker pour drinks against his/her will at company gatherings after work or picnics.
- Actively participate in the sexual harassment prevention education.

"Prevention of sexual harassment at workplace is common sense and courtesy toward others."



Employers' Obligation to Conduct Sexual Harassment Prevention Education at Work

- An employer must conduct education in order to prevent sexual harassment at work and to create a safe working environment for workers. (Article 13(1) of the Act)
- An employer shall conduct education to prevent sexual harassment at work at least once a year. (Article 3(1) of Enforcement Decree of the Act)
- The prevention education stated in Article 3(1) shall include each of the following sub-paragraphs. (Article 3(2) of Enforcement Decree of the Act)
 - ① Laws and regulations regarding sexual harassment at work;
 - ② Handling procedures and standards for measures upon occurrence of sexual harassment at work of the workplace concerned;
 - ③ Grievance counseling and remedial procedures for victims of sexual harassment at work of the workplace concerned; and
 - ③ Other matters necessary for the prevention of sexual harassment at work.
- The prevention education, in consideration of business size, or character, may be provided at employee training, assemblies and meetings, and via cyber education using information communication network, such as the Internet.
 - Provided that in cases where it is difficult to confirm whether education contents are properly delivered to workers as educational materials, etc., have been simply distributed or posted or electronic mail thereon has been sent or announced on the bulletin board, it shall not be considered that prevention education has been provided (Article 3(3) of Enforcement Decree of the Act).

Guidelines for Sexual Harassment Prevention Education at Work

- An employer of a company with more than one employee shall conduct education to prevent sexual harassment at work at least once a year.
 - An employer prescribed in Article 2(4) of 「Act on the Protection, etc. of Dispatched Workers」 shall be regarded as the employer who conduct sexual harassment prevention education at the workplace where dispatched workers are used as prescribed in Article 13 of the same act (Article 34 of the Act).
- All workers shall receive the education
 - Regular workers as well as temporary/irregular workers, and part-time workers shall all be included in the education.
 - The education shall be thoroughly conducted for an appropriate length of time (e.g. 1 hour).
- An employer may conduct the education himself/herself or entrust it to an education institution.
 - Instructors shall be an experienced person who completed a course for the sexual harassment prevention education.
 - * If no one has taken the course in the workplace, it is advisable for a head of department or a person with a higher position to conduct the education.
 - The education institution for sexual harassment prevention shall be designated among the institutions provided by the Ordinance of the Ministry of Employment and Labor (Article 13(2) of the Act).
 - * The list of designated centers for sexual harassment prevention education is posted on the official website of the Ministry of Employment and Labor.

Disciplinary Measures Taken by Employers against Sexual Harassment at Work

- An employer shall take immediate disciplinary actions against the worker who committed sexual harassment at work.
 - An employer shall take disciplinary measures or other equivalent actions against the sexual harasser without delay if an occurrence of sexual harassment at work has been verified (Article 14(1) of the Act).
- No employer shall take any disadvantageous actions against the victim.
 - With regard to a sexual harassment on the job, an employer shall not dismiss or take any other disadvantageous measures against the employee who has raised the relevant protest or employee affected thereby in accordance with Article 14(2) of the Act.

An employer who fails to take, without delay, a disciplinary measure or other equivalent actions against the sexual harasser shall be punished by a fine for negligence not exceeding 5 million won (Article 39(2) of the Act).

Violation of this is subject to a sentence of up to 3 years of imprisonment with forced labor or up to 20 million won of fine pursuant to Article 37(2).2 of the Act.

Prevention Efforts against Sexual Harassment from Clients and Others

- An employer shall prevent the employees from falling victim of sexual harassment by clients and others.
 - If a worker closely related to the duties, such as a client, etc. causes another worker to feel sexually humiliated or offended by sexual words, actions, etc. during the performance of duties, and the latter requests resolution of the grievances thereby, the employer shall make efforts to take all possible measures, such as the change of the place of work, relocation, etc. (Article 14-2(1) of the Act).
- No employer shall take any disadvantageous measures against the employee who claims he or she is sexually harassed by a client and others.
 - No employer shall take any disadvantageous measures against the employee such as removal from the job on account of his/her claim for any damage from sexual harassment or of disregard for sexual demands from a client, etc. (Article 14-2(2) of Act).

A dismissal or other disciplinary actions of an employer against a worker on account of a claim for damage from sexual harassment from a client, etc. shall be punished by a fine of not more than five million won (Article 39, 2(2) of the Act).

Penalties for Sexual Harassment at Work

Prohibition of Sexual Harassment at Work (Article 12)	No employer, superior or worker shall engage in sexual harassment at work.	a fine of not exceeding 10 million won (Article 39(1))
Education to Prevent Sexual Harassment at Work (Article 13(1))	An employer shall conduct education in order to prevent sexual harassment at work and to create a safe working environment for workers.	a fine of not exceeding 3 million won (Article 39(3))
Measures to Be Taken in case of Sexual Harassment at Work (Article 14(1))	The employer shall take without delay disciplinary measures or any other equivalent actions against the sexual harasser if an occurrence of sexual harassment at work has been verified.	a fine of not exceeding 5 million won (Article 39(2))
Prohibition of Disadvantageous Measures against the Victims of Sexual Harassment (Article 14(1))	With regard to a sexual harassment on the job, the employer shall not dismiss or take any other disadvantageous measures against the employee who has raised the relevant protest or employee affected thereby.	a fine of not exceeding 20 million won or by imprisonment not exceeding 3 years (Article 37(2))
Prevention of Sexual Harassment by Clients, etc. (Article 14, 2(1))	If a person closely related to the duties, such as a client, etc., causes a worker to feel sexually humiliated or offended by sexual words, actions, etc., during the performance of duties, and such worker requests resolution of the grievances thereby, the employer shall make efforts to take all possible measures, such as the change of the place of work, relocation, etc.	-
Prohibition of Disadvantageous Measures against the Victims of Sexual Harassment by Clients, etc. (Article 14-2(2))	No employer shall take any disadvantageous measures against the employee such as removal from the job on account of his/her claim for any damage from sexual harassment or of disregard for sexual demands from a client, etc.	a fine of not exceeding 5 million won (Article 39(2))

Employers' Support for Prevention of Sexual Harassment at Work

- Sexual harassment prevention education will be provided for free of charge to the businesses with no more than 30 employees.
 - The education will be delivered at the businesses by a pool of instructors comprised of certified labor consultants and counselors from equal employment consulting office, etc.
 - For free instructor resources, call **1644-3119**
- A person in charge of sexual harassment prevention in the workplace can take part in a training course for instructors.
 - "Sexual harassment prevention course for in-company instructors" will be available to those who are in charge of sexual harassment prevention in the workplace, honorary equal employment inspectors, etc.
- Consulting services for workers are available at Korea Workers' Compensation and Welfare Service for businesses with no more than 300 employees.
 - Consulting services for workers are available at Korea Workers' Compensation and Welfare Service for the businesses with no more than 300 employees.
 - For more information please call **1588-0075**, or visit www.workdream.net

Creating a Healthy Work Environment

Starts with the Prevention of Sexual Harassment



Ask for assistance or
file a complaint at local
employment and labor offices.

1644
-3119



Prevention of Sexual Harassment,

The First Step towards a Happy Working Environment.

Publication Date: October 2014

Publisher: Women's Employment Policy Division,
Ministry of Employment and Labor

Address: Building 11, Government Complex Sejong,
422, Hannuri-daero, Sejong, Korea

Phone Number: +82-44-202-7475

Planning: Women's Employment Policy Division,
Ministry of Employment and Labor