

性騷擾防治申訴及調查處理要點

Guidelines for Prevention, Complaint, and Investigation of Sexual Harassment

1. In order to prevent sexual harassment and protect the rights of victims, these guidelines, hereinafter referred to as the 'Guidelines for Complaint and Investigation of Sexual Harassment,' are established in accordance with Article 7, Paragraphs 1 and 2 of the Sexual Harassment Prevention Act.
2. The term "sexual offenses" referred to in these guidelines refers to crimes defined in Article 2 of the Sexual Offenses Prevention Act, including crimes specified in Articles 221 to 227, Article 228, Article 229, Article 332, Paragraph 2, Clause 2, Article 334, Clause 2, Article 348, Paragraph 2, Clause 1 of the Criminal Code, and crimes specified in special laws related to sexual offenses. The term "sexual harassment" refers to behaviors related to sex or gender, excluding sexual offenses, that are committed against others against their will and meet one of the following conditions:
 - Using the submission or rejection of such behavior by the other person as a condition for gaining, losing, or diminishing their rights related to work, education, training, services, programs, or activities.
 - Displaying or broadcasting in a manner of text, pictures, sound, images, or other items, or using discriminatory or insulting words or actions, or by other means, causing harm to the dignity of others, or creating situations that induce fear, hostility, or offense, or unduly affecting their work, education, training, services, programs, activities, or normal life.
3. These guidelines apply to employees or service personnel subject to the Sexual Harassment Prevention Act, but sexual harassment behaviors subject to the Gender Equality in Employment Law or Gender Equality Education Law are not covered by these guidelines.
4. These guidelines aim to prevent the occurrence of sexual harassment behaviors, establish a friendly working or business environment, eliminate factors of hostility based on sex or gender within the work or business environment, and protect employees or service personnel from the threat of sexual harassment.
5. Regular or encouraged participation in education and training related to sexual harassment prevention should be held annually. Reasonable planning of gender equality and sexual harassment prevention courses should be included in on-the-job training or workshops for employees. Participants will be granted attendance registration and financial subsidies.
6. The channels for lodging sexual harassment complaints are as follows:
 - Contact: +886 2 23222346

- Dedicated mailbox or email: info@nts.com.tw
 - Person or Unit Responsible: COO Upon receiving a sexual harassment complaint, a designated person or unit will be assigned to coordinate the handling.
7. When becoming aware of instances of sexual harassment, immediate and effective corrective and remedial measures should be taken, with attention to the following:
- Protecting the rights and privacy of the victim.
 - Maintaining or improving the safety of the relevant physical space.
 - Disciplinary actions against the perpetrator.
 - Other preventive and improvement measures.
8. To handle sexual harassment complaints and investigations, a Sexual Harassment Complaint Handling and Investigation Unit should be formed for processing complaints. The unit should consist of at least two members, with at least half being female representatives. Expert scholars may be hired if necessary. Alternatively, a permanent Sexual Harassment Complaint Investigation Committee may be established to handle and investigate sexual harassment cases, with a chairperson responsible for presiding over meetings. If the chairperson is unable to preside over a meeting, another member may be designated as a proxy. The committee should have at least two members, with at least half being female representatives. Expert scholars may also be hired if needed. The investigation may involve notifying the parties involved and inviting individuals with relevant expertise and experience to assist.
9. Sexual harassment complaints should be submitted in writing or orally. If provided orally, the receiving personnel or unit should create a record. After reading or allowing the complainant to read the record and confirming its accuracy, the complainant should sign or affix a seal. The record should include the complainant's name, gender, age, ID number or passport number, organization or educational institution, position, address, contact number, and, if applicable, information about legal guardians or appointed agents, along with a description of the incident and relevant evidence. The date of the complaint should also be included. If the record does not comply with the specified requirements but can be corrected, the complainant should be notified and given 14 days to make corrections. According to the Administrative Procedure Act, complaints of sexual harassment from minors should be represented by their legal guardians.
10. Sexual harassment complaints meeting certain conditions, such as not being corrected within the specified period or having already been investigated and results communicated to the parties involved, should not be accepted. When not accepting a sexual harassment complaint, the parties involved should be notified in writing within 20 days, and the notification should be copied to the Taipei City Government's Department of Social Welfare.
11. Individuals involved in the investigation of sexual harassment incidents should recuse themselves in certain situations, such as having a close relationship with the parties involved or having a conflict of interest. Parties involved can also request recusal if there is a perceived bias. Recusal requests should be submitted to the Sexual Harassment Complaint Investigation Committee, along with reasons and supporting evidence. The accused investigator should be given an opportunity to provide comments. If the accused investigator does not recuse themselves when required, the committee should order recusal. The investigation should be temporarily halted if the accused investigator has not recused themselves, except in urgent situations.
12. Investigations into sexual harassment complaints should begin within 7 days of receiving the complaint or transferring the case, and they should be completed within 2 months. An extension of 1 month may be granted if necessary.

13. Before the Sexual Harassment Complaint Investigation Committee communicates the investigation results to the parties involved, the complainant or their authorized representative may withdraw the complaint in writing. If the complaint is withdrawn, and a resolution has been reached through mediation by the competent authority at the county (city) level, the same complaint cannot be submitted again.
14. Personnel involved in the handling of sexual harassment complaints should maintain confidentiality regarding the complainant's identity and other information unless necessary for the investigation or for public safety considerations. Violation of this confidentiality requirement may result in termination of participation, penalties, and accountability in accordance with relevant regulations.
15. For the Sexual Harassment Complaint Investigation Committee or the investigation unit, more than half of the members or unit members must be present to hold a meeting, and resolutions require the agreement of more than half of the attending members or investigators, with the chairperson's vote being decisive in case of a tie.
16. During the investigation of sexual harassment incidents, the following principles should be adhered to:
 - The investigation should be conducted in a non-public manner, ensuring the privacy and dignity of the parties involved.
 - The investigation should be objective, fair, and professional, providing the parties involved with ample opportunities to express their opinions and defend themselves.
 - When the victim's statement is clear and requires no further questioning, repeated questioning should be avoided.
 - The parties involved or relevant individuals may be notified to present explanations during the investigation, and experts with relevant expertise may be invited to assist. (e) When there is an imbalance of power between the victim or witness and the accused, confrontation should be avoided.
 - For the necessity of the investigation, the investigators may create additional written materials within the scope of confidentiality and provide them for the parties involved to review or disclose the key points to them.
 - All personnel involved in handling sexual harassment complaints should keep the identity or other information sufficient for identification of the parties involved confidential, except when necessary for the investigation or for public safety considerations.
 - Considering the mental and physical condition of the parties involved in sexual harassment incidents, proactive referrals or provision of psychological counseling and legal assistance should be offered.
 - Individuals participating in the reporting, investigation, reconnaissance, or adjudication processes of sexual harassment incidents shall not be subjected to undue discrimination. This includes those who file complaints, report incidents, make accusations, initiate legal proceedings, provide testimony, offer assistance, or engage in any other form of participation.
17. Regarding the investigation and handling results of sexual harassment incidents, a written notification should be provided to the parties involved and the Taipei City Government Social Affairs Bureau. The written notification to the parties involved should include the investigation results (whether sexual harassment is established or not) and the reasons. The deadline for filing a re-appeal is within 30 days from the day the investigation notice is received. The authority for re-appeal is the Taipei City Government Social Affairs Bureau.

18. The written notification to the Taipei City Government Social Affairs Bureau should include the complaint form, interview records, relevant meeting minutes, related evidence, sexual harassment incident complaint investigation records, notification to the parties involved of the investigation results, and delivery certificates or double-registered mail receipts.
19. If sexual harassment behavior is substantiated through investigation, appropriate disciplinary measures should be taken against the perpetrator based on the severity of the circumstances. This may include admonition, written reprimand, job transfer, demotion, salary reduction, etc. Additionally, tracking, assessment, and supervision should be implemented to prevent a recurrence of sexual harassment or retaliation.
20. If an employee or a person in a position of responsibility within an organization, abusing their official capacity, engages in sexual harassment towards others, and the victim requests an appropriate remedy to restore their reputation according to Article 9, paragraph 2 of the Sexual Harassment Prevention Act, the employee or person in charge should provide necessary assistance in delivering an appropriate remedy to the victim.
21. These guidelines also apply to incidents of sexual harassment occurring among individuals receiving services. Even if the offender is not affiliated with the same unit, appropriate emergency measures should be taken upon receiving a sexual harassment complaint, and the complaint form and relevant information should be forwarded to the Taipei City Government Social Affairs Bureau within 7 days.
22. These guidelines will be implemented upon approval and will be revised accordingly when necessary.

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