

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 85



**Introduced by REPRESENTATIVES ALFREDO A. GARBIN, Jr. and
ELIZALDY S. CO**

EXPLANATORY NOTE

This bill seeks to mandate and compel all government and non-government offices to establish policies to address office bullying and other similar acts in their respective institutions.

The 1987 Philippine Constitution declares that the State values the dignity of every human person and guarantees full respect for human rights. It also imposes upon the State the duty to ensure the fundamental equality before the law of men and women. In addition, the Philippines is a signatory to numerous international agreements that seek to ensure respect for the human rights of all persons regardless of race, ethnic origin, religion, or religious affiliation or beliefs, sexual orientation, gender identity, social status, age, looks, or political beliefs.

While a law has been passed preventing and addressing acts of bullying in educational institutions, there still prevails bullying and other similar acts in the workplace or work environment. These kinds of acts in the work place hamper peace and tranquility in a professional environment and disrupt the delivery of services to the public.

Bullying in the workplace is often ignored and overlooked. More often, it is done surreptitiously, in an organized or institutionalized manner, and condoned or ignored by the employers or supervisors. It is often missed by employers, human resource or administrative personnel but its ramifications are not limited to the negative effects upon the individual victims as it also leads to the deterioration of company or organizational culture, diminution in the delivery of services, decline in employee morale, productivity.

In view of the above circumstances, the swift passage of the bill is earnestly sought.

ALFREDO A. GARBIN, Jr.

ELIZALDY S. CO

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 85

Introduced by REPRESENTATIVES ALFREDO A. GARBIN, Jr. and
ELIZALDY S. CO

AN ACT

REQUIRING ALL GOVERNMENT AND NON-GOVERNMENT OFFICES AND
ESTABLISHMENTS TO ADOPT POLICIES TO PREVENT AND ADDRESS THE ACTS
OF BULLYING AND OTHER SIMILAR ACTS IN THEIR WORKPLACE

*Be it enacted by the Senate and the House of Representatives of the Philippines
in Congress assembled:*

Section 1. Short Title. This Act shall be known as the "Anti- Office Bullying Act of 2016".

Section 2. Adoption of Anti-Office Bullying Policies. All government and non-government offices, and business establishments, are hereby directed to adopt policies to address the existence of office bullying and other similar acts in their respective institutions. Such policies shall be regularly updated and at a minimum shall include provisions which:

(a) Prohibit the following acts:

(1) "Office Bullying" - any severe or repeated use by one or more employees of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at an employer, co-employee, or any person with whom he/she has professional relations or dealings that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile work environment for the an employer, co-employee, or any person with whom he/she has professional relations or dealings; infringing on the rights of another at work premises; or materially and substantially disrupting the orderly operation of the office; such as, but not limited to, the following:

- a. Any act that causes physical or bodily harm;
- b. Any act that causes harm to a victim's psyche and/or emotional and/or moral well-being;
- c. Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes and body; and
- d. Cyber-bullying or any bullying done through the use of technology or any electronic means.

(2) Any abusive acts or behavior which include but are not limited to the following:

- a. Offering, publishing, distributing, circulating and spreading rumors, false news and information and gossip about, or any act against or directed against an employer, a co-employee, or any person with whom he/she has professional relations or dealings;
- b. Disrespecting and devaluing an employer, a co-employee, or any person with whom he/she has professional relations or dealings through disrespectful and devaluing language;
- c. Management by threat and intimidation;
- d. Stealing credit and taking unfair advantage of an employer, a co-employee, or any person with whom he/she has professional relations or dealings;
- e. Preventing access to workplace, career, and office opportunities to an employer, a co-employee, or any person with whom he/she has professional relations or dealings; and
- f. An act or behavior shall be construed as abusive if it results to any or all of the following:
 - i. Destroys or undermines the character, image, status, reputation, morale, and credibility of an employer, a co-employee, or any person with whom he/she has professional relations or dealings;
 - ii. Discredits, destroys and undermines the work, results of the work, awards, career, vocation, craft, professional status, productivity, performance, and talents of an employer, a co-employee, or any person with whom he/she has professional relations or dealings;
 - iii. Causes divisive effects among employees, employers, officers, and other members of the government and non-government organizations, business establishments, their clientele, and any other person engaged by government and non-government organizations, business establishments in their respective professional capacities.

(b) Establish clear procedures and strategies for:

- (1) Reporting acts prohibited under this act;
- (2) Responding promptly to and investigating reports of acts, which are prohibited under this act;
- (3) Ensuring the protection of the person who reports any of the prohibited acts, provides information during an investigation of the prohibited acts, or is witness to or has reliable information about any of the prohibited acts;

(c) Enable employees to anonymously report any of the prohibited acts: *Provided, however,* That no disciplinary administrative action shall be taken against a perpetrator solely on the basis of an anonymous report; and

(d) Subject the perpetrator/s who knowingly makes a false accusation to disciplinary administrative action.

Section 3. Mechanisms to Address Office Bullying and/or other Prohibited Acts.

- (a) The administrative office or officer, human relations office or officer, or any person or office holding a comparable role shall be responsible for the implementation and oversight of policies intended to address office bullying and other prohibited acts.

(b) All government and non-government offices and business establishments shall provide their employees a copy of the policies being adopted. Such policies shall likewise be included in the employees' handbook and shall be conspicuously posted on the office walls and website, if there is any.

(c) Any employee shall immediately report any instance of office bullying and other prohibited acts witnessed, or that has come to one's attention, to the administrative office or officer, human relations office or officer, and/or any person or office holding a comparable role. Upon receipt of such a report, the administrative office or officer, human relations office or officer, or any person or office holding a comparable role, shall promptly investigate.

(d) If it is determined that bullying and/or other prohibited acts have occurred, administrative office or officer, human relations office or officer, or any person or office holding a comparable role, shall:

- i. Notify the law enforcement agency if the administrative office or officer, human relations office or officer, and/or any person or office holding a comparable role believes that criminal charges under the Revised Penal Code may be pursued against the perpetrator;
- ii. Take appropriate disciplinary administrative action;

Section 4. Reportorial Requirements.

(a) All non-government offices and business establishments shall inform the Department of Labor and Employment in writing about the policies against anti-office bullying and/or other prohibited acts formulated within six (6) months from the effectivity of this Act. Such notification shall likewise be an administrative requirement prior to the operation, creation, or establishment of new non-government offices and business establishments.

(b) All government offices shall inform the Civil Service Commission in writing about the policies against office bullying and/or other prohibited acts formulated within six (6) months from the effectivity of this Act.

Section 5. Sanction for Non-compliance. In the rules and regulations to be implemented pursuant to this Act, the Secretary of the Department of Labor and Employment and the Chairman of the Civil Service Commission shall prescribe the appropriate administrative sanctions on any administrative office or officer, human relations office or officer, or any person or office holding a comparable role, who shall fail to comply with the requirements under this Act. In addition thereto, erring non-government offices and business establishments shall likewise suffer the penalty of suspension of their permits to operate.

Section 6. Implementing Rules and Regulations.- Within ninety (90) days from the effectivity of this Act, the Department of Labor and Employment and the Civil Service Commission, respectively, shall promulgate the necessary rules and regulations to implement the provisions of this Act.

Section 7. Separability Clause. – If, for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force or effect.

Section 8. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof, which are inconsistent with or contrary to the provision of this Act are hereby repealed, amended or modified accordingly.

Section 9. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.