

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 815



Introduced by HON. RODEL M. BATOCABE, HON. ALFREDO A. GARBIN, Jr. and
HON. CHRISTOPHER 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.


RODEL M. BATOCABE


ALFREDO A. GARBIN, Jr.


CHRISTOPHER S. CO

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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:

- 1 a. Offering, publishing, distributing, circulating and spreading
 2 rumors, false news and information and gossip about, or any act
 3 against or direct against an employer, a co-employee, or any
 4 person with whom he/she has professional relations or dealings;
 5 b. Disrespecting and devaluing an employer, a co-employee, or any
 6 person with whom he/she has professional relations or dealings
 7 through disrespectful and devaluing language;
 8 c. Management by threat and intimidation;
 9 d. Stealing credit and taking unfair advantage of an employer, a co-
 10 employee, or any person with whom he/she has professional
 11 relations or dealings;
 12 e. Preventing access to workplace, career, and office opportunities
 13 to an employer, a co-employee, or any person with whom he/she
 14 has professional relations or dealings; and
 15 f. An act or behavior shall be construed as abusive if it results to any
 16 or all of the following:
 17 i. Destroys or undermines the character, image, status,
 18 reputation, morale, and credibility of an employer, a co-
 19 employee, or any person with whom he/she has
 20 professional relations or dealings;
 21 ii. Discredits, destroys and undermines the work, results of
 22 the work, awards, career, vocation, craft, professional
 23 status, productivity, performance, and talents of an
 24 employer, a co-employee, or any person with whom he/she
 25 has professional relations or dealings;
 26 iii. Causes divisive effects among employees, employers,
 27 officers, and other members of the government and non-
 28 government organizations, business establishments, their
 29 clientele, and any other person engaged by government
 30 and non-government organizations, business
 31 establishments in their respective professional capacities.
 32

33 (b) Establish clear procedures and strategies for:

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

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

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

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

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

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

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

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

14 i. Notify the law enforcement agency if the administrative office or officer,
 15 human relations office or officer, and/or any person or office holding a
 16 comparable role believes that criminal charges under the Revised Penal
 17 Code may be pursued against the perpetrator;

18 ii. Take appropriate disciplinary administrative action;

19
 20 **Section 4. Reportorial Requirements.**

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

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

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

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

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

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

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

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 51 *Approved*