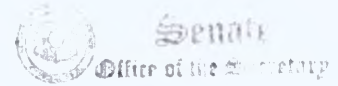


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



23 JUL 20 P2:36

SENATE

S. No. 2331

RECEIVED BY

Introduced by Senator MARK A. VILLAR

AN ACT
INSTITUTING POLICIES TO PREVENT AND ADDRESS ACTS OF BULLYING
AND OTHER SIMILAR ACTS IN THE WORKPLACE

EXPLANATORY NOTE

Section 18, Article II and Section 3, Article XIII of the 1987 Constitution provides that it is the responsibility of the State to protect the rights and welfare of workers, and afford them full protection.

Ensuring the welfare of workers is not limited to better pay and benefits, employees likewise consider work environment as a pre-requisite for joining or staying in a company. Afterall, no compensation can guarantee peace of mind.

A lot of employees have fallen victim to office bullying. One common type of bullying is *gossip* or the casual or unconstrained conversation or reports about other people involving details which are not confirmed as true. While this Act has been tolerated over the years, many employees had been a victim of office bullying which resulted to resignation and/or absences.

This bill seeks to ensure the promotion of the overall welfare and the physical and mental well-being of the employees and protect them against abuse, harassment, violence or economic exploitation by mandating all government and non-government offices to adopt policies to address the existence of office bullying and other similar acts in their respective institutions.

Immediate passage of this bill is earnestly sought.

MARK A. VILLAR

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

1 Section 1. *Short Title.* – This Act shall be known as “*Anti-Bullying in the*
2 *Workplace Act*”.

3 *Sec. 2. Declaration of Policy.* – It is the policy of the State to protect the rights
4 of the workforce and promote their welfare. Towards this end, the State shall enact a
5 law that will ensure the promotion of the overall welfare of our workforce taking into
6 consideration their physical and mental well-being. The State shall provide adequate
7 safeguards to ensure that our workforce will not be subjected to abuse, harassment,
8 violence or economic exploitation thereby creating a safe working environment.

9 *Sec. 3. Adoption of Anti-Bullying Policies.* – All government and non-
10 government offices are hereby directed to adopt policies to address the existence of
11 office bullying and other similar acts in their respective institutions. Such policies shall
12 be regularly updated and shall include provisions which:

13 1. Shall prohibit the following acts:

- 14 a. Office Bullying – any severe or repeated use by one or more
15 employee of a written, verbal, or electronic expression or a
16 physical act or gesture, or any combination thereof, directed at
17 an employer, co-employee, or any person with whom he/she has
18 professional relations or dealings which infringes on the rights of
19 another at work premises; or has the effect of actually causing or

1 placing the latter in reasonable fear of physical or emotional harm
2 or damage to his property creating a hostile environment for the
3 employee, or materially and substantially disrupting the work
4 process or the orderly operation of an institution or business; such
5 as, but not limited to any of the following:

- 6 i. Any unwanted physical contact between a person to any
7 employer or co-employee causing physical or bodily harm
8 notwithstanding any action that may be taken by the victim
9 under the Revised Penal Code or the Civil Code of the
10 Philippines;
 - 11 ii. Any act that causes harm to a victim's psyche or emotional
12 or moral being;
 - 13 iii. Any slanderous statement or accusation that causes the
14 victim undue emotional distress like directing foul language
15 or profanity at the target, name-calling, tormenting, and
16 commenting negatively on victim's looks, clothes, and
17 body;
 - 18 iv. Gender-based bullying, or any act that humiliates or
19 excludes a person on the basis of perceived or actual
20 sexual orientation and gender identity; and
 - 21 v. Cyber-bullying, or any bullying done through the use of
22 technology or any electronic means.
- 23 b. Any abusive act or behavior which includes, but not limited to the
24 following:
- 25 i. Offering, publishing, distributing, circulating, or spreading
26 rumors, false news and information, gossip about, or any
27 act against or directed against an employer, a co-
28 employee, or any person with whom he/she has
29 professional relations or dealings;
 - 30 ii. Disrespecting and devaluing an employer, a co-employee,
31 or any person with whom he/she has professional relations
32 or dealings through disrespectful and devaluing language;

- 1 iii. Exercising management by threats and intimidation;
- 2 iv. Stealing credit and taking unfair advantage of an
- 3 employer, a co-employee, or any person with whom
- 4 he/she has professional relations or dealings; and
- 5 v. Preventing access to workplace, career, and office
- 6 opportunities to an employer, a co-employee, or any
- 7 person with whom he/she has professional relations or
- 8 dealings.
- 9 c. An act or behavior shall be construed as abusive if it results to
- 10 any or all of the following:
- 11 i. Destroys or undermines the character , image, status,
- 12 reputation, morale, and credibility of an employer, a co-
- 13 employee, or any person with whom he/she has
- 14 professional relations/dealings; and
- 15 ii. Discredits, destroys, and undermines the work, results of
- 16 the work, awards, career, vocation, craft, professional
- 17 status, productivity, performance and talents of an
- 18 employer, a co-employee, or any person with whom
- 19 he/she has professional relations or dealings; and
- 20 iii. Causes divisive effects among employees, employers, or
- 21 officers and other members of the government and non-
- 22 government organizations, business establishments, their
- 23 clientele and any other person engaged by government
- 24 and non-government organizations and business
- 25 establishments in their respective professional capacities.
- 26 2. Establish clear procedures and strategies for:
- 27 a. Reporting acts prohibited under this Act;
- 28 b. Responding promptly to and investigating reports of acts which
- 29 are prohibited under this Act; and
- 30 c. Ensuring the protection of the person who reports any of the
- 31 prohibited acts, provides information during an investigation of

1 the prohibited acts, or is witness to or has reliable information
2 about any of the prohibited acts.

- 3 3. Enable employee to anonymously report any prohibited acts; *Provided*,
4 however, that no discriminatory administrative action shall be taken
5 against a perpetrator solely on the basis of an anonymous report; and
6 4. Subject to the perpetrators/s who knowingly makes a false accusation
7 to disciplinary administrative action.

8 *Sec. 4. Mechanism to Address Office Bullying and Other Prohibited Acts. –*

- 9 a. The administrative office or officer, human relations officer, or any person
10 or office holding a comparable role, shall be responsible for the
11 implementation and oversight of policies intended to address office bullying
12 and other prohibited acts.
- 13 b. All government and non-government offices or establishments shall provide
14 their employees with a copy of the anti-bullying policies to be adopted. Such
15 policies shall likewise be included in the employees' handbook and shall be
16 conspicuously posted on the office walls and websites, if there is any.
- 17 c. Any employee shall immediately report any instance of office bullying and
18 other prohibited acts he/she has witnessed or has come to his/her attention,
19 to the administrative office or offices, human relations office or officer,
20 and/or any person or office holding a comparable role. Upon receipt of such
21 report, the administrative office or officer, human relations office or officer,
22 or any person or office holding a comparable role shall promptly investigate.
- 23 d. If it is determined that bullying and/or other prohibited acts have occurred,
24 the administrative office or officer, human relations office or officer, or any
25 person or office holding a comparable role shall:
- 26 a. Notify the appropriate law enforcement agency if the administrative
27 office or officer, human relations office or officer, and/or any person
28 holding a comparable role believes that criminal charges under the
29 Revised Penal Code may be pursued against the perpetrator; and
30 b. Take appropriate disciplinary administrative action.

31 *Sec. 5. Reportorial Requirements. –*

- 1 a. All non-government offices or business establishments shall furnish and
2 inform the Department of Labor and Employment (DOLE) in writing about
3 the policies against anti-office bullying and/or other prohibited acts
4 formulated within six (6) months from the effectivity of this Act. Such
5 notification shall likewise be an administrative requirement prior to the
6 operation, creation, or establishment of new non-government offices and
7 business establishments.
- 8 b. All government offices shall furnish and inform the Civil Service Commission
9 (CSC) in writing about the policies against office bullying and/or other
10 prohibited acts formulated within six (6) months from the effectivity of this
11 Act.
- 12 c. Appropriate trainings and seminars to disseminate the anti-bullying policies
13 shall conducted by the government, non-government offices, or business
14 establishments to its employees.

15 *Sec. 6. Sanctions for Non-Compliance.* - In the rules and regulations to be
16 implemented pursuant to this Act, the Secretary of the DOLE and the Chairman of the
17 CSC shall prescribe the appropriate administrative sanctions on any administrative
18 office or offices, relations office or officer, or any person or office holding comparable
19 role, who shall fail to comply with the requirements shall likewise suffer the penalty of
20 suspension of their permits to operate.

21 *Sec. 7. Implementing Rules and Regulations.* - Within ninety (90) days from
22 the effectivity of this Act, the DOLE and the CSC, respectively, shall promulgate the
23 necessary rules and regulations to implement the provisions of this Act.

24 *Sec. 8. Separability Clause.* - If any section or provision of this Act shall be
25 declared unconstitutional or invalid, the other sections or provisions not affected
26 thereby shall remain in full force and effect.

27 *Sec. 9. Repealing Clause.* - All laws, decrees, orders, administrative order, or
28 rules and regulations which are inconsistent or contrary to the provisions of this Act
29 are hereby repealed, modified, or amended accordingly.

30 *Sec. 10. Effectivity.* - This Act shall take effect fifteen (15) days after its
31 publication in the Official Gazette or in two (2) newspaper of general circulation.

Approved,