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Office Bullying in the Philippines and the Need for Public Policy

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ARTICLE INFO

Article history

Received: 23 December 2021

Accepted: 7 January 2022

Published Online: 13 January 2022

Keywords:

Workplace behavior

Aggressive behavior

Workers well-being

Social problem

National legislation

ABSTRACT

There is an urgent need to solve the problem of workplace bullying in both private and government sectors. Bullying at work creates serious negative consequences to the victims and the organization affecting their productivity. The magnitude of the problem necessitates state intervention to correct market and government failures. This policy paper studies office bullying and the need to legislate to realize efficient and effective allocation of government and private resources. It is guided by the Constitutional mandate that maintenance of peace, harmony, health and safety at work is an inherent duty of the State because of its inherent power to issue orders and command obedience to mitigate its effects. Using Cost Benefit Analysis, Institutional Analysis to policy making, and Rational-Decision making as tools for analysis, crafting and passing upon a statute is the most feasible means to address the problem of workplace bullying. The need to legislate a national policy on workplace bullying is necessary to mitigate its negative consequences both to employees and organizational productivity. Office bullying as a public issue also requires strict monitoring and evaluation of the implementation of similar or related laws may also address the problems cause by the same destructive behaviors but are inadequately explored in many researches.

1. Introduction

1.1 The Problem

The problem of workplace bullying must be addressed in both private and government sectors. Bullying at work creates serious consequences to the victims and the organization itself. The problem is often overlooked as it is usually done surreptitiously, in a way that only the victim or the bullied would be able to tell that bullying is taking place. Only when the victim of bullying has

gone past the point of anxiety and is starting to manifest depression that in turn affects his or her work output is bullying considered.

In a big organization or company, the cost of bullying could amount to billions of lost profits due to its adverse effects on human resource in the form of frequent turnover of employees and loss in productivity. The damages caused to the victims and their families are beyond pecuniary estimation and material equivalence^[1].

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DOI: <https://doi.org/10.30564/mmpp.v3i4.4265>

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Among the recent existing literature, the definition of this problem provided by Escartin et al. ^[2] is the most comprehensive and appropriate for the purpose of the present study, to wit:

“A set of behaviors - of different types (emotional, cognitive, behavioral and contextual) and severity - made towards a person and/or their labor context, which by its own nature, duration and repetition are harmful for the members of the organization and, in most of the cases, also for the organization itself” ^[2]

Researches on the effects of this problem focused on both the psychological impact on the victim and on organizational productivity. Bullying negatively impacts the victim's health, leading to low productivity and loss of work enthusiasm ^[3]. It can also destroy the victim's self-confidence and self-worth, resulting in psychological disturbance and post-traumatic stress disorder ^[4].

There are numerous examples of acts considered as workplace bullying by existing studies. For Strandmark ^[5], bullying is when one struggles for power or uses slander, deceit, insult, injustice, or special treatment to alienate the bullied individual. For Saunders, et al. ^[6], bullying is manifested in the form of verbal abuse, offensive language, spreading rumors about a co-worker, derogatory comments, violation of rights to get the job done efficiently; and deliberate and systematic attempts to lower the self-esteem of another individual through words and actions. Comparatively, Keskin, et al. ^[7] assert that bullying can be in the form of repeated unreasonable behavior directed toward an individual or group, creating a risk to health and safety in the process. The advancement in science and technology gave rise to another form of bullying known as cyberbullying.

Furthermore, Rulka ^[8] and the Canadian Center for Occupational Health and Safety ^[9] interpret acts of bullying as circulating false and malicious rumors, ostracizing someone, threatening another, withholding information, making offensive jokes, using profanity, tampering of personal belongings of a co-worker, making undue criticisms, intruding into the private space of another, and setting unreasonable tasks and deadlines as common forms of bullying. The unjustness and derogatory statements of the bullies often create tremendous stress to the bullied to the point of inefficiency at work and in the performance of assigned tasks.

On the organizational productivity side, the phenomenon of workplace bullying costs the company billions of losses due to declining volume of production and other human resources management-related implications ^[10,11]. Workplace bullying negatively affects the victim's health and deteriorates the organizational capacity to produce

optimum work-related output, thereby defying the Pareto efficiency rule ^[12].

1.2 The Market and Government Failures that Made Bullying a Public Issue

There is a need to provide policy intervention to correct the market and government failures as regards the problem of office bullying. The prevalence of workplace bullying in both private and government sectors create negative externalities to the victim's families and employers. The most common consequence of bullying is personal and psychological to the victims. This would make the victim demotivated to work or totally abandon the job and look for career opportunity elsewhere where she/he feels that bullies do not abound. This creates a problem of negative externality to the family members who receive financial support from the victim.

The problem of bullying creates asymmetry of information the victim refuses or seldom reports the matter to the proper authority for lack of sufficient basis to seek redress of grievances as there is neither policy at organizational level nor a statute that penalizes the act of bullying.

Office bullying also causes externalities on the part of the government and private organization. The owner of the company or the government, being the employer of the public sector suffers from declining productivity and/or increase employee turnover due to workplace harassment. While the bully sometimes, as it is more of a formed attitude, does not know that his aggressive behavior creates adverse effects on the part of the bullied employee gravely sacrificing the allocation efficiency on the production side. This externality cannot be solved without government intervention in the form of laws. The external cost of bullying is also not considered in the computation of operational cost. The suffering experienced by bullied personnel should be part of the Corporate Social Responsibility (CSR) which all enterprises in the market must allot funds for enhancement and cultivation of proper values for peace and harmony at the workplace. The organization must invest capital to avoid bullying at work in the form of awareness campaign and human resource development program or policy. However, considering that there is no law penalizing the act, there is no basis for the company to include the same in their planning and budgeting programs. Preventing workplace bullying should be the concern of all organized groups in the production side. The government in the form of legislation, Chief Executive Officer (CEO) for policy at the agency level, and organized labor union as watch dog to ensure implementation of policy on the matter.

Relatedly, there is a perceived failure of the government

on the issue of workplace bullying. The transaction cost between seller and buyer is ideal when the government leaves them alone in their transaction. However, when what is involved are public goods where there is non-rivalry and non-excludability, like provision of enabling law to change destructive behavior in society, the utility of many does not affect the benefits to others. In the case of public goods and the exclusive power of the state to legislate laws for common good, it is only the State that has the instrument and capacity to intervene to minimize the adverse consequences of a certain behavior, in this case workplace harassment.

The presence of workplace bullies almost always creates adverse selection in the promotion process. Since bully manager or supervisor is given the opportunity to recommend among his subordinates who should be promoted, subordinates applying for promotion should get along with the boss for recommendation purposes. If the relationship with the recommending authority is good then, there will be no problem. However, if the supervisor is bullying his subordinate despite his efficient performance, there will always be an adverse selection in the promotional process for a bully supervisor.

The commission of bully behavior is also creating a moral hazard. The bully is committing the act knowing that there is no policy penalizing the same. The negative effect of bullying is incurred by the bullied that may be in terms of work productivity and the organization in terms of undue increasing the cost of production and inefficiency. Therefore, it is the organization and the individual who is bullied that would bear the loss and not the bully worker. There is a greater tendency to perpetuate the behavior despite of its negative effects on individual and organization in terms of productivity.

The lack of a governing law leaves the victims and employees both of the public and private sectors no recourse or remedy when they experience bullying at work. The lack of mechanism and policy therefore is a clear failure of the government to respond to its duty of maintaining peace and order in the society and commiserate with the victim's conditions.

The objective of this paper is to establish the need to legislate a specific law on workplace bullying. It argues that legislating a new policy is more sustainable and less costly for the government. On a positive note, legislation on the matter would bear positive outcome and greater chances of success as experienced with numerous related laws now passed by the Congress of the Philippines. Some of which are, the law on sexual harassment, cyberbullying, public spaces act, organizational health and safety, Gender and Development law and many

other similar laws that were positively adopted by the law-making body. Historically, this nature of legislation receives Congressional support and approval.

1.3 Workplace Bullying in the World

The Prevalence of workplace violence and harassment is a global issue. It is supported by several studies around the world and over the years^[13,14]. It has a wide range of terms and it varies across different workplaces and cultures: it includes workplace harassment, abusive supervision, workplace violence, workplace aggression, workplace victimization, workplace incivility, verbal and psychological abuse, mobbing, and bullying^[13,15]. A clear definition of the phenomenon is necessary to intensify preventive measures and intervention. According to an integrative review of existing studies, workplace bullying is defined and categorized as "work related, personal, and physical/threatening"^[16]. These negative behaviors have significant impact to both the individual and the organization. There is lack of clear definition of workplace bullying among employees and employers. This hinders appropriate and effective intervention. This inadequate common definition across all countries prevents employers and victims recognize non-physical acts as a type of violence^[17]. Since bullying manifests in many forms, it is usually overlooked^[14] and seriously affects the bullied and the organization when neglected. Workplace bullying is among the workplace injustices that contribute to occupational health disparities^[18,19].

Data collected from literature published in 2018 alone provide a picture of what workplace bullying seems like across ages and sexes. The data from Career Builder^[20] implies that 72% of workplace harassment victims do not report the incident and while 98% of companies have a corporate sexual harassment policy only 51% implemented new procedures or training. The figure seemingly corroborates with the study of Kearl and commissioned by the Stop Street Harassment^[21] which found that 81% of women have experienced sexual harassment in their lifetime.

Workplace bullying negatively affects organizational efficiency and productivity. After analyzing all published studies, it was found that workplace bullying has a clear association with suicidal ideation^[13,22]. It does not only affect health and well-being of employees but has significant toll on organizations as well as national and global economies^[13]. Increased employee turnover is one of its major costs in an organization^[23,24]. It is one of the foremost factors that increase costs for organizations due to employee turnover and absenteeism, reduced productivity and commitment, and health officers and

Human Resources managers' interventions ^[25]. Its effect leads to a loss of 200 hours of productivity and 400 hours of absenteeism ^[26,27]. For instance, a school with 1,100 staff in the United States loses more than US\$4.6 million annually due to workplace bullying ^[28]. In the UK, bullying could cost the economy as much as £13.75 billion annually ^[29,30]. While in Germany, absenteeism caused by bullying amounts to around €15 billion a year ^[31]. Further, workplace violence is connoted as an "organizational menace" that annually costs US organizations "US\$ 23.8 billion in health-care costs, lost productivity, lower morale, increased absenteeism, and workplace withdrawal" ^[13,32]. Thus, workplace bullying prevention implies prevention of loss and wastage of resources ^[33,34].

Workplace Bullying in the Philippines

The Philippines has a number of studies related to workplace bullying largely due to the absence of statute governing such behavior. Different institutions and professional classifications experience workplace bullying. It is present in health care institutions ^[33,35,36] and is associated with increased risks of poor health and work-related health outcomes for Philippine nurses ^[37]. It is also a significant factor influencing nurses' decision to leave local hospitals in the country ^[38,39].

Workplace bullying hindered efficient service delivery. Workplace bullying has been experienced by many employees working in both public and private institutions ^[40]. In a university of 1254 employees for instance, and regardless of positions, 36.94% or 425 reported the presence of workplace bullying in the organization ^[41]. In Davao City, Philippines, 20 teachers experienced emotional, verbal, physical, as well as cyber bullying ^[42]. Still, in several private companies in the 4th district of Nueva Ecija, workplace bullying is found to be the major cause of employee burnout ^[43]. While bullying in private hospitals in Cabanatuan City is perceived to be at a moderate level among 153 nurses and 20 managerial nurses pointing to seniority and work promotion at the high level among indicators of bullying which require revisit of related processes and policies to prevent create bullying environment ^[33].

Bullying cannot serve as a trade-off for peace of mind in exchange of high salary. It is one factor that restricts peace and tranquility in a professional environment ^[44]. The absence of law in workplace should not limit both the employees and employers' options to deal with it ^[45] Managerial employees must play an essential role in preventing bullying acts that block efficient public service delivery ^[44].

2. Materials and Methods

The study utilized qualitative descriptive method of

research. It employed document analysis in gathering pieces of evidence to support the argument that there is a need to craft workplace bullying law in the Philippines and to prevent commission of this behavior. The paper used rational decision-making theory as its frame of analysis. The model is illustrated below.

Work place bullying is the problem that negatively affects individual worker and the organization where one works for. To determine the best option to solve the problem, decision criteria are set including among others: Cost Benefit Analysis (CBA), Feasibility Analysis including Technical Feasibility, Economic Feasibility and Organizational Feasibility.

The framework of analysis is shown in this process flow (Figure 1) for rational decision model:

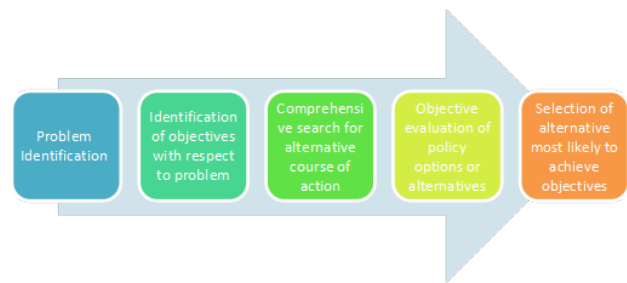


Figure 1. Rational decision-making model.

Modified from source: Heracleous, 1994, p. 17 ^[46]

The option that gets the greater number of positive outcomes after looking into the surrounding facts and circumstances that are present in the policy options or alternatives will be taken as the best alternative or option. There is no need to provide numerical criteria as many of the benchmarks are descriptive in nature except the Cost Benefit Analysis where the greatest gain for the society and the State is presented in terms of capital investment.

The comparison is made with the existing related but separate policies that govern acts similar to workplace bullying. The evaluation of the different laws already in place serves as the status quo while modification of these laws already implemented could be considered as the incremental option. Finally, the option that provides greater advantage and observance of the decision criteria shall be considered as the best alternative. The next chapter provides the results and discussion on the analysis of alternatives or policy options in comparison to workplace bullying.

3. Results

There are three possible policy options to the issue of workplace bullying. One option is to retain the status quo that is to leave the problem as is and wait until the existing

laws take its course and eventually solve the problem. The other policy option is to implement incremental development in the existing laws and experiment on the its would be results to address the problem of workplace bullying. The last option in the row is the crafting of a new law in the form of national legislation dealing specifically on the problem of workplace bullying behavior. The proposed policies for each option are presented on a matrix. The rational model of decision making on the other hand is presented on column 3 and subjected to in depth policy analysis. All the options are illustrated under the discussion section.

4. Discussion

Policy Options to Address the Problem of Workplace Bullying

Bullying across institutions remains a major problem with severe short and long-term consequences for victims and bullies alike. The following illustrations (Table 1) show the alternative policies to address the problem:

a. Cost-Benefit Analysis

Most of the incremental policies included in the above matrix do not require additional budget but rather a reinforcement of existing policies and strengthening of mechanisms. What is lacking is the political will of the implementers to mainstream the provisions of the law to local guidelines. However, at some point, a budget is necessary to build the implementers' capacity and provide additional personnel to ensure compliance in the grassroots, especially for bullying occurring in the streets and public places. Another approach is to maximize the Gender and Development (GAD) Fund, which is now available among LGUs and public institutions.

Table 1. Policy options to address the problem of workplace bullying

Policy 1: Status Quo	Policy Option 2 Incremental	Policy Option 3: Rational
<p>Banning gender-based sexual harassment in all public places, including streets, workplaces, recreational areas, and public vehicles (Republic Act 10627)</p>	<p>Anti-catcalling ordinance: Crafting and implementation of Anti-catcalling ordinance in local government units</p> <p>Public Surveillance System for Control of Gender-based Harassment Setting-up of Closed-Circuit Television (CCTV) cameras to aid in the filing of cases and gathering of evidence and prevention of gender-based sexual harassment (GBSH)</p> <p>Integration of Sexual Harassment and Workplace Bullying to Gender and Development Plans Allotment of a budget under the GAD Fund for the implementation of programs, projects, and capacity development activities for personnel and stakeholders on the prevention of Gender-based Sexual Harassment and Workplace Bullying</p> <p>Institutionalization of mechanisms for Workplace Bullying-related grievances: Institute mechanisms for handling and documentation of complaints such as those contained in:</p> <ul style="list-style-type: none"> • CSC Resolution No. 01-0940 (Administrative Disciplinary Rules on Sexual Harassment Cases) recognizing sexual aggression and behavior committed in specific workplaces as an administrative offense • 2017 Rules on Administrative Cases in the Civil Service (RACCS), specifically those pertaining to the administrative proceedings for sexual harassment complaints where the offender is a government employee. • CHED Memorandum Order No. 26 s. 2003 enjoining the creation in every higher education institution of a Committee on Decorum and Investigation on Sexual Harassment to avoid commission of sex-related offenses against students, faculty, and staff. 	<p>Anti-Workplace Bullying Law: Legislate a national law prohibiting workplace bullying in all public and private organizations and provide mechanisms for implementation and fund therefor. The legislation should take into consideration the different acts of bullying such as, but not limited to:</p> <ul style="list-style-type: none"> • Spreading malicious rumors/defamatory gossip • Social isolation • Intimidation • Deliberately impeding one's work • Physical abuse or threat • Reassignment without justification • Imposing impossible deadlines and unreasonable workloads • Withholding information or purposefully giving the wrong information • Making offensive jokes • Intruding on a person's privacy • Creating a feeling of uselessness • Yelling/profanity • Making irrational criticisms • Blocking applications for training or promotion • Tampering one's personal belongings/work equipment <p>Every institution shall adapt the policies contained in existing laws and legislations, as well as, localize policies and programs fit to the workplace condition.</p>

Policy 1: Status Quo	Policy Option 2 Incremental	Policy Option 3: Rational
Cyberbullying prevention (Republic Act 10175 or Cybercrime Prevention Act of 2012)	<p>Inclusion of Cyberbullying prevention mechanisms to the institution’s Operational Manual and Employee Orientation: Promoting the right of an individual not to have private information about himself disclosed, and to live freely from surveillance and intrusion as contained in the Republic Act No. 10173 or the Data Privacy Act of 2012. It addresses the issue on workplace bullying involving intruding on a person’s privacy by pestering, spying or stalking. The institution shall have a clear and proactive program on cyberbullying prevention. To reach wider audience, information about cybercrime and cyberbullying may be included in the institution’s Operational Manual and Employee Orientation.</p>	<p>Imposition of penalties for breach of cybersecurity protocols Adoption of the National Cybersecurity Plan 2022 (NCSP) and penalizing illegal acts and acts of bullying (e.g., Offensive communication, threats, coercion, intrusion) done via the Internet.</p>

(1) Tangible Benefits

Table 2a. Cost-Benefit Analysis

Promotion of Safe spaces through installation of CCTV camera system (computed based on the number of barangays (42,046), universities (436) and medium and large enterprises (9,367), 2 cameras worth P10,000.00 each and 3% maintenance cost per year)

Year	Cost	Present Value (PV) Factor	PV Benefit Expected from the project
Year 1	1,036,980,000	0.971	987766990.29
Year 2	1,068,089,400	0.943	1006946931.85
Year 3	1,100,132,082	0.915	1026499299.46
Total	3,205,201,482		3021213221.60
Benefit-Cost Ratio			2.91

The benefit-cost ratio of the project is 2.91 which indicates almost 3 times return on investment. The project will therefore create additional value (feasible) and as such should be positively considered.

The findings show that installation of CCTV cameras in every barangay, schools, and commercial areas will bring positive result and is likely to contribute to faster reporting of bullying incidents and other crimes.

Table 2b. Cost-Benefit Analysis

Capacitating personnel on Anti-Sexual harassment in the workplace to be funded using GAD budget (at P400,000.00 initial annual budget per institution, with P50,000.00 increase per annum to accommodate more participants)

Year	Cost	Present Value (PV) Factor	PV Benefit Expected from the project
Year 1	400,000	0.952	380952.38
Year 2	450,000	0.943	424168.16
Year 3	500,000	0.915	457570.83
Total	1,350,000		1262691.37
Benefit-Cost Ratio			3.16

The benefit-cost ratio of the project is 3.16 which

indicates 3 times return on investment. The project will therefore create additional value (feasible) and as such should be positively considered.

This will not only maximize the use of the Gender and Development Fund but also educate the personnel and stakeholders on the much-needed policies and strategies to curb sexual harassment and bullying in the workplace.

Educating the personnel and the workforce about what constitute workplace bullying and the possible consequences of their actions including legal actions may possibly lead to reduction of offenders; contributing as well to the reduction in cases of cyberbullying in the workplace.

(2) Intangible Benefits

Safe workplace, Capacitated workforce, Reduction in cybercrime offenders.

As for the material resource, the installation of CCTV cameras may be beneficial in the monitoring, documentation, and reporting of incidents of bullying and harassment since statistics would tell that several victims opt not to report their experience out of fear and difficulty in establishing evidence. In terms of cost, the minimum requirement would be around P1,036,980,000.00 pesos computed based on the number of barangays, universities, and medium and large enterprises in the Philippines (51,849) as of the 2020 census and the lowest price of CCTV package/installation, which is P10,000 per unit (each barangay having two units). The only problem with CCTVs is that it will not be able to record to actual words being said by the bully to the on being bullied, hence proof would rely solely on the actuations, facial expressions, and verbal signs that the CCTV would be able to capture.

Many anti-bullying policies and programs have been developed and tested for effectiveness in the past years. If viewed on the perspective of the possible reduction in the number of cybercrime offenders and personal cost of 50,000 pesos, three times return on investment is expected. The cost-benefit analyses presented herein can be seen in various perspectives (individual, organizational, or societal). Also, the process addressed whether the expected benefits for the

proposed incremental and rational policies in terms of short-term and long-term benefits are more significant than the costs required for implementing them.

Is there a good value for money to invest in anti-bullying policies?

The chosen estimates in this study were conservative, and were measured via its cost and benefit only. It was assumed that the local government units and public and private institutions will implement anti-bullying policies on the cost side. On the benefit side, the quantified monetary requirements offered the return of investment for the long-term implementation of the intervention. Calculations on the costs and benefits showed that investing in anti-bullying policies and programs can be valuable.

The proposed legislation shall meet the requirement of effectiveness considering that it will squarely address the problem on office bullying. The legislation will cover acts and aggressive behaviors in the workplace not covered by existing laws.

Efficiency in the adoption of rational policy option is found to be the most efficient. Other options would only leave the problem unattended as there is no law punishing it. The cost of implementation shall be to the burden of both public and private sectors. The structures and mechanisms already well-established in each organization may also be used to implement an anti-workplace bullying act. It needs no additional budget because the mechanisms are already in the organizations. On the other hand, the cost of workplace bullying, as shown by the many credible documents and the guided interviews, is high to both government and private organizations.

The policy if implemented would benefit victims of workplace bullying suffering in silence and their families. It would also encourage equal opportunity for workers to increase productivity leading to work promotion and career improvement. The policy will also ensure peaceful and harmonious relationship at the workplace. Frequent turn-overs due to disturbing work structures and productivity may be prevented if a policy is crafted.

b. Feasibility Analysis

This section carries out a feasibility analysis of the prospective policy options aimed at addressing workplace bullying in the Philippines.

(1) Technical Feasibility and Technical Risk Analysis

In terms of technical feasibility, the options presented requires technical know-how and technology-based materials. The strategies include the installation of Closed-Circuit Television (CCTV) cameras in strategic areas in the barangays, universities, and commercial areas/business centers where bullying and sexual harassments may happen. Even with the estimated investment of ₱3,205,201,482.00 for

three years, the benefit outweighs the cost.

While there are perceived benefits, there are also potential risks such as maintenance and deterioration of the installed cameras with 3% increase in the initial cost considering possible inflation.

(2) Economic Feasibility

As for the options to legislate national laws and adopt the National Cybersecurity Plan, the only requirement is the political will of the legislators with some push from advocacy groups.

The national laws to be crafted may or may not require additional fund to implement policies and strategies. The new systems that will emanate from the would-be proposed and enacted policies particularly the Anti-Bullying Act has the potential to provide maximum benefits to the community, the government, and the private sector. The policies may help enhance the productivity of the people who are victims of bullying and as a result, may speed of the economy's rate of growth. The policies protecting the right of the employees may have positive implications to the economic activities and government activities as a whole.

(3) Organizational Feasibility

Also, measured is the feasibility and benefit of capacitating the institutions on anti-sexual harassment policies and the strategies that may be implemented in the workplace to control acts of harassment and bullying. The financial requirement may be sourced out from the existing Gender and Development (GAD) Fund.

When analyzed using the cost-benefit analysis, the ₱1,350,000.00 investment for three years to capacitate the workforce would be advantageous in the long run for thousands of institutions and organizations in the country.

The legal feasibility of the option is also high looking at the inherent police power of the state to legislate and implement laws intended to promote and protect public safety, public policy, public health, good customs and public morals (Article II, Section 5 Philippine Constitution)^[47].

There is also the advantage of political acceptability considering that the number of both government and private sector workers who would benefit from the legislation is innumerable. Policy makers would adopt the issue and legislate because they may invest political capital for the victims and their families as well as the owners of enterprises for increasing productivity and outputs due to prevailing workplace peace and harmony.

Finally, the path dependence model would point to a fact that legislative initiatives pertaining to workers benefits and safety received favorable support from legislators and congressional lobbyist as proven in the passage of RA10627 banning gender-based sexual harassment in all public places, including streets, workplaces, recreational areas,

and public vehicles; Non-tolerance of Sexual Harassment in the workplace^[48]; Maintenance of Safe Spaces (Republic Act 11313); Equal employment opportunity for Persons with Disabilities (Republic Act 7277); and Non-rejection of job application, termination of employment, or other discriminatory policies in hiring, provision of jobs, and “other related benefits, promotion, or assignment of an individual solely or partially based on actual, perceived, or suspected HIV status”^[49].

This piece of legislation will also trigger endowment effect on workplace bullies considering that they would tend to avoid committing the behavior because of loss aversion.

The proposed legislation will realize the constitutional provisions on the dignity of human person and the concomitant right to a peaceful and harmonious workplace free from any form of behavioral harassment and disturbance of industrial peace. The legislation will also enhance the much-needed cooperation and unity in the work place that might lead to increased productivity and cultivate a true sense of community and oneness as well as respect for co-workers, an innate trait of Filipinos which should be cultivated and cherished even in the workplace.

5. Conclusions

There is a dire need to solve the problem of workplace bullying in both private and government sectors. The cost of bullying could amount to billions of lost profits due to its adverse effects on human resource in the form of frequent turnover of employees and loss in productivity.

Researches on the effects of this problem focused on both the psychological impact on the victim and on organizational productivity. Bullying has a negative impact on the victim’s health leading to low productivity and loss of work enthusiasm while on the organizational productivity side, the phenomenon of workplace bullying costs the company billions of losses due to declining volume of production.

Looking at the problem, there is a need to revisit existing laws on workplace-related statutes and policies that aim to prevent work place incivility and aggressive behaviors and determine whether there are enough policies covering different acts or behaviors which cause adverse impacts on employee health and organizational productivity.

There is a need to provide policy intervention to correct the market and government failures. The prevalence of workplace bullying in both private and government sectors creates negative externalities to the victim’s families and employers.

The Philippines has a number of studies related to workplace bullying largely due to the absence of statute governing such behavior.

There are current policies and statutes in the Philippines governing workplace incivility and aggressive behavior but there is no specific legislation covering workplace bullying. The problem of workplace bullying is not addressed by the existing laws in the Philippines.

In the absence of a workplace bullying policy in the Philippines, there are some existing policies related to workplace bullying implemented in the country, to wit:

- Anti-sexual Harassment Act of 1995 or RA 7877;
- The Safe Spaces Act RA 11313;
- Republic Act 11058;
- JMC No. 1 s. 2020;
- Republic Act 11036;
- DOLE DO. No. 208 series of 2020; and
- CSC MC. No. 04, s. 2020

All the policies mentioned are related to workplace bullying but only address portions of what may be considered as - or cause - bullying in the workplace.

Of all the existing policies in the country, those who are penalized under RA 10627 and RA 7877 (also known as the “Anti-Sexual Harassment Act”), have close similarity to the acts and behaviors of bullies. It is for this reason that such special laws are considered as the policies in effect relative to the Status Quo. While it is better to consider possible modification of the said law as part of the incremental option (column two) it is deemed enough to evaluate modification of RA 10627 as adequate comparison with the workplace bullying act part of the rational model of policy proposition to wit; bullying across institutions remains a major problem with severe short and long-term consequences for victims and bullies alike.

Based on cost benefit analysis, there is a good value for money when legislation is done compared to incremental development of existing related laws. There is also the intangible benefits like safe workplace, capacitated workforce, reduction in cybercrime offender.

Calculations on the costs and benefits showed that investing in anti-bullying policies and programs can be valuable.

The proposed legislation shall meet the requirement of effectiveness considering that it will squarely address the problem on office bullying. The legislation will cover acts and aggressive behaviors in the workplace not covered by existing laws. Moreover, the study proved that there are technical feasibility, and technical risk analysis, economic feasibility, and organizational feasibility. Likewise, the legal feasibility of the option is also high looking at the inherent police power of the state to legislate and implement laws intended to promote and protect public safety, public policy, public health, good customs and public morals (Article II, Section 5 Philippine Constitution). There is also the advantage of

political acceptability considering that the number of both government and private sector workers who would benefit from the legislation is innumerable.

Looking at the organization as an institution where workplace bullying tends to take place and remains a problem, the following institutional analysis might help see the need for a legislation and community actions on the issue.

Ostrom analysis would show us that mitigating workplace bullying is possible if all the individuals benefiting from a workplace peace and harmony would agree and work against proliferation of this behavior. The organization can lay down the rules and procedures on how to deal with workplace violence such as bullying in the office. A multi-group task force within the organization to prevent workplace bullying may be created with the primary mandate of detecting and identifying signs of bullying in the workplace. Early identification may prevent its commission. The task force consists of a supervisor, a representative of the rank and file, a middle level manager, and a Senior Executive. They are to craft a set of guidelines that would discourage workplace violence. This will also involve accredited employees' organization. According to Ostrom, individuals who participated in planning and benefit from a policy shall tend to support it to prevent tragedy of the commons. The observance of participatory governance might help mitigate the commission of unhealthy behavior of bullying. Also, those who are benefitting from their employment in the organization may tend to commit actions to prevent bullying.

The propensity of a person to prevent losses rather than pursue gain is a rational reality. If there will be legislation on the matter or organizational policy to discourage bullying in the workplace, the imposition of heavy penalty on anyone committing this behavior is a demotivation to many not to engage in bullying. Analysis would point to observance of loss aversion to mitigate work place bullying. Bullies may be penalized whether by means of suspension from work without pay or monetary imposition in the form of fines of deter commission of this behavior.

Many bullies are exhibiting such behavior because they are experiencing a sense of personal gratification on creating damage or over empowering the will of another. Subjecting another to the will of the bully is a sort of power gratification. This behavior is manifested across organizational units and positions. Rank and file occupying much lesser authority and power in the organization does it through aggressive actions while those occupying position of influence and authority may do it in a more sophisticated and clandestine manner such as preventing another to realize work promotion.

In both cases, the effect to the subject of bullying is the same. Therefore, the approach to mitigating bullying is and should be crafted by individuals in organization across positions in the organizations. The decision makers must provide incentives to employees reporting cases of bullying. Accredited organization should see to it that awareness campaign on work place bullying is part of its cornerstone programs.

There are many legislations in the past that were upheld and implemented because of the cooperation between rank and file, and organizational managers. The Anti-Sexual Harassment Act, Anti-Child Abuse Law, Anti-Cyber Bullying Act in basic Education, to name a few. Path dependence model of institutional analysis shows that similar legislations are favored both by Congress and Government institutions.

The proposed Anti Workplace Bullying Act is a solution to the problem of office bullying. It will not only mitigate commission of bullying but also help realize the constitutional provisions on the dignity of human person and the his/her right to a peaceful and harmonious workplace; free from any form of behavioral harassment and disturbance of industrial peace. The legislation will also enhance the much-needed cooperation and unity in the work place that might lead to increased productivity and cultivate a true sense of community and oneness as well as respect for co-workers which an innate trait of Filipinos which should be cultivated and cherished even in the workplace.

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