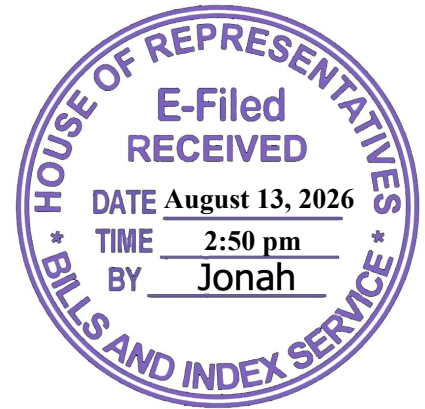


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

House Bill No. 10782



INTRODUCED BY REP. PATRICK MICHAEL “PM” D. VARGAS

AN ACT
AMENDING REPUBLIC ACT NO. 11036, OTHERWISE KNOWN AS THE
“MENTAL HEALTH ACT,” BY STRENGTHENING WORKPLACE MENTAL
HEALTH PROMOTION AND PROTECTION, PROVIDING FOR WORKPLACE
MENTAL HEALTH PROGRAMS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Republic Act No. 11036, or the “Mental Health Act,” affirms the State’s commitment to promote and protect the mental health of all Filipinos. However, the law requires further strengthening to ensure that mental health promotion and protection are effectively institutionalized in workplace settings, where individuals spend a significant portion of their time and are exposed to various psychosocial risks.

This measure seeks to amend the law by clearly defining key concepts necessary for workplace implementation, including “Workplace Mental Health Program” and “Mental Health Focal Person,” to ensure accountability and proper coordination within organizations.

The bill introduces explicit obligations on employers, both in the public and private sectors, to adopt and implement workplace mental health policies and programs. These programs are required to include mental health promotion, stigma reduction, access to referral mechanisms, confidentiality safeguards, non-discrimination measures, early identification and intervention systems, reasonable accommodations, and capacity-building for supervisors and designated personnel. It also mandates the designation of a focal person to oversee implementation and compliance.

To protect the rights of workers, the measure establishes clear standards on confidentiality and data protection, ensuring that any information related to an employee's mental health condition or treatment is handled with strict privacy safeguards and in accordance with existing laws, including the Data Privacy Act of 2012.

The bill further provides for fair and supportive return-to-work and rehabilitation procedures for employees recovering from mental health conditions, including reasonable accommodations and reintegration measures, while prohibiting discrimination on the basis of mental health history.

Finally, the measure delineates the roles of key government agencies. The Department of Health is tasked to lead in policy formulation and technical guidance, while the Department of Labor and Employment and the Civil Service Commission are mandated to ensure compliance in their respective jurisdictions. Other relevant agencies are likewise encouraged to integrate mental health promotion initiatives within their systems.

By establishing clear standards, responsibilities, and safeguards, this measure aims to create healthier, more supportive, and rights-based work environments across all sectors.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



REP. PATRICK MICHAEL "PM" VARGAS

Fifth District of Quezon City

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

SECTION 1. Short Title. This Act shall be known as the “*Workplace Mental Health Amendment Act.*”

SECTION 2. Section 4 of Republic Act No. 11036 is hereby amended to include the following definitions: after the existing definition of “Mental Health Professional”:

n. “*Workplace Mental Health Program*” refers to a set of policies, procedures, services, and interventions adopted and implemented by an employer to promote mental health and psychological well-being, prevent and address psychosocial risks, provide appropriate support and referral mechanisms, and protect workers from discrimination, harassment, violence, and retaliation on the basis of an actual or perceived mental-health condition.

o. “*Mental Health Focal Person*” refers to the designated officer or employee responsible for coordinating workplace mental health initiatives, referrals, and related compliance requirements under this Act.

The succeeding definitions under Section 4 of Republic Act No. 11036 shall be correspondingly renumbered.

SECTION 3. A new section to be designated as Section 25-A is hereby inserted after Section 25 of Republic Act No. 11036, to read as follows:

“SEC. 25-A. *Employer Obligations on Workplace Mental Health.* — All employers, whether in the public or private sector, shall adopt and implement a workplace mental health policy and program appropriate to the size, nature, and capacity of the organization.

Such policy and program shall include, at a minimum:

- a. A written mental health policy that is disseminated to all employees and reviewed periodically;
- b. Measures to promote mental health awareness, reduce stigma, and encourage help-seeking behavior;
- c. A referral mechanism to licensed mental health professionals, facilities, or service providers;
- d. Confidential procedures for the handling of employee mental health information;
- e. A non-discrimination and anti-retaliation policy;
- f. A mechanism for early identification and intervention in cases of mental health distress;
- g. Procedures for reasonable workplace accommodations and return-to-work support, as appropriate;
- h. Training of supervisors and designated personnel on mental health literacy, psychological first aid, referral protocols, and lawful accommodation practices;
- i. A designated mental health focal person or equivalent point of contact within the organization.

The Department of Health, in coordination with the Department of Labor and Employment, Civil Service Commission, and such other agencies as may be necessary, shall issue the implementing guidelines for the minimum standards under this section.”

SECTION 4. A new section, to be designated as Section 25-B, is hereby inserted after Section 25-A of Republic Act No. 11036, to read as follows:

“SEC. 25-B. *Confidentiality and Data Protection in the Workplace.* — Any information relating to the mental health

condition, treatment, counseling, or referral of an employee shall be treated as confidential.

No such information shall be disclosed, accessed, or used except:

- a. With the written consent of the employee concerned;
- b. When disclosure is required by law;
- c. When necessary to prevent an imminent and serious harm, subject to applicable legal and ethical standards; or
- d. As otherwise allowed under existing privacy and data protection laws and regulations.

Employers shall ensure that workplace records, referral documents, and related communications are protected from unauthorized disclosure and are managed in accordance with the Data Privacy Act of 2012 and other applicable laws.”

SECTION 5. A new section, to be designated as Section 25-C, is hereby inserted after Section 25-B of Republic Act No. 11036, to read as follows:

“SEC. 25-C. Return-to-Work and Rehabilitation Support. — Employers shall adopt fair and supportive return-to-work procedures for employees recovering from mental health conditions or related leave.

Such procedures may include phased reintegration, temporary workload adjustments, check-ins with designated personnel, and other reasonable accommodations, provided that these shall not be construed as reducing the employee’s statutory rights or benefits.

No employee shall be denied employment, demoted, suspended, discharged, or otherwise discriminated against solely on account of the employee’s history of mental health treatment, except as may be permitted under existing law and due process.”

SECTION 6. A new section, to be designated as Section 25-D, is hereby inserted after Section 25-C of Republic Act No. 11036, to read as follows:

“SEC. 25-D. *Role of Government Agencies.* — The Department of Health shall lead the formulation of policies, standards, and technical guidance on workplace mental health.

The Department of Labor and Employment shall ensure compliance with workplace mental health obligations in the private sector, and the Civil Service Commission shall issue corresponding rules for government personnel.

The Department of Education, Commission on Higher Education, and Technical Education and Skills Development Authority may likewise integrate mental health promotion and awareness initiatives in their respective systems, consistent with this Act.”

SECTION 7. *Appropriations.* The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the concerned agencies, and thereafter such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SECTION 10. *Implementing Rules and Regulations.* — Within ninety (90) days from the effectivity of this Act, the Department of Health, in coordination with the Department of Labor and Employment, Civil Service Commission, National Privacy Commission, and other relevant agencies, shall promulgate the necessary implementing rules and regulations.

SECTION 11. *Separability Clause.* — If any provision of this Act is declared invalid or unconstitutional, the remainder thereof not affected shall remain in full force and effect.

SECTION 12. *Repealing Clause.* — All laws, presidential decrees, executive orders, rules, and regulations, or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 13. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,