

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



23 JAN 31 P3:51

**SENATE**  
**S.B. No. 1817**

RECEIVED BY: \_\_\_\_\_

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Introduced by **Senator Raffy T. Tulfo**

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**AN ACT**

**PROMOTING THE MENTAL HEALTH OF EMPLOYEES AND PROVIDING FOR  
MENTAL HEALTH LEAVE AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

In relation to Republic Act No. 11036 also known as "Mental Health Act" where the state commits itself to promoting the well-being of people by ensuring the mental health is valued and promoted and protected; mental health conditions are treated and prevented; timely, affordable, high quality, and culturally –appropriate mental health case is made available to the public, it is a high time that the Philippines include in its priorities not just the provision of mental health services but the time to allow the employees to prevent and address a concerning pose to their mental well-being.

Gallup World Poll reported that Filipino workers are the most stressed workers in Southeast Asia. In another study by Microsoft, Filipinos are the most overworked employees. Contributing factors to having work cited as a significant source of stress are the excessive demands of the workplace, the long hours of commute to and from work, the lack of a work-life balance and the below-market pay. This is crucial as continued stress can lead to problems such as depression, anxiety or burnout. If job stress goes unaddressed, organizations may also pay the price in higher rates of turnover, disengagement, and absenteeism.

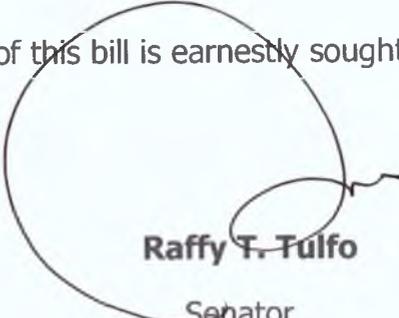
To prevent this from happening, employees shall be given the chance to break free from stress, especially if it's already leaning towards depression or other serious mental health concerns. Unfortunately, when compared to receiving treatment for physical illness, taking time off for mental health concerns is not as commonly

considered as normal in the Philippines. One reason is because taking the time off for mental health related problems is not well-supported in the country leading to Filipinos not feeling comfortable sharing their mental health challenges for fear of alienation or prejudice.

There has to be more initiative to normalize pondering mental well-being and to raise awareness that recovery from mental health illness does not happen overnight. The assistance should continue throughout recovery, not just after the appropriate recommendation has been made. Employers must also carry out a risk assessment relative to their workplace mental health policies, for stress at work and take actions based on any findings. Anyone can experience mental or emotional health problems — and over a lifetime, many of us will. That's why awareness and understanding mental health is vital and shall be supported at all costs.

In the state's effort to uphold a holistic well-being approach which comprise the body, mind and even spirit, this bill shall allow the employees to take 10 days off per year to seek professional treatment for mental health conditions provided they have presented a certification from a mental health professional indicating the need for mental health leave. This shall allow the employees to undergo the prescribed therapy and recover from the physical and emotional toll of stress.

In view of the foregoing, the urgent passing of this bill is earnestly sought.



**Raffy T. Tulfo**  
Senator

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Office of the Secretary

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**AN ACT**

**PROMOTING THE MENTAL HEALTH OF EMPLOYEES AND PROVIDING FOR  
MENTAL HEALTH LEAVE AND FOR OTHER PURPOSES**

*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 the "Mental Health Promotion  
2 and Leave Act for Employees."

3           Sec. 2. *Declaration of Policy.* - It is the policy of the State to promote the mental  
4 health and well-being of employees, in order to improve their productivity,  
5 performance, and overall quality of life. The State also recognizes the need for  
6 employees to take time off work for the purpose of addressing their mental health  
7 concerns.

8           Sec. 3. *Promoting Mental Health in the Workplace.* - Employers shall take  
9 necessary steps to promote mental health in the workplace, such as providing access  
10 to mental health services and resources, and implementing programs to prevent and  
11 address workplace stress and burnout.

1           Sec. 4. *Employer's Responsibility.* - Employers shall be responsible for  
2 promoting the mental health and well-being of their employees. Employers shall be  
3 required to:

- 4           a) Provide an environment that is conducive to mental well-being
- 5           b) Provide access to mental health services, including counseling and therapy
- 6           c) Provide training and education on mental health and well-being for employees
- 7           d) Provide accommodations and support for employees with mental health  
8           conditions
- 9           e) Implement a confidential and non-discriminatory process for employees to  
10           report mental health concerns

11           Sec.5. *Employee's Right.* - Employees shall have the right to:

- 12           a) Access mental health services, including counseling and therapy
- 13           b) Receive accommodations and support for mental health conditions
- 14           c) Report mental health concerns without fear of discrimination or retaliation
- 15           d) Maintain confidentiality of their mental health information
- 16           e) Take mental health leave as provided for in this Act

17           Sec. 6. *Mental Health Leave.* - Every employee in the Philippines shall be  
18 entitled to a mental health leave of not less than ten (10) working days per year. The  
19 mental health leave shall be in addition to the regular vacation and sick leave  
20 entitlements provided under existing laws.

21           Sec. 7. *Qualification for Mental Health Leave.* - An employee shall be qualified  
22 for mental health leave if:

- 23           a) He or she has been employed for at least six (6) months with the same  
24           employer;
- 25           b) He or she has a medical certificate issued by a licensed mental health  
26           professional certifying that the employee is suffering from a mental  
27           health condition and is in need of treatment or counseling;

1            *Sec. 8. Payment of Salary During Mental Health Leave.* - An employee who  
2            avails of mental health leave shall be entitled to receive full pay for the duration of the  
3            leave.

4            *Sec. 9. Implementation.* - The Department of Labor and Employment shall be  
5            responsible for the implementation of this Act. The department shall issue the  
6            necessary guidelines and regulations for the promotion of mental health among  
7            employees, including the minimum standards for mental health services,  
8            accommodations, and support provided by employers, as well as the process for taking  
9            and granting mental health leave.

10           *Sec. 10. Penalties.* - Any employer found to have violated any provision of this  
11           Act shall be subject to penalties as provided for in this Act.

12           *Sec. 11. Repealing Clause.* - Any law, executive order, or rule or regulation  
13           inconsistent with the provisions of this Act is hereby repealed or modified accordingly

14           *Sec. 12. Effectivity.* - This Act shall take effect fifteen (15) days after its  
15           publication in the Official Gazette or in any newspaper of the general circulation.

*Approved,*