

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City



SIXTEENTH CONGRESS
First Regular Session

House Bill No. **2269**

Introduced by: REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

The nagging traffic problem in Metro Manila is still waiting for an effective solution. Different schemes on how to solve this problem have been conceived. The color coding for instance, which requires all vehicles both for public and private use to be off the streets of Metro Manila one day a week based on the last digit of the plate number of the vehicle. A particular colored sticker is assigned to the vehicles which will be off the road on a certain day of the week.

The Metro Manila Development Authority has approved the number coding scheme of traffic regulation which requires private vehicles not to use certain streets with high traffic density from 7:00 to 9:00 in the morning and from 5:00 to 7:00 in the afternoon and early evening for one day each week depending on the last digit of the plate number.

These attempts, are all directed to vehicle volume reduction. So far no effort has been directed towards passenger volume redistribution by reprogramming the work schedule of workers and employees in order to redistribute the movement of passengers over a period of sixteen hours of each day instead of the present practice of only eight hours a day usually starting at eight o'clock (8:00 a.m.) in the morning up to five in the afternoon (5:00 p.m.).

This proposed bill requires government and public offices to adopt the flexible working hours for employees where possible but without

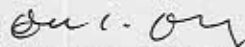
adversely affecting proper delivery of services. Private employers are likewise encouraged to adopt the system on a voluntary basis with some incentives.

There are workers or employees whose kind of work do not necessarily require that they be performed between eight o'clock in the morning (8:00 a.m.) and six o'clock in the afternoon (6:00 p.m.). There are people who are late risers and, therefore, prefer to report for work late in the morning and work up to the early evening. Others prefer to work in the afternoon and late evening. Reprogramming of the work schedule will result in the passenger volume redistribution which will in turn bring about vehicle volume reduction during the usually peak hours.

This practice of flexible working hours has been widely adopted in the United States and other highly industrialized countries. Furthermore, this practice could contribute to the population control program by reducing the number of hours when the spouses are both at home.

To induce private employers to adopt the flexible working hours for their employees, this bill exempts them from the payment of the night shift differential of 10% imposed by the Labor Code, if the labor union or majority of the regular employees in the private firm agree to the work schedule, or they can avail of the tax incentive by applying the amounts paid for night shift differential to the settlement of income tax due for the respective calendar or fiscal year.

Considering the beneficial effects this bill will have in easing the traffic problem, support for the enactment of this proposed bill is earnestly sought.


ERIC L. OLIVAREZ

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AN ACT PROVIDING FOR THE ADOPTION OF FLEXIBLE WORKING HOURS IN GOVERNMENT SERVICE AND IN PRIVATE EMPLOYMENT OFFERING INCENTIVES THEREFOR AND AMENDING ACCORDINGLY THE LABOR CODE AND FOR OTHER PURPOSES.

Be it enacted by Congress in Session assembled:

Section 1. The short title of this bill is "The FLEXIBLE WORKING HOURS ACT of 2013."

Section 2. Statement of Policy: The state shall adopt measures designed to ease the traffic situation in highly urbanized cities, as defined in the Local Government Code, by reprogramming work schedules in government service and private employment in order to redistribute the movement of the commuting public without adversely affecting the delivery of public service.

Section 3. Departments, Offices and Agencies of the government shall adopt the flexible working hours where possible and without adversely affecting the proper delivery of services.

Section 4. Heads of departments, offices and agencies shall have the authority to approve the office working hours provided that under the working hours schedule adopted, officials and employees shall each render not less than eight hours work a day for five days a week or a total of forty hours.

Section 5. Private employers may adopt the flexible working hours on a voluntary basis. Such private employers who adopt the flexible working hours shall be exempt from the payment of the night shift differential prescribed under the Labor Code for the employees concerned with the approval of the Labor Union or a majority of the regular employees.

Section 6. The flexible working hours for both public service and private employment shall depend upon the agreement of management and the employees concerned. For public service, the work schedule should assure the public of frontline services from eight o'clock in the morning to five o'clock in the afternoon.

Section 7. The flexible working hours adopted by an official or employee shall thereafter be his regular working hours unless subsequently altered with the approval of the authorized official.

Section 8. In the exigency of the service, Saturdays and Sundays may be included in the working days, provided, that the employees who work on such days may choose a compensatory day/s off during weekdays, and provided further that the Saturday and Sunday shall be considered regular workdays and not cases of overtime.

Section 9. The employer availing of the flexible working hours shall have the tax incentive of deducting the total amount of night differential paid to the employees, should they not agree on the waiver of such differential pay, from the Income Tax due the government for the respective calendar/fiscal year.

Section 10. The pertinent provisions of the Labor Code other laws and presidential issuances, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this act are hereby repealed or modified accordingly.

Section 11. This act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation. The publication shall not be later than seven (7) days after the approval of this bill.

Approved,