

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5779



Introduced by Representative Sherwin N. Tugna

**AN ACT INSTITUTIONALIZING TELECOMMUTING IN THE
WORKPLACE AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Because of the advent of the internet, the world has become smaller. People can regularly communicate with one another through e-mails or any other modes of communication using the internet. With this innovation and technology, many employers also adopted new methods of employing their workers. Telecommuting (also known as working from home, or e-commuting) is one of these work arrangements in which the employee works outside the office, often working from home or a location close to home (including coffee shops, libraries, and various other locations). Instead of traveling to the office, the employee "travels" via telecommunication links, keeping in touch with coworkers and employers via telephone and email. The worker may occasionally enter the office to attend meetings and touch base with the employer. However, with many options for distance conferencing, there may be no need to visit the office.

Telecommuting has benefits both for the employees and the employers. The increased in productivity of the employees has encouraged employers in certain industries wherein telecommuting can be efficiently implemented. Consequently, it is necessary that this work arrangement be institutionalized so that the rights and welfare of the employees are protected and promoted.

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


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

SECTION 1. Title. This Act shall be known as the "Telecommuting Act of 2016,"

SECTION 2. Declaration of Policy. It is hereby declared the policy of the State to affirm labor as a primary social economic force. To this end, it shall protect the rights of workers and promote their welfare. The State recognizes that modern technology has opened up new and alternative avenues for employees to carry out their work such as telecommuting and other flexible working arrangements.

SECTION 3. Telecommuting Defined. For purposes of this Act, the term "telecommuting" means the partial or total substitution of computers or telecommunication technologies, or both, for the commute to work by employees.

After making such determination, an employer may opt to offer telecommuting program to its employees, upon such terms and conditions as they may mutually agree. In all cases, the employer shall provide the telecommuting employee with relevant written information in order to adequately apprise him/her of his/her responsibilities.

The adoption of a telecommuting program shall be voluntary based upon the agreement of the employer and its employees.

SECTION 4. Same Treatment. The employer shall ensure that its telecommuting employees are given the same treatment as that of comparable employees working at the employer's premises. The employer shall ensure, among others, that telecommuting employees shall:

- (a) Receive the same rate of pay, including overtime and nighttime work, and other similar monetary benefits in accordance with applicable legislation and collective agreements;
- (b) Have the same or equivalent workload and performance standards of the telecommuting employee;
- (c) Have the same access to training and career development opportunities as comparable workers at the employer's premises and are subject to the same appraisal policies as these workers.

- (d) Receive appropriate training targeted at the technical equipment at their disposal and at the characteristics of this form of work organization.
- (e) Have the same collective rights as workers at the same employer's premises and no obstacles are placed to communicating with workers representatives.

The employer shall also ensure that measures are taken to prevent the telecommuting employee from being isolated from the rest of the working community in the company, as giving him/her the opportunity to meet with colleagues on a regular basis and access to company information.

SECTION 5. Data Protection. The employer shall responsible for taking the appropriate measures with regard to software to ensure the protection of data used and processed by the telecommuting employee for professional purposes. The employer shall inform the telecommuting employee of all relevant legislation and company rules concerning data protection. The telecommuting employee shall ensure that confidential and proprietary information are protected at all times.

For this purpose, the provisions of the Data Privacy Act of 2013 shall have suppletory effect.

SECTION 6. Administration. The parties to the telecommunicating work arrangements shall be primarily responsible for its administration. In case of differences of interpretation, the following guidelines shall be observed:

- (a) The differences shall be treated as grievances under the applicable grievance mechanism of the company.
- (b) If there is no grievance mechanism or if this mechanism is inadequate, the grievance shall be referred to the Regional Office which has jurisdiction over the workplace for appropriate conciliation.
- (c) To facilitate the resolution of grievances, employers are required to keep and maintain, as part of their records, the documentary requirements proving that the telecommuting work arrangement was voluntarily adopted.

SECTION 7. Implementing Rules. Within 60 days from the effectivity of this Act, the Department of Labor and Employment shall, in consultation with relevant stakeholders, issue the appropriate implementing rules and regulations of this Act.

SECTION 8. Repealing Clause. All law, executive orders, rules and regulations or any part hereof inconsistent herewith are deemed repealed or modified accordingly.

SECTION 9. Separability Clause. If any part or provision of this Act shall be declared unconstitutional and invalid, such declaration shall not invalidate other parts thereof which shall remain in full force and effect.

SECTION 10. Effectivity. This Act shall take effect fifteen (15) days its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,