

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17th Congress
2nd Regular Session

HOUSE BILL NO. 6322



Introduced by: **"KUYA" JOSE ANTONIO R. SY-ALVARADO**

EXPLANATORY NOTE

"Work is something we DO, not a place that we GO." This motto was coined in 1995 when telecommuting became the subject of pop culture attention. Telecommuting is the use of telecommunication and computer technologies to reduce or replace traditional commuting to workplace.

The convergence of telecommunication and computer technologies that facilitate telecommuting also make possible other forms of interactions known collectively as teleactivity.

Telecommuting poses a huge environmental, social, economic and psychological impact by addressing issues on transportation, pollution, energy consumption, productivity and commercial development, home- or family-related conflicts and employment.

Reducing automobile use is one of the primary benefits of telecommuting. Telecommuters usually eliminate two trips per day when they work at home. Elimination of automobile trips has tremendous environmental benefits, including reduced emissions and reduced non-renewable fuel use. Million tons of regulated pollutants will be eliminated, billion gallons of gas will be saved, and billion hours of personal time will be freed from reduced traffic congestion and automobile trips, and billions of pesos of maintenance costs for existing transportation infrastructure will be reduced.

There will also be a dramatic reduction of demand for office and parking space. Besides the obvious financial costs to businesses of securing, operating, and maintaining offices, there are numerous environmental costs, usually borne by consumers and society. HVAC (Heating, Ventilation, and Air Conditioning) equipment consumes large amounts of electricity and natural gas while exhausting waste heat to the atmosphere. Parking lots are the source of many environmental problems related to office and commercial development. Paved parking lots act as giant solar collectors, decreasing the albedo of the earth's surface and increasing air temperatures in the surrounding area. This localized heating further increases air conditioning energy costs, which in turn dumps more waste heat into the local environment. This cycle can raise the average temperature of entire urban areas, a phenomenon known as the heat island effect.

Telecommuting may contribute to further suburbanization and urban sprawl by releasing households from locational constraints related to maximum acceptable commute time and distance.

The flexibility of work arrangement of telecommuting has important benefits for specific population groups. Working parents benefit from reductions in commute time, which allows them to spend more time with their children. Teleactivities like teleshopping offers similar time savings, and reduces the need for often stressful trips to the grocery store with young children in tow.

That same flexibility, combined with a reduction of necessary travel, may allow a greater proportion of retirement age workers to remain in the workforce. The company benefits by retaining skilled employee, while the worker benefits by maintaining their position as a productive member of the society.

For similar reasons, disabled workers often have difficulty gaining entrance to and operating in the traditional workplace. Telecommuting offers one alternative to rectify this situation.

By reducing or eliminating time spent traveling to and from work, telecommuting offers workers a significant increase in discretionary time. Some telecommuters may use this time to do more work or may utilize this for recreational and social activities. Increases in leisure activities may have far-reaching social and environmental effects. Increases in discretionary time will likely boost the economy as spending on leisure activities increases.

Telecommuting offers ways to cut air pollution and global warming pollution, improve public health, improve public health, improve employee recruiting and retention, improve employee satisfaction, and reduce expenses and taxes for employers and employees.

Therefore, in order to realize these benefits and encourage the use of teleworking and telecommuting, this bill aims to establish an organization-wide telecommuting programs and policies, and adopt it on a larger scale.

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

"KUYA" JOSE ANTONIO R. SY-ALVARADO

*Representative
First District of Bulacan*

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AN ACT
ENCOURAGING THE USE OF TELECOMMUTING BY ESTABLISHING
EFFECTIVE PROGRAMS AND POLICIES

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

SECTION 1. Short Title. – This act shall be known and may be cited as the "Telecommuting Act"

Sec. 2. Declaration of Policy. – It is hereby declared that the rights and welfare of workers, and the health and safety of the people is a matter of State concern, as is the economic vitality and effectiveness of mass transit, all of which are threatened by the increasing amount of traffic congestion.

Sec. 3. Definition. – For purposes of this Act, the term "telecommuting" refers to a flexible work arrangement that allows an employee to work from an alternate workplace, such as from home or another satellite location which is linked with the use of telecommunication and computer technologies during all or some portion of the workweek.

Sec. 4. Telecommuting Program. – Employers shall establish a program to allow eligible employees to perform all or a portion of their duties through teleworking to the maximum extent possible without diminished employee performance. Employers shall also:

- (1) Designate a telework coordinator to be responsible for overseeing the implementation of teleworking programs;
- (2) Prepare a telecommuting agreement that will provide the rules and guidelines necessary for the employer and employee to participate in a telecommuting program;
- (3) Provide telecommuting employee with relevant written information in order to adequately apprise him/her of his/her responsibilities;
- (4) Provide trainings and seminars for their telecommuting employees or supervisors.

Sec. 5. Eligible Candidates for Telecommuting Programs. – Employers shall have a clear policy on telecommuting eligibility. Employers can establish specific criteria to determine which employees are permitted to participate in a telecommuting program.

Sec. 6. Employee's Fair Treatment Rights. – 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:

- (1) Receive rate of pay, including overtime and nighttime work, and other similar monetary benefits not lower than applicable legislation and collective agreements;
- (2) Have the same or equivalent workload and performance of standards of the telecommuting employee;
- (3) Have the same access to training and career development opportunities and are subject to the same appraisal policies;
- (4) Receive appropriate training targeted at the technical equipment at their disposal and at the characteristics of this form of work organization; and
- (5) Have the same collective rights as workers at the 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.

Sec. 7. Security Policies. – The employer shall be responsible in providing necessary software to ensure the protection of data used and processed by the telecommuting employee for professional and security purposes. The employer shall inform the telecommuting employee of all relevant legislation and company rules concerning data protection. The telecommuting employee shall be responsible for loss of data and shall ensure that confidential and proprietary information are protected at all times.

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

Sec. 8. Telecommuting Administration. – The parties to the telecommuting work arrangements shall be primarily responsible for its administration. In case of differences in interpretation, the following guidelines shall be observed:

- (1) The differences shall be treated as grievances under the applicable grievance mechanism of the company
- (2) If there is no grievance mechanism or if this mechanism is inadequate, the grievance shall be referred to the Regional Office of the Department of Labor and Employment (DOLE) which has jurisdiction over the workplace for appropriate conciliation.
- (3) 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.

Sec. 9. Telecommuting Pilot Program. – The DOLE shall establish and maintain a Telecommuting Pilot Program in select industries, which shall last for a period of not more than three (3) years. The DOLE shall be responsible for baselining, scoping and profiling research work prior to implementation, regular quarterly

monitoring and evaluation. At the end of the period of the program, the DOLE shall submit a report to the Congress.

Sec. 10. Implementing Rules. – Within sixty (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.

Sec. 11. Repealing Clause. – All laws decrees, orders, rules and regulations, or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 12. Separability Clause. If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

Sec. 13. Effectivity. – This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in at least (2) newspapers of general circulation in the Philippines, whichever comes earlier.

Approved.

