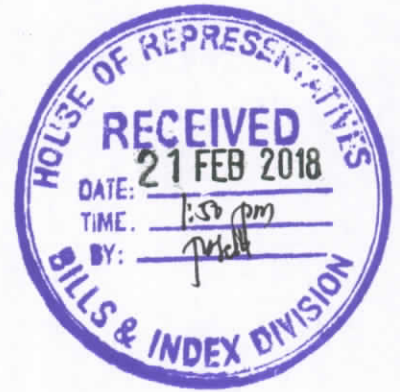




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SEVENTEENTH CONGRESS

Second Regular Session

HOUSE BILL NO. 7219

Introduced by **REPRESENTATIVE JOEL MAYO Z. ALMARIO**

EXPLANATORY NOTE

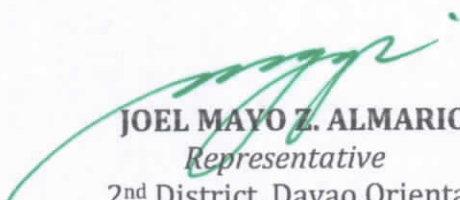
This bill seeks to institutionalize telecommuting in the workplace as a means not only protecting the labor force, but also improving productivity, thereby resulting in economic growth.

Telecommuting simply defined, is the possibility of working from a remote location rather than travelling to and from the office. For the purposes of this bill, it means the partial, or the total substitution of computers or telecommunication technologies, or both, for the commute to work by employees.

With the advancement of technology and vast improvement of communication devices, telecommuting has been embraced in hundreds of organizations worldwide. Employees are permitted to work from outside the office two to three times a week, and physical presence is replaced by other means of transmission and interaction. Advantages of such are multiple — improved employee productivity, schedule flexibility, increased time available for work due to reduced commute stress, company overhead expense reduction, improved employee retention, and continuity of work despite unforeseen circumstances leading to temporary office operations stoppage.

A secondary, but undeniable benefit of the acceptance of telecommuting is the reduction of traffic congestion nationwide. As less workers are required to go to the office, it can be expected that there will be less commuters and vehicles on the road, effectively reducing the gridlocks in major thoroughfares.

In light of the State mandate to protect its workers, and all the other economic and productivity benefits of institutionalizing telecommuting, support for this bill is earnestly sought.


JOEL MAYO Z. ALMARIO

Representative

2nd District, Davao Oriental



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

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

1 **Section 1. Title** - This Act shall be known as the "Telecommuting Act of
2 2018."

3
4 **Sec. 2. Declaration of Policy** - It is hereby declared the policy of the State to
5 affirm labor as a primary social economic force. To this end, it shall protect the
6 rights of workers and promote their welfare, especially in light of technological
7 development that has opened up new and alternative avenues for employees to
8 carry out their work such as telecommuting and other flexible working
9 arrangements.

10
11 **Sec. 3. Telecommuting Defined** - For purposes of this Act, the term
12 "telecommuting" means the partial or total substitution of computers or
13 telecommunication technologies, or both, for the commute to work by employees.

14
15 **Sec. 4. Telecommuting Program** - Employers shall be allowed to offer
16 telecommuting program to its employees upon such terms and conditions as they
17 may mutually agree. In all cases, the employer shall provide the telecommuting
18 employee with relevant written information in order to adequately apprise him/her
19 of his/her responsibilities.

20
21 The adoption of a telecommuting program shall be voluntary based upon the
22 agreement of the employer and its employees, which shall not be less than the
23 minimum labor standards set by law, and shall include, but not be limited to,
24 compensable work hours, minimum number of work hours, overtime, rest days, and
25 entitlement to leave benefits.

26
27 **Sec. 5. Fair Treatment** - The employer shall ensure that its telecommuting
28 employees are given the same treatment as that of comparable employees working
29 at the employer's premises. The employer shall ensure, among others, that
30 telecommuting employees shall:

- 31 (a) Receive rate of pay, including overtime and nighttime work, and other
32 similar monetary benefits not lower than applicable legislation and collective
33 agreements;
34
35 (b) Have the same or equivalent workload and performance standards of the
36 telecommuting employee;
37
38 (c) Have the same access to training and career development opportunities as
39 comparable workers at the employer's premises and are subject to the same
40 appraisal policies as these workers.
41
42 (d) Receive appropriate training targeted at the technical equipment at their
43 disposal and at the characteristics of this form of work organization.
44
45 (e) Have the same collective rights as workers at the employer's premises and
46 no obstacles are placed to communicating with workers representatives.
47

48 The employer shall also ensure that measures are taken to prevent the
49 telecommuting employee from being isolated from the rest of the working
50 community in the company, as giving him/her the opportunity to meet with
51 colleagues on a regular basis and access to company information.
52

53 **Sec. 6. Data Protection** - The employer shall be responsible for taking the
54 appropriate measures with regard to software to ensure the protection of data used
55 and processed by the telecommuting employee for professional purposes. The
56 employer shall inform the telecommuting employee of all relevant legislation and
57 company rules concerning data protection. The telecommuting employee shall
58 ensure that confidential and proprietary information are protected at all times.
59

60 For this purpose, the provisions of the Data Privacy Act of 2013 shall have
61 suppletory effect.
62

63 **Sec. 7. Administration** - The parties to the telecommuting work
64 arrangements shall be primarily responsible for its administration. In case of
65 differences in interpretation, the following guidelines shall be observed:
66

- 67 (a) The differences shall be treated as grievances under the
68 applicable grievance mechanism of the company.
69
70 (b) If there is no grievance mechanism or if this mechanism is
71 inadequate, the grievance shall be referred to the Regional Office
72 of the Department of Labor and Employment (DOLE) which has
73 jurisdiction over the workplace for appropriate conciliation.
74
75 (c) To facilitate the resolution of grievances, employers are required
76 to keep and maintain, as part of their records, the documentary
77 requirements proving that the telecommuting work arrangement
78 was voluntarily adopted.
79

80 **Sec. 8. Telecommuting Pilot Program** - The DOLE shall establish and
81 maintain a Telecommuting Pilot Program in select industries, which shall last for a
82 period of not more than three (3) years. The DOLE shall be responsible for

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

Sec. 9. 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.

Sec. 10. 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.

Sec. 11. Repealing Clause - All laws, executive orders, rules and regulations or any part hereof inconsistent herewith are deemed repealed or modified accordingly.

Sec. 12. Effectivity - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved.