

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH (17TH) CONGRESS
Second Regular Session

HOUSE BILL NO. **7349**



Introduced by Representative Manuel Monsour T. Del Rosario III

EXPLANATORY NOTE

The worsening traffic gridlocks have become a maddening chunk of the daily grind in the Philippines. Thousands of the country's workforce are mired in mammoth traffic jams along our metropolises' major thoroughfares and arterial roads. They spend hours on the road just to get to their places of work and several more hours to get home to their families.

The strain on the quality of life of the labor force, students, and other regular commuters may be difficult to quantify but they cannot be ignored. Moreover, the negative impact of traffic congestion on public health and the environment is expected to translate to economic costs.

A report by the Japan International Cooperation Agency (JICA) showed the costs of traffic would continue to rise if adequate solutions to ease congestion are not implemented. The report revealed that the economic losses associated with traffic in Metro Manila are estimated to be P2.4 billion each business day in 2012, a figure that is estimated to rise to P6 billion for each working day by 2030. This figure is comprised of costs associated with lost business hours and business opportunities, missed deadlines caused by delays, and wasted automobile fuel.

The human cost of traffic in the city is the lost time that could have been spent with loved ones. In addition to the emotional toll, there are also negative effects that traffic has on health and the environment. A 2012 study revealed that levels of greenhouse gas emissions in Metro Manila were at a staggering 4.7 million tonnes for the year—a number that falls well below the 5.7 estimated for the year 2030. Recent studies have also shown the adverse effect of traffic jams on the mental and overall health of motorists and commuters, including the increased risk of heart disease and brain damage.

The worsening traffic situation in the Philippines requires government to introduce more efficient alternative working modes to help alleviate the deleterious effects of traffic congestion in the country's metropolitan areas.

There is a huge potential for information and communications technology to remedy current social, economic, and environmental problems, including the inter-related problems of urban sprawl and traffic congestion. Along this line, we must seriously consider implementing telecommuting as an alternative work arrangement for employees, as far as it may be applicable and practicable.

Telecommuting is defined as work conducted from home that is often supported by telecommunications technology (telephone, Internet access, or computer). It is also known as remote work, homework, virtual work, telework or distributed work.

Telecommuting has been promoted in the public policy arena as a desirable solution for urban travel-related problems such as traffic congestion, excessive energy consumption, and air pollution. It is an international phenomenon reflecting employees' desire to achieve a better work-life balance and live in more sustainable environments away from the ills of traffic-congested and overcrowded cities.

There is much interest in telecommuting for various reasons. First, businesses can cut office costs with few to no employees present in the office ranging from furniture to electricity used, while employees save money used on gas to get to and from the office. Second, the vast majority of employees drive to work each day. The pollution emanating from vehicles can take a huge toll on the environment. Both companies and their workers can greatly reduce their carbon footprint when employees work from home.

Third, from the employees' perspective, telecommuting is associated with higher job satisfaction and has been widely advocated as a solution to the challenges individuals face in reconciling their personal and work lives. It can allow individuals to have greater control over work-family boundaries and to schedule work at times of peak efficiency or around family needs. The reduction in commute times that results from telecommuting also frees temporal resources that can be devoted to family or job needs, as employees often substitute commuting time for additional work time. And fourth, by being able to work from home—and have a better work life balance—employees become happier and feel valued. In turn, that happiness turns into gratitude, causing employees to become more invested in the companies they work for—and work harder.

In sum, telecommuting helps reduce energy consumption, traffic congestion and air pollution. It also boosts workers' productivity, improves morale and saves office space.

In view of the foregoing, approval of this bill is fervently sought.



MANUEL MONSOUR T. DEL ROSARIO III

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

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

SECTION 1. Title. – This Act shall be known as the “Telecommuting Act of 2017”.

SEC. 2. Declaration of Policy. – It is 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, especially in light of technological development that has opened up new and alternative avenues for employees to carry out their work such as telecommuting and other flexible work arrangements.

SEC. 3. Telecommuting Defined. – For purposes of this Act, the term “telecommuting” means a work arrangement on alternative work schedule in which an employee may spend part or all the regular work week at a location other than the employer’s office, which he does not require commute or travel by public transportation to a central place of work.

SEC. 4. Telecommuting Program. – Employers shall be allowed 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.

SEC. 5. Fair 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 telecommunicating employees shall:

- a) Receive rate of pay, including overtime and night shift differential pay, and other similar monetary benefits not lower than applicable legislation and collective agreements;
- b) Have the same or equivalent workload and performance of standards of the telecommunicating 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 organizations; and
- e) Have the same collective rights as workers at the employer’s premises and no obstacles are placed to communicating with workers’ representatives;

The employers shall also ensure that measures are taken to prevent the telecommunicating 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. 6. Data Protection. – The employer shall be 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 in all times.

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

SEC. 7. 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:

- a) 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 Employments (DOLE) which has jurisdiction over the workplace for appropriate conciliation.
- b) 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. 8. 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. 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 of 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 take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,