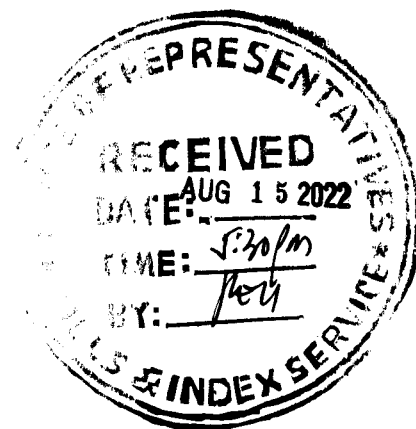


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3634



Introduced by the Honorable ANIELA BIANCA D. TOLENTINO

EXPLANATORY NOTE

The COVID-19 Pandemic made the practice of work-from-home popular and it also changed the dynamics of employment. Employees and workers were able to save money that they usually spent for expenses in going to work. On the other hand, employers likewise were able to save money on overhead expenses like electricity and office supplies because of the work-from-home practice.

However, the work-from-home practice also has negative effects. Though the employee has more time at home, it did not equate to less work. The work-from-home practice made the life of the employee more stressful as supervisors, managers, and employers called and asked employees to work even at ungodly hours. The prevalence of the work-from-home practice these days has blurred the line between hours of work and rest hours.

As such, this representation finds it proper to file the proposed measure to ensure that employees or workers who are under the work-from-home practice will be ensured that their hours of work shall not exceed what is prescribed by law. The proposed law herein wants to ensure that employees and workers will have ample time for rest and quality time for themselves and their families.

The protection of employees and workers is a paramount concern for nation-building. The State should endeavor to protect the welfare of the employees and workers. Employees and workers should be ensured that their time for rest will be protected and that if they will be required to work beyond their prescribed work hours, they should be paid compensated properly.

For the Filipino people, the passage of the measure herein is earnestly being prayed.

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**AN ACT PROMOTING THE WELFARE OF EMPLOYEES
BY DEFINING REST HOURS, PROVIDING PENALTIES
FOR ANY VIOLATION THEREOF, AND FOR OTHER PURPOSES**

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

Section 1. *Short Title.* – This Act shall be known as the “Workers’ Rest Law.”

Section 2. *Declaration of Policy.* – It is the policy of the State to protect and promote the health of the people and instill health consciousness among them. The State shall protect the rights of workers to privacy and personal time, and promote their welfare.

Section 3. *Coverage.* – The provisions of this Act shall apply to employees in all establishments and undertakings whether for profit or not, but not to field personnel, domestic helpers, persons in the personal service of another, and workers who are paid by results.

“Field personnel” shall refer to non-agricultural employees who regularly perform their duties away from the principal place of business or branch office of the employer and whose actual hours of work in the field cannot be determined with reasonable certainty. The term shall not include employees who are on a work-from-home arrangement and telecommuting employees as defined by Republic Act No. 11165, or the “Telecommuting Act”.

Section 4. *Hours of Work.* – The normal hours of work of an employee shall not exceed eight (8) hours a day, unless Presidential Decree No. 442, as amended, or the “Labor Code of the Philippines,” provides otherwise.

The hours of work of employees on a compressed work arrangement shall not exceed twelve (12) hours a day.

Section 5. *Rest Hours.* – Any period other than the hours of work shall be considered as rest hours of an employee.

An employee may not be compelled to render overtime work, unless otherwise allowed by Section 89 of the Labor Code of the Philippines, or unless the employee freely gives their written consent to render overtime work.

Any waiver of the right to rest hours or any advance consent to perform overtime work as a condition in the hiring or employment, re-employment, or continued employment shall be void, and the employee shall be entitled to the payment of penalty provided in Paragraph 1, Section 6 of this Act for the hours worked.

Section 6. *Prohibitions during Rest Hours.* – During rest hours, and unless the employee gives their consent as required by this Act, the employer, manager, supervisor, or any of their agents, is prohibited from:

- a. Requiring the employee to work;
- b. Requiring the employee to be on duty, to travel, or be at a prescribed place for work or work-related activities, such as attending seminars, meetings, team-building, and other similar activities; or
- c. Contacting the employee for work and work-related purposes through phone, e-mail, message, and other means of communication, unless it is for the purpose of notifying the employee of the necessity of rendering emergency or urgent work as provided under Article 89 and Article 92 of the Labor Code of the Philippines. Employees may not be penalized by the employer for not opening or answering communications received during rest hours.

Section 7. *Penalties.* – Any person violating the provisions of this Act shall pay the employee One Thousand Pesos (P1,000.00) per hour of work rendered in violation of this Act, or a fraction thereof. For purposes of this paragraph, substantial evidence is sufficient to prove the violation and number of hours worked.

If any of the acts enumerated in Section 6 of this Act is attended with violence, threats, or intimidation, the offender shall be punished for Grave Coercion under Article 286 of Act No. 3815, or the "Revised Penal Code," with the penalty next higher in degree imposed.

If as a result of asserting their rights under this Act, the employee is limited, segregated, or classified in any way that would discriminate, deprive, or diminish their employment opportunities, or otherwise adversely affect said employee, the offender shall be penalized with imprisonment of not less than one (1) month nor more than six (6) months, and a fine of not less than One Hundred Thousand Pesos (P100,000.00).

If the offense is committed by a corporation, trust, firm, partnership, association, or any other entity, the penalty shall be imposed upon the guilty officer or officers of such corporation, trust, firm, partnership, association, or entity.

Section 8. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, and rule and regulation contrary to or inconsistent with this Act is hereby repealed, modified, or amended accordingly.

Section 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,