

NINETEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 9735

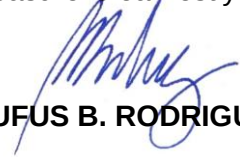
EXPLANATORY NOTE

Advances in technology has made it easier for people to work and conduct business. Everyone is getting more and more connected it is also easier to reach anyone at any given time. However, problems arise in such a way that employees work even beyond the normal working hours (i.e. replying to emails, replying to messages on their phones, answering calls, among others). This could add additional stress to employees and destroy their work life balance.

In France, a labor law gives employees the "right to disconnect" from email, smartphones and other electronic leashes once their working day has ended. According to their Ministry of Labor, the law is designed to ensure respect for rest periods and ... balance between work and family and personal life".

There have also been studies to show that the anticipatory stress and expectation of answering after-hours e-mails is draining employees, leading to "burnout" or the physical, psychological and emotional distress caused by a total inability to rest and diminished work-family balance, which is essential for individual health and well-being.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ

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AN ACT

GRANTING EMPLOYEES THE RIGHT TO DISCONNECT FROM WORK-RELATED ELECTRONIC COMMUNICATIONS AFTER WORK HOURS, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

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

SECTION 1. Article 84 of Presidential Decree No. 442, as amended, is hereby amended to read as follows:

Article 84. Hours worked. – Hours worked shall include (a) all time during which an employee is required to be on duty or to be at a prescribed workplace; and (b) all time during which an employee is suffered or permitted to work, **INCLUDING TIME SPENT READING AND RESPONDING TO WORK-RELATED COMMUNICATIONS SENT THROUGH ELECTRONIC MEANS, INCLUDING BUT NOT LIMITED TO E-MAIL, SHORT MESSAGING SERVICE (SMS), AND MOBILE PHONE CALLS, AFTER WORKING HOURS.**

Rest periods of short duration during working hours shall be counted as hours worked.

SECTION 2. A new Article 84-A is hereby inserted after Article 84 of the same law, to read as follows:

ARTICLE 84-A. RIGHT TO DISCONNECT. – AN EMPLOYEE SHALL NOT BE REPRIMANDED, PUNISHED, OR OTHERWISE SUBJECTED TO DISCIPLINARY ACTION IF HE OR SHE DISREGARDS A WORK-RELATED COMMUNICATION SENT AFTER WORK-HOURS, SUBJECT TO THE TERMS AND CONDITIONS OF THE POLICY TO BE ESTABLISHED BY THE EMPLOYER AS REQUIRED IN ARTICLE 84-B HEREOF.

SECTION 3. A new Article 84-B is further provided, to read as follows:

ARTICLE 84-B. POLICY ON AFTER-HOURS USE OF TECHNOLOGY. – IT SHALL BE THE DUTY OF EVERY EMPLOYER TO ESTABLISH THE HOURS WHEN EMPLOYEES ARE NOT SUPPOSED TO SEND OR ANSWER WORK-RELATED E-MAILS, TEXTS, OR CALLS, THE EMPLOYER SHALL DETERMINE THE CONDITIONS AND EXEMPTIONS THEREFROM, SUBJECT TO SUCH RULES AND REGULATIONS AS THE SECRETARY OF LABOR AND EMPLOYMENT MAY PROVIDE.

SECTION 4. *Implementing Rules and Regulations.* – Within ninety (90) days from the promulgation of this Act, the Department of Labor and Employment shall formulate rules and regulations as may be necessary for the proper implementation of this Act.

SECTION 5. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the provision not otherwise affected shall remain valid and subsisting.

SECTION 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 7. *Effectivity.* – This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,