

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4100



Introduced by Pangasinan Fifth District Representative
HON. RAMON N. GUICO JR.

EXPLANATORY NOTE

Teleworking refers to a work arrangement wherein employees or employers do not commute to a central office location, but instead work within the comfort of their own homes or the confines of an off-site location. While teleworking was traced to have started in as early as the 1980s, the technological advancements of the 21st century in mobile communication and internet connectivity has made this practice increasingly feasible and more attractive as a work option.

Worsening traffic conditions in Metro Manila and the geographical distance of a number of employees from their office locations is making the rigid 8-hour work schedule increasingly untenable for most Filipinos. In fact, many of them are resigning from their work within a year or two—a trend often linked to commuting stress and inflexible work arrangements.

It is by virtue of the this demand that Republic Act No. 11165, otherwise known as the Telecommuting Act was signed into law by President Rodrigo R. Duterte on December 20, 2018. The law provides that employers in the private sector can offer the option, on a voluntary basis, for their employees to telecommute and mandates the fair treatment of telecommuters, as any regular employee is entitled to under Philippine laws.

However, while the abovementioned law is well-intentioned, it did not take into account that government employees also suffer from the same problems as their private sector counterparts do. They are no less susceptible to the hellish traffic and the weariness of traveling arduously long distances. Therefore, we must grant these employees an opportunity to partake on the benefits of teleworking. Under this Act, teleworking shall become an institutionalized practice in all government agencies without compromise to its service delivery and competencies.

More than a policy borne out of pity for our government employees, institutionalizing telework in government is expected to boost productivity, promote stress-free working conditions, decrease operation costs, reduce employee turnovers, and overall, foster government best practices in line with the technological advancements of the 21st century. Moreover, telework is projected to help decongest major thoroughfares and the public transportation system; allow solo parents to attend to the needs of their children; retain older generations in the workforce; and unburden physically-disabled employees, among others.

Teleworking is the future of work; thus, approval of this measure is earnestly sought


Rep. Ramon N. Guico Jr.

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AN ACT
TO REQUIRE EACH AGENCY OF THE GOVERNMENT TO ESTABLISH AND
IMPLEMENT A POLICY UNDER WHICH EMPLOYEES SHALL BE AUTHORIZED TO
TELEWORK, AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “**Work at Home Act.**”

2 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to innovate on
3 certain work practices and promote flexible work options. As such, under this Act, each government
4 agency shall be required to establish telework as a viable work option and for such purpose,
5 implement policies under which employees of different government agencies shall be authorized to
6 telework.

7 **SEC. 3. *Definitions.*** – For purposes of this Act:

8 **Employee** means any such person currently employed in any government agency.

9 **Government Agency** has the meaning as provided in section (2)(4) of E.O. No. 292,
10 also known as the Administrative Code of 1987.

11 **Telework** or teleworking refers to a work flexibility arrangement under which an
12 employee performs the duties and responsibilities of such employee’s position, and other
13 authorized activities, from an approved worksite other than the location from which the
14 employee would otherwise work.

15 **SEC. 4. *Government Agencies Telework Requirement.*** –

16 a) Telework Policy.—

17 1) In general.—Not later than 180 days after the date of enactment of this
18 Act, each government agency shall—

19 A) establish a policy under which eligible employees of the
20 government agency may be authorized to telework;

21 B) determine the eligibility for all employees of the government
22 agency to participate in telework; and

C) notify all employees of the government agency of their eligibility to telework.

2) Limitations.—An employee may not telework under a policy established under this if—

A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

B) the employee has been officially disciplined for violations of R.A.No. 6713 also known as the "Code of Conduct and Ethical Standards for Public Officials and Employees."

b) Participation.—The policy described under subsection (a) shall—

1) ensure that telework does not diminish employee performance or agency operations;

2) require a written agreement that—

A) is entered into between the government agency and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

B) is mandatory in order for any employee to participate in telework;

3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the government agency and that employee;

4) except in emergency situations as determined by the government agency, not apply to any employee of the department whose official duties require on a daily basis (every work day)—

A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

B) on-site activity that cannot be handled remotely or at an alternate worksite; and

5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

SEC. 5. *Training and Monitoring.* —

a) In general.—Each government agency shall ensure that—

1) an interactive telework training program is provided to—

A) employees eligible to participate in the telework program of the agency; and

1 B) all managers of teleworkers;

2 2) except as provided under subsection (b), an employee has successfully
3 completed the interactive telework training program before that employee
4 enters into a written agreement to telework described under section (4)(b)(2);

5 3) teleworkers and non-teleworkers are treated the same for purposes of—

6
7 A) periodic appraisals of job performance of employees;

8 B) training, rewarding, reassigning, promoting, reducing in grade,
9 training, and removing employees;

10 C) work requirements; or

11 D) other acts involving managerial discretion; and

12 4) when determining what constitutes diminished employee performance, the
13 agency shall consult the guidelines as provided for by the Strategic
14 Performance Management System (SPMS) of the Civil Service Commission.

15 b) Training Requirement Exemptions.—Each government agency may provide for
16 an exemption from the training requirements under subsection (a), if the head of that
17 department determines that the training would be unnecessary because the employee is
18 already teleworking under a work arrangement in effect before the date of enactment of this
19 Act.

20 **SEC. 6. Guidelines on Purchasing Computer Systems.**—Not later than 120 days after the
21 date of the enactment of this Act, each government agency shall issue department guidelines
22 requiring that when purchasing computer systems, to purchase computer systems that enable and
23 support telework, unless the head of the agency determines that there is a mission-specific reason
24 not to do so.

25 **SEC. 7. Telework Website.**—The Department of Information and Communications
26 Technology, in coordination with the Civil Service Commission, shall:

27 a) maintain a central telework website; and

28 b) include on that website related—

29 1) telework links;

30 2) announcements; and

31 3) telework guidelines developed by the Civil Service Commission.

32 **SEC. 8. Telework Managing Officer.**—

33 a) Designation.—The head of each government agency shall designate an employee
34 of the agency as the Telework Managing Officer. The Telework Managing Officer shall be
35 established within the human resource department or a comparable department with similar
36 functions.

1 b) Duties.—The Telework Managing Officer shall—

2 1) be devoted to policy development and implementation related to agency
3 telework programs;

4 2) serve as—

5 A) an advisor for agency leadership, including the head of the human
6 resource department;

7 B) a resource for managers and employees; and

8 C) a primary agency point of contact for the Civil Service
9 Commission and the Department of Information and Communications
10 Technology on telework matters; and
11

12 3) perform other duties as the applicable delegating authority may assign.

13 c) Status within agency.—The Telework Managing Officer of a government agency
14 shall be a senior official of the agency who has direct access to the head of the agency.

15 d) Rule of Construction Regarding Status of Telework Managing Officer.—Nothing
16 in this section shall be construed to prohibit an individual who holds another office or
17 position in a government agency from serving as the Telework Managing Officer for the
18 agency under this Act.

19 **SEC. 9. Reports.—**

20 a) Reports by the Civil Service Commission.—

21 1) Submission of reports.—Not later than 18 months after the date of
22 enactment of this Act and on an annual basis thereafter, the Chairman of the
23 Civil Service Commission, in consultation with the human resource offices of
24 each government agency shall—

25 A) submit a report addressing the telework programs of each
26 government agency to:

27 i) the Committee on Civil Service and Government and
28 Reorganization of the Senate; and

29 ii) the Committee on Civil Service and Professional Regulation
30 of the House of Representatives; and

31 B) transmit a copy of the report to the Department of Budget and
32 Management.

33 2) Contents.—Each report submitted under this subsection shall include—

34 A) the degree of participation by employees of each government
35 agency in teleworking during the period covered by the report (and
36 each government agency, the degree of participation in each bureau,

1 division, or other major administrative unit of that agency),
2 including—

3 i) the total number of employees in the agency;

4 ii) the number and percent of employees in the agency who are
5 eligible to telework; and

6 iii) the number and percent of eligible employees in the agency
7 who are teleworking—

8 I) 3 or more days per pay period;

9 II) 1 or 2 days per pay period;

10 III) once per month; and

11 IV) on an occasional, episodic, or short-term basis;

12 B) the method for gathering telework data in each agency;

13 C) if the total number of employees teleworking is 10 percent higher
14 or lower than the previous year in any agency, the reasons for the
15 positive or negative variation;

16 D) the agency goal for increasing participation to the extent
17 practicable or necessary for the next reporting period, as indicated by
18 the percent of eligible employees teleworking in each frequency
19 category described under subparagraph (A)(iii);

20 E) an explanation of whether or not the agency met the goals for the
21 last reporting period and, if not, what actions are being taken to
22 identify and eliminate barriers to maximizing telework opportunities
23 for the next reporting period;

24 F) an assessment of the progress each agency has made in meeting
25 agency participation rate goals during the reporting period, and other
26 agency goals relating to telework, such as the impact of telework on—

27 i) emergency readiness;

28 ii) energy use;

29 iii) recruitment and retention;

30 iv) performance;

31 v) productivity; and

32 vi) employee attitudes and opinions regarding telework; and

33 G) the best practices in agency telework programs.

1 b) Chief Human Resource Officer Reports.—

2 1) In general.—Each year the chief human resource officer of each
3 government agency, in consultation with the Teleworking Managing Officer
4 of that agency shall submit a report to the Civil Service Commission on
5 agency management efforts to promote telework.

6 **SEC. 10. *Implementing Rules and Regulations.*—**

7 a) Agency Consultation with the Civil Service Commission.—Each government
8 agency shall consult with the Civil Service Commission in developing telework
9 policies.

10 b) Guidance and Consultation.—The Civil Service Commission shall—

11 1) provide policy and policy guidance for telework in the areas of pay and
12 leave, agency closure, performance management, official worksite,
13 recruitment and retention, and accommodations for employees with
14 disabilities; and

15 2) assist each agency in establishing appropriate qualitative and quantitative
16 measures and teleworking goals.

17 c) Telework Security Guidelines.—

18 1) In general.—The Secretary of the Department of Information and
19 Communications Technology, shall issue guidelines not later than 180 days
20 after the date of enactment of this Act to ensure the adequacy of information
21 and security protections for information and information systems used while
22 teleworking.

23 2) Contents.—Guidelines issued under this subsection shall, at a minimum,
24 include requirements necessary to—

25 A) control access to agency information and information systems;

26 B) protect agency information (including personally identifiable
27 information) and information systems;

28 C) limit the introduction of vulnerabilities;

29 D) protect information systems not under the control of the agency
30 that are used for teleworking;

31 E) safeguard wireless and other telecommunications capabilities that
32 are used for teleworking; and

33 F) prevent inappropriate use of official time or resources that violates
34 the Code of Conduct and Ethical Standards for Public Officials and
35 Employees.

1 **SEC. 11. *Appropriations.*** – The amount necessary for the implementation of the provisions
2 of this Act shall be charged to the annual appropriated funding of the respective government
3 agencies covered by this Act. Thereafter, any such amounts necessary for the effective
4 implementation of this Act shall be included in the appropriations for each government agency in
5 the General Appropriations Act.

6 **SEC. 12. *Separability Clause.*** – If any provision, section or part of this Act shall be
7 declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other
8 provisions, sections or parts thereof.

9 **SEC. 13. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or portions
10 thereof, inconsistent with this Act are hereby repealed or modified accordingly.

11 **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
12 Official Gazette or in at least two (2) newspapers of general circulation.

Approved,