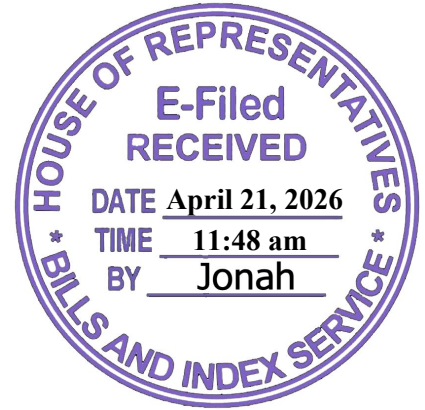


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 8916



INTRODUCED BY REP. PATRICK MICHAEL D. VARGAS

AN ACT
PROVIDING FOR A NATIONAL FRAMEWORK FOR THE GROWTH AND
DEVELOPMENT OF DIGITAL CAREERS IN THE PHILIPPINES,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The prevalence of freelancing or short-term contracts has paved the way for the “gig economy” in the labor market, significantly contributing to economic growth via online platforms for communication and trade. As a result of many professionals adapting and opting for online work, the digital career has now become one of the many options for employment.

In support of this growing economy, and the context of distant work setups as an aftereffect of the COVID—19 pandemic, the government must ensure that workers in the online freelance industry are protected and are included under the labor laws of the country.

This measure seeks to provide a legal framework for ushering in digital careers in the Philippines, covering online freelance workers by institutionalizing employment standards for digital career workers and enhancing competitiveness through access to relevant training, skills development, and scholarship opportunities.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


REP. PATRICK MICHAEL D. VARGAS
Fifth District, Quezon City

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. Short Title. - This Act shall be known as the “National Digital Careers Act”.

SECTION 2. Declaration of State Policy. — The State, recognizing the impact of the Fourth Industrial Revolution on employment and the nature of jobs, shall encourage the development of digital careers across all sectors of society. In furtherance thereof, the State shall ensure that Filipino workers remain competitive and possess skills and competencies at par with global standards in the digital economy. To this end, the State shall, promote the skilling, upskilling, and re-skilling of the Filipino workforce to support the impact of digital transformation across all industries and shall create and adopt standards for digital careers.

SECTION 3. Definition of Terms. — For purposes of this Act, the following terms and phrases shall apply:

- (a) *21st-century skills* — refer to the skills that are required by new jobs, such as critical thinking, problem—solving, good communication, collaboration, information and technology literacy, flexibility and adaptability, and innovativeness and creativity;

- (b) *Advanced skills* — refer to those needed by specialists in information and communications technology (ICT) professions, such as computer programming and network management;
- (c) *Coworking agency* — refers to a company that provides facilities, accounts, and training for several independent contractors and engages the latter to provide services to one or several companies but on a temporary basis;
- (d) *Digital career worker, freelancer, and freelance worker* — refers to a person who is self-employed and is not necessarily committed to a particular employer long-term. Freelance workers are sometimes represented by a company or a temporary agency that resells freelance labor to clients; others work independently or use professional associations or websites to get work;
- (e) *Digital content*— refers to any type of content that exists in the form of digital data that are encoded in a machine—readable format, and can be created, viewed, distributed, modified, and stored using computers and digital technologies, e.g., the internet. The content can be either free or paid content such as web pages and websites, social media, data and databases, digital audio, such as mp3s, and e-books, digital imagery, digital Video, video games, computer programs and software;
- (f) *Digital entrepreneurship* — refers to combining traditional entrepreneurship with new digital technologies, thus creating digital enterprises which are characterized by a high intensity of utilization of novel digital technologies, particularly social media, big data analytics, mobile and cloud solutions to improve business operations, invent new business models, sharpen business intelligence, and engage with customers and stakeholders;
- (g) *Digital skills* — refer to a range of abilities, from basic to more advanced, encompassing a combination of behaviors, expertise, know-how, work habits, character traits, dispositions, and critical understanding of the use of digital devices, communication applications, and networks to access and manage information;
- (h) *Digital technology* — refers to any product that can be used to create, view, distribute, modify, store, retrieve, transmit, and receive information electronically in a digital form such as personal computers and devices like desktops, laptop, netbooks, tablet computer, smartphones, personal digital assistant (PDA) with mobile phone facilities, game consoles, media players, e-book readers, as well as digital television, and robots;
- (i) *Innovation* — refers to the creation of new ideas using new or existing technologies that results in the development of new or improved

products, processes, or services, which are then spread or transferred across the market;

- (j) *Intermediate skills* — refer to the usage of digital technologies in more meaningful and beneficial ways, including the ability to critically evaluate technology or create content;
- (k) *Social inclusion* — refers to the process of improving the terms for individuals and groups to take part in society.

ARTICLE II

DEVELOPMENT OBJECTIVES AND STRATEGIES

SECTION 4. *Development of Digital Careers.* — In promoting careers and jobs that are enabled and supported by the Internet, information and communications technology (ICT), digital technology and tools, and systems that allow a person to interact directly with companies and service users and end—users through remote and virtual services and systems, the State shall:

- (a) Ensure and take proactive measures to improve the digital competence of all citizens of working age and equip them with basic, intermediate, and advanced digital skills including digital entrepreneurship skills in order to gain from the benefits of the growing number of jobs and opportunities that are enabled by ICT, the Internet and digital communications, digital technologies, and digital tools;
- (b) Ensure that citizens of working age are equipped with information and data literacy, communication and collaboration skills using digital technologies, digital content creation skills, virtual safety and security skills, and 21st-century skills required for digital jobs and careers;
- (c) Ensure adequate protection and support for digital career workers, freelancers, and freelance workers, for the continuous improvement of their skills to effectively keep up with global standards; and
- (d) Provide support to digital career workers, freelancers, and freelance workers in terms of co—working or shared service facilities, free training, and exposure programs to improve their skills and access to different government programs such as loan facilities for them to secure equipment, as may be allowed by law, under existing and/ or future programs by relevant government agencies.

SECTION 5. *Programs on Digital Careers.* — The Department of Information and Communications Technology (DICT) and the Department of Education (DepEd), in collaboration with the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA), shall immediately create, design, and develop programs to ensure access to training, market, and other forms of support or innovation strategies for digital careers.

SECTION 6. *Standards for Digital Career Workers.* — The Department of Labor and Employment (DOLE) together with the Department of Trade and Industry (DTI), in consultation with the Bureau of Internal Revenue (BIR), DICT, Department of Interior and Local Government (DILG), DepEd, CHED, and TESDA shall ensure:

- (a) Compliance with the prescribed minimum wage for digital career workers, freelancers, or freelance workers;
- (b) Adoption of a simple process for the registration of digital career workers, level;
- (c) Adoption of a simple process for filing of complaints by digital career workers, freelancers, or freelance workers;
- (d) Setting up of minimum requirements for persons to be qualified as digital career workers in the form of industry-centric certifications or training; and
- (e) Adoption of simple processes and mechanisms for digital career workers, freelancers or freelance workers in filing taxes and other fees due to the government.

SECTION 7. *Incentives.* — A digital worker, freelancer or freelance worker shall be entitled to the following incentives, subject to guidelines issued by the DICT, DTI, DOLE, TESDA, and other concerned agencies:

- (a) Full or partial scholarships for necessary certification training, both local and abroad, on different levels of digital skills and knowledge;
- (b) Full or partial subsidy for the use of facilities, office space, equipment, and/ or services provided by government or private enterprises or institutions;
- (c) Grants-in-aid for the acquisition of equipment including but not limited to computers, hardware, and software programs;
- (d) Such other incentives that may be provided to digital workers, freelancers, or freelance workers in the future.

In addition to the foregoing incentives, qualified digital workers, freelancers or freelance workers shall be entitled to avail of government support under existing programs for startups, micro, small, and medium enterprises (MSMEs), and such other programs as may be applicable.

SECTION 8. *Role of the Local Government Units.* — All local government units shall create local policies to support the growth and development of digital careers in their respective communities. The DILG shall ensure compliance with this section.

SECTION 9. *E-Readiness of Local Government Units.* - The DICT, the Department of Budget and Management (DBM), the Department of Public Works and Highways (DPWH), and other relevant departments and agencies shall ensure universal access to high-speed, quality, and affordable Internet by prioritizing and facilitating the development of connectivity infrastructures in the localities across the country. The DILG and DICT shall jointly assess the e-Readiness of all municipalities, cities, provinces, and regions, to ensure a thriving digital careers ecosystem.

ARTICLE III TRAINING AND SKILLS DEVELOPMENT

SECTION 10. *Trainings, Skills Development, and Scholarships.* — The DICT in collaboration with DOLE, DTI, DepEd, CHED, and TESDA shall prioritize the creation of digital training, including, but not limited to:

- (a) Web development and designing;
- (b) Online teaching and tutoring;
- (c) Content creation (writing and copywriting and others);
- (d) Digital marketing (e-Commerce, sales and marketing);
- (e) Creative design, graphic designing, 3D modeling, and computer-aided design (CAD), game development, logo design and illustration, and audio and Video production;
- (f) Mobile app development;
- (g) Search engine optimization;
- (h) Virtual assistance (administrative support or assistance);
- (i) Branding and public relations, social media coordination and community management;
- (j) Web research, business intelligence, and data analytics;
- (k) Transcription and data entry jobs article and blog writing;
- (l) Customer service and technical support;
- (m) Human resource management and systems; and
- (n) Architecture services and other professional services through the Internet.

The TESDA shall give updates to all appropriate government agencies and LGUs, especially its local investment council for purposes of job creation, with the number of trainees and their respective courses per city or municipality. TESDA shall also allocate scholarships to various LGUs in accordance with

an annual job generation plan supported by local industry in the locality and validated by the market or business research.

SECTION 11. *Skills Map.* — In order to ensure equal access to training opportunities, TESDA shall create a skills map geared towards identifying the sectors in the community that can be effectively and positively benefited by digital careers training.

SECTION 12. *Digital Skills Training.* — The DICT shall allocate an appropriate amount of its annual budget to digital skills training, and other programs to skill, upskill, and re—skill targeted set of citizens in order to equip them with necessary high—level digital skills. The DICT and TESDA shall ensure that no duplication of training for the same skill level will occur. A qualified citizen is not, however, prohibited from availing of training from the two agencies: Provided, That the training are different in terms of level or skill.

ARTICLE IV DEVELOPMENTAL PROGRAMS

SECTION 13. *Digital Careers Week.* — The DICT shall designate a Digital Careers Week every year to promote awareness about job opportunities in the Digital Age.

ARTICLE V SUPPORT ECOSYSTEM

SECTION 14. *Digital Libraries and Learning Hubs.* - The DICT and the National Library of the Philippines shall promote the role of libraries in improving digital inclusion and transforming these libraries as providers of digital access, training, and support for digital career workers, freelancers, and freelance workers.

SECTION 15. *Co-Working Agencies or Facilities.* — Qualified companies may avail of the exemption from specific provisions of the Labor Code and other pertinent laws with respect to digital career workers, freelancers, and freelance workers who are directly working in their facilities: Provided, That these workers are covered by independent contractor agreements, as defined under pertinent laws.

ARTICLE VI FINAL PROVISIONS

SECTION 16. *Implementing Rules and Regulations.* — Within six (6) months from the effectivity of this Act, the DOLE, the DICT, and other relevant government agencies shall promulgate the necessary rules and regulations for the implementation of this Act.

SECTION 17. *Appropriations.* — The amount necessary for the implementation of this Act shall be included in the General Appropriations Act for the year following the approval of this Act.

SECTION 18. *Separability Clause.* - If any part, section, or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby remain in full force and effect.

SECTION 19. *Repealing Clause.* — All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations, or parts thereof inconsistent with or contrary to the provisions of this Act are hereby modified, amended or repealed accordingly.

SECTION 20. *Effectivity* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,