

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

TWENTIETH CONGRESS
Second Regular Session

House Bill No. 10790



INTRODUCED BY REP. PATRICK MICHAEL "PM" D. VARGAS

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

EXPLANATORY NOTE

Technology has significantly advanced labor and employment. However, the growing reliance on electronic communications has blurred the boundaries between work time and rest time, especially when employees are expected to remain reachable after official working hours. This reality has highlighted long-standing labor concerns on reasonable working hours, rest periods, work-life balance, and the right to disconnect.

International empirical studies consistently show that after-hours work-related communication is associated with work-life conflict, difficulty in psychological detachment, sleep disruption, stress, fatigue, and burnout. In the Philippine setting, legal commentaries emphasize that while the Labor Code does not explicitly prohibit after-hours contact, excessive communication outside work hours may violate an employee's implicit right to rest under existing labor protections. The Department of Labor and Employment has recognized that employees may disregard work-related communications after office hours without disciplinary action, describing the "right to disconnect" as a choice of the employee rather than an imposed duty. However, there is still no standalone statute codifying a general right to disconnect, leaving workers vulnerable to informal pressure to remain available beyond their regular working hours.

This measure therefore seeks to establish the right of employees to disconnect from work-related electronic communications after work hours, subject to reasonable exceptions based on the nature of the work, emergency situations, and other circumstances that may be provided by law or appropriate workplace policies.

To achieve these objectives, this Act proposes to amend Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, by expressly recognizing the right to disconnect from work-related electronic communications after working hours and by providing a framework for its implementation in the workplace.

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



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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:

SECTION 1. Short Title. – This Act shall be known as the “*Workers’ Right to Disconnect Act*”.

SECTION 2. Amendatory Provision. – 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 SERVICES (SMS), INSTANT MESSAGING APPLICATIONS, AND MOBILE PHONE CALLS, AFTER WORKING HOURS.

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

SECTION 3. A new Article 84-A is hereby inserted after Article 84 of the same law to read as follows:

ARTICLE 84-1. *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 85-B HEREOF.

SECTION 4. A new Article 84-B is hereby inserted after Article 84 of the same law 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 EMAILS, TEXTS, INSTANT MESSAGING APPLICATIONS, 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 5. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary of the Department of Labor and Employment shall, in coordination with other stakeholders, issue the necessary rules and regulations for the effective implementation of this Act.

SECTION 6. *Separability Clause.* – If, for any reason, any provision of this Act is declared unconstitutional or invalid, parts or provisions of this Act which are not affected shall continue to be in full force and effect.

SECTION 7. *Repealing Clause.* – All laws, executive orders, presidential decrees, Implementing Rules and Regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,