

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. **4721**



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Introduced by Rep. Winston "Winnie" Castelo

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### EXPLANATORY NOTE

Digital technology has enabled people to be constantly connected, bringing about tremendous advantages in the way business is conducted. However, it also created a problem of undeclared labor, wherein employees are forced to work, albeit indirectly, outside the normal working hours. Responding to work emails, texts, and calls after business hours has become the norm, and while this may seem like an increase in productivity, in reality, it has detrimental effects on employees' well-being.

Studies show that the anticipatory stress and expectation of answering after-hours emails 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.<sup>1</sup> Because employees are expected to respond even after work hours, they are not able to separate from work when they go home, which is when they are supposed to be recovering.

This proposed bill will give employees the "right to disconnect" and focus on enriching their personal lives. It also calls on employers to enforce company policies that will reduce the pressure to reply after work hours and help mitigate the negative effects of stress on their employees. The benefits of this legislation could also extend to employers, as they do not have to bear the burden of absent, sick, or ineffective employees. Thus, immediate passage of this bill is most earnestly sought.



WINNIE CASTELO

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<sup>1</sup>Dimas, Jennifer. "Anticipatory stress of after-hours email exhausting employees." Source, <http://source.colostate.edu/anticipatory-stress-of-after-hours-email-exhausting-employees/>. Accessed 5 January 2017.

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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,