



HOUSE OF REPRESENTATIVES

H. No. 7402

BY REPRESENTATIVES VILLAFUERTE, TUGNA, VARGAS, NIETO, MACEDA,
MALAPITAN, MARTINEZ, SY-ALVARADO, DEL ROSARIO, DALIPE,
PRIMICIAS-AGABAS, TAMBUNTING, TING, BAG-AO, MENDOZA,
VILLARIN, SILVERIO AND RELAMPAGOS, PER COMMITTEE REPORT
NO. 668

AN ACT PROMOTING TELECOMMUTING AS AN
ALTERNATIVE WORK ARRANGEMENT FOR
EMPLOYEES IN THE PRIVATE SECTOR

*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
2 “Telecommuting Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the
4 policy of the State to affirm labor as a primary social economic
5 force. To this end, it shall protect the rights of workers and
6 promote their welfare, especially in the light of technological
7 development that has opened up new and alternative avenues
8 for employees to carry out their work such as telecommuting,
9 and other flexible work arrangements.

10 SEC. 3. *Telecommuting Defined.* – As used in this Act, the
11 term “telecommuting” refers to a flexible work arrangement

1 that allows an employee in the private sector to work from an
2 alternative workplace with the use of telecommunication and/or
3 computer technologies.

4 SEC. 4. *Telecommuting Program.* – An employer in the
5 private sector may offer a telecommuting program to its
6 employees on a voluntary basis, and upon such terms and
7 conditions as they may mutually agree upon: *Provided,* That
8 such terms and conditions shall not be less than the minimum
9 labor standards set by law, and shall include compensable work
10 hours, minimum number of work hours, overtime, rest days, and
11 entitlement to leave benefits. In all cases, the employer shall
12 provide the telecommuting employee with relevant written
13 information in order to adequately apprise the individual of the
14 terms and conditions of the telecommuting program, and the
15 responsibilities of the employee.

16 SEC. 5. *Fair Treatment.* – The employer shall ensure that
17 the telecommuting employees are given the same treatment as
18 that of comparable employees working at the employer’s premises.
19 All telecommuting employees shall:

20 (a) Receive a rate of pay, including overtime and night shift
21 differential, and other similar monetary benefits not lower than
22 those provided in applicable laws, and collective bargaining
23 agreements.

24 (b) Have the right to rest periods by regulating the operation
25 of their internet servers after normal working hours as well as
26 during weekends, regular holidays and special nonworking days.

1 (c) Have the same or equivalent workload and performance
2 standards as those of comparable workers at the employer's
3 premises.

4 (d) Have the same access to training and career development
5 opportunities as those of workers at the employer's premises,
6 and be subject to the same appraisal policies covering these
7 workers.

8 (e) Receive appropriate training on the technical equipment
9 at their disposal, and the characteristics and conditions of
10 telecommuting.

11 (f) Have the same collective rights as the workers at the
12 employer's premises, and shall not be barred from communicating
13 with workers' representatives.

14 The employer shall also ensure that measures are taken to
15 prevent the telecommuting employee from being isolated from
16 the rest of the working community in the company by giving the
17 telecommuting employee the opportunity to meet with colleagues
18 on a regular basis, and allowing access to company information.

19 SEC. 6. *Data Protection.* – The employer shall be responsible
20 for taking the appropriate measures to ensure the protection of data
21 used and processed by the telecommuting employee for professional
22 purposes. The employer shall inform the telecommuting employee
23 of all relevant laws, and company rules concerning data protection.
24 The telecommuting employee shall ensure that confidential and
25 proprietary information are protected at all times.

26 For this purpose, the provisions of the Data Privacy Act of
27 2012 shall have suppletory effect.

1 SEC. 7. *Administration.* – The parties to a telecommuting
2 work arrangement shall be primarily responsible for its
3 administration. In case of differences in interpretation, the
4 following guidelines shall be observed:

5 (a) The differences shall be treated as grievances under the
6 applicable grievance mechanism of the company.

7 (b) If there is no grievance mechanism or if the mechanism
8 is inadequate, the grievance shall be referred to the regional
9 office of the Department of Labor and Employment (DOLE)
10 which has jurisdiction over the workplace for mandatory
11 conciliation-mediation through the Single-Entry Approach (SENA)
12 program.

13 (c) To facilitate the resolution of grievances, employers shall
14 keep and maintain, as part of their records, the documents proving
15 that the telecommuting work arrangement was voluntarily adopted.

16 SEC. 8. *Telecommuting Pilot Program.* – The DOLE shall
17 establish and maintain a telecommuting pilot program in select
18 industries which shall last for a period of not more than
19 three (3) years. The said agency shall be responsible for baselining,
20 scoping and profiling research work prior to implementation,
21 regular quarterly monitoring, and evaluation. At the end of the
22 program, the DOLE shall submit a report to Congress on its
23 findings.

24 SEC. 9. *Implementing Rules and Regulations.* – Within sixty
25 (60) days from the effectivity of this Act, the Secretary of Labor
26 and Employment shall, in consultation with the National Tripartite
27 Industrial Peace Council (NTIPC) and relevant stakeholders, issue
28 the appropriate implementing rules and regulations of this Act.

1 SEC. 10. *Separability Clause.* – If any provision or part of
2 this Act is declared invalid or unconstitutional, the remaining
3 parts or provisions not affected shall remain in full force
4 and effect.

5 SEC. 11. *Repealing Clause.* – All laws, decrees, orders, rules
6 and regulations and other issuances or parts thereof which are
7 inconsistent with the provisions of this Act are hereby repealed
8 or amended accordingly.

9 SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15)
10 days after its publication in the *Official Gazette* or in any newspaper
11 of general circulation.

Approved,

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