

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **5841**



INTRODUCED BY REPRESENTATIVE ALFRED VARGAS

EXPLANATORY NOTE

According to the study of the Japan International Coordination Agency (JICA), the Philippines loses about Php2.4 billion everyday due to traffic. As our population continuous to rise, the country's traffic woes are not expected to get better in the next years. Thus, JICA foresees that traffic costs in Metro Manila alone will be pegged at six billion pesos a day by 2030.

Employees in Metro Manila waste an average of 1,000 hours a year, hours that could have been spent wisely on productive work, quality time with the family, or rest. Therefore, while finding a solution to the country's traffic condition, there is also a need for the State to come up with alternative measures to alleviate the suffering of employees who are gravely affected by traffic.

One of these alternatives is telecommuting. It is defined as the "partial or total substitution of computers or telecommunication technologies, or both, for the commute to work by employees." Telecommuting offers numerous benefits to both employers and employees. It improves organization retention, employee performance, and customer satisfaction. It also leads to a better health condition for employees as telecommuting lessens their exposure to pollution. It boosts employees' morale and cuts their stress, thus leading to their increase in work productivity. Telecommuting also reduces the employers' costs in office space.

A similar measure was filed by Senator Joel Villanueva and was already approved on Third Reading by the Senate of the Philippines on the First Regular Session of the 17th Congress.

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

ALFRED VARGAS

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **5841**

INTRODUCED BY REPRESENTATIVE ALFRED VARGAS

AN ACT
INSTITUTIONALIZING A TELECOMMUTING EMPLOYMENT PROGRAM AND FOR
OTHER PURPOSES

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

SECTION 1. Title – This Act shall be known as the "Telecommuting Act."

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

SEC. 3. Telecommuting Defined. – For purposes of this Act, the term "telecommuting" means the partial or total substitution of computers or telecommunication technologies, or both, for the commute to work by employees.

SEC. 4. Telecommuting Program. – Employers shall be allowed to offer telecommuting program to its employees upon such terms and conditions as they may mutually agree. In all cases, the employer shall provide the telecommuting employee with relevant written information in order to adequately apprise the individual of work responsibilities.

The adoption of a telecommuting program shall be voluntary based upon the agreement of the employer and its employees, which shall not be less than the minimum labor standards set by law, and shall include, but not be limited to, compensable work hours, minimum number of work hours, overtime, rest days, and entitlement to leave benefits.

SEC. 5. Fair Treatment. – The employer shall ensure that its telecommuting employees are given the same treatment as that of comparable employees working at the employer's premises. The employer shall ensure, among others, that telecommuting employees shall:

- (a) Receive rate of pay, including overtime and nighttime work, and other similar monetary benefits not lower than applicable legislation and collective agreements;
- (b) Have the same or equivalent workload and performance standards as that of the workers at the employer's premises;
- (c) Have the same access to training and career development opportunities as comparable workers at the employer's premises and are subject to the same appraisal policies as these workers.
- (d) Receive appropriate training targeted at the technical equipment at their disposal and at the characteristics of this form of work organization.
- (e) Have the same collective rights as workers at the employer's premises and no obstacles are placed to communicating with workers representatives.

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

SEC. 6. Data Protection– The employer shall be responsible for taking the appropriate measures with regard to software to ensure the protection of data used and processed by the telecommuting employee for professional purposes. The employer shall inform the telecommuting employee of all relevant legislation and company rules concerning data protection. The telecommuting employee shall ensure that confidential and proprietary information are protected at all times.

For this purpose, the provisions of the Data Privacy Act of 2013 shall have suppletory effect.

SEC. 7. Administration – The parties to the telecommuting work arrangements shall be primarily responsible for its administration. In case of differences in interpretation, the following guidelines shall be observed:

- (a) The differences shall be treated as grievances under the applicable grievance mechanism of the company.
- (b) If there is no grievance mechanism or if this mechanism is inadequate, the grievance shall be referred to the Regional Office of the Department of Labor and Employment (DOLE) which has jurisdiction over the workplace for appropriate conciliation.
- (c) To facilitate the resolution of grievances, employers are required to keep and maintain, as part of their records, the documentary

requirements proving that the telecommuting work arrangement was voluntarily adopted.

SEC. 8. Telecommuting Pilot Program. – The DOLE shall establish and maintain a Telecommuting Pilot Program in select industries, which shall last for a period of not more than three (3) years. The DOLE shall be responsible for baselining, scoping and profiling research work prior to implementation, regular quarterly monitoring and evaluation. At the end of the period of the program, the DOLE shall submit a report to the Congress.

SEC. 9. Implementing Rules. – Within 60 days from the effectivity of this Act, the Secretary of Labor and Employment shall, in consultation with relevant stakeholders, issue the appropriate implementing rules and regulations of this Act.

SEC. 10. Separability Clause. – If any part or provision of this Act shall be declared unconstitutional and invalid, such declaration shall not invalidate other parts thereof which shall remain in full force and effect.

SEC. 11. Repealing Clause. – All laws, executive orders, rules and regulations or any part hereof inconsistent herewith are deemed repealed or modified accordingly.

SEC. 12. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,