

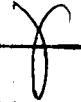
SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



Senate  
Office of the Secretary

'16 AUG 16 P 6:33

SENATE

RECEIVED BY: 

S. B. No. 1033

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Introduced by Senator JOEL VILLANUEVA

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**AN ACT INSTITUTIONALIZING TELECOMMUTING IN THE  
WORKPLACE AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Globalization has introduced new and alternative modes of working through the use of modern technology. For example, more employers have expanded the traditional mode of on-site work to the adoption of flexible working arrangements such as compressed workweek, telecommuting, among others. In a study conducted in California, it has been found that the adoption of a telecommuting work policy has (a) increased the effectiveness of workers; (b) improved their quality of life as well as provided more opportunities for workers with mobility restrictions; and (c) demonstrated that a results-oriented management technique proved to be effective in managing employees. With the worsening traffic situation in Metro Manila, the unpredictable weather and the clamor for a reasonable work-life balance especially among the millenials, institutionalizing a system of telecommuting in workplaces will greatly help in addressing this problem.

The immediate passage of the bill is therefore earnestly sought.

  
SENATOR JOEL VILLANUEVA

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**AN ACT INSTITUTIONALIZING TELECOMMUTING IN THE  
WORKPLACE AND FOR OTHER PURPOSES**

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

- 1 **SEC. 1. Title.** This Act shall be known as the "Telecommuting Act of 2016."
- 2
- 3 **SEC. 2. Declaration of Policy.** It is hereby declared the policy of the State to affirm
- 4 labor as a primary social economic force. To this end, it shall protect the rights of
- 5 workers and promote their welfare. The State recognizes that modern technology has
- 6 opened up new and alternative avenues for employees to carry out their work such as
- 7 telecommuting and other flexible working arrangements.
- 8
- 9 **SEC. 2. Telecommuting Defined.** For purposes of this Act, the term
- 10 "telecommuting" means the partial or total substitution of computers or
- 11 telecommunication technologies, or both, for the commute to work by employees.
- 12
- 13 **SEC. 3. Telecommuting Program.** Every employer shall review its work
- 14 operations to determine where in its organization telecommuting can be of practical
- 15 benefit to the community.
- 16
- 17 After making such determination, an employer may opt to offer telecommuting
- 18 program to its employees, upon such terms and conditions as they may mutually
- 19 agree. In all cases, the employer shall provide the telecommuting employee with
- 20 relevant written information in order to adequately apprise him/her of his/her
- 21 responsibilities.
- 22
- 23 The adoption of a telecommuting program shall be voluntary based upon the
- 24 agreement of the employer and its employees.
- 25

1 **SEC. 4. Same Treatment.** The employer shall ensure that its telecommuting  
2 employees are given the same treatment as that of comparable employees working at  
3 the employer's premises. The employer shall ensure, among others, that  
4 telecommuting employees shall:

- 5
- 6 (a) Receive the same rate of pay, including overtime and nighttime work, and other  
7 similar monetary benefits in accordance with applicable legislation and  
8 collective agreements;
  - 9
  - 10 (b) Have the same or equivalent workload and performance standards of the  
11 telecommuting employee ;
  - 12
  - 13 (c) Have the same access to training and career development opportunities as  
14 comparable workers at the employer's premises and are subject to the same  
15 appraisal policies as these workers.
  - 16
  - 17 (d) Receive appropriate training targeted at the technical equipment at their  
18 disposal and at the characteristics of this form of work organization.
  - 19
  - 20 (e) Have the same collective rights as workers at the employer's premises and no  
21 obstacles are placed to communicating with workers representatives.
  - 22

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

27

28 **SEC. 5. Data Protection.** The employer shall responsible for taking the  
29 appropriate measures with regard to software to ensure the protection of data used  
30 and processed by the telecommuting employee for professional purposes. The  
31 employer shall inform the telecommuting employee of all relevant legislation and  
32 company rules concerning data protection. The telecommuting employee shall ensure  
33 that confidential and proprietary information are protected at all times.

34

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

37

38 **SEC. 6. Administration.** The parties to the telecommuting work  
39 arrangements shall be primarily responsible for its administration. In case of  
40 differences of interpretation, the following guidelines shall be observed:

- 41
- 42 (a) The differences shall be treated as grievances under the applicable grievance  
43 mechanism of the company.
  - 44 (b) If there is no grievance mechanism or if this mechanism is inadequate, the  
45 grievance shall be referred to the Regional Office which has jurisdiction over  
46 the workplace for appropriate conciliation.
  - 47
  - 48 (c) To facilitate the resolution of grievances, employers are required to keep and  
49 maintain, as part of their records, the documentary requirements proving that  
50 the telecommuting work arrangement was voluntarily adopted.

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**SEC. 7. Implementing Rules.** Within 60 days from the effectivity of this Act, the Department of Labor and Employment shall, in consultation with relevant stakeholders, issue the appropriate implementing rules and regulations of this Act.

**SEC. 8. Repealing Clause.** All law, executive orders, rules and regulations or any part hereof inconsistent herewith are deemed repealed or modified accordingly.

**SEC. 9. 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.

**Section 10. Effectivity.** This Act shall take effect fifteen (15) days its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,