



SENATE

S. No. 1363

PREPARED AND SUBMITTED BY THE COMMITTEE ON LABOR,
EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT
WITH SENATORS VILLANUEVA AND VILLAR AS AUTHORS

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 SECTION 1. *Title.* – This Act shall be known as the
2 “Telecommuting Act of 2017”.

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

1 SEC. 3. *Telecommuting Defined.* – For purposes of
2 this Act, the term “telecommuting” means the partial or
3 total substitution of computers or telecommunication
4 technologies, or both, for the commute to work by
5 employees.

6 SEC. 4. *Telecommuting Program.* – Employers shall
7 be allowed to offer telecommuting program to its employees
8 upon such terms and conditions as they may mutually
9 agree. In all cases, the employer shall provide the
10 telecommuting employee with relevant written information
11 in order to adequately apprise him/her of his/her
12 responsibilities.

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

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

6 a) Receive rate of pay, including overtime and
7 nighttime work, and other similar monetary benefits not
8 lower than applicable legislation and collective
9 agreements;

10 b) Have the same or equivalent workload and
11 performance standards of the telecommuting employee;

12 c) Have the same access to training and career
13 development opportunities as comparable workers at the
14 employer's premises and are subject to the same appraisal
15 policies as these workers;

16 d) Receive appropriate training targeted at the
17 technical equipment at their disposal and at the
18 characteristics of this form of work organization; and

1 e) Have the same collective rights as workers at the
2 employer's premises and no obstacles are placed to
3 communicating with workers representatives.

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

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

1 For this purpose, the provisions of the Data Privacy
2 Act of 2013 shall have supplementary effect.

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

7 a) The differences shall be treated as grievances
8 under the applicable grievance mechanism of the company.

9 b) If there is no grievance mechanism or if this
10 mechanism is inadequate, the grievance shall be referred
11 to the Regional Office of the Department of Labor and
12 Employment (DOLE) which has jurisdiction over the
13 workplace for appropriate conciliation.

14 c) To facilitate the resolution of grievances, employers
15 are required to keep and maintain, as part of their records,
16 the documentary requirements proving that the
17 telecommuting work arrangement was voluntarily
18 adopted.

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

9 SEC. 9. *Implementing Rules.* – Within sixty (60) days
10 from the effectivity of this Act, the DOLE shall, in
11 consultation with relevant stakeholders, issue the
12 appropriate implementing rules and regulations of this
13 Act.

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

18 SEC. 11. *Repealing Clause.* – All laws, executive
19 orders, rules and regulations or any part hereof

1 inconsistent herewith are deemed repealed or modified
2 accordingly.

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

Approved,