

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

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SENATE
S. B. No. 1510

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 13, Section 3 provides that "The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment opportunities for all. The State shall guaranty the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law."

Employees in the private sector are notably squeezed by their employers to give as much work as would permit. Many are often compelled to work beyond the legally prescribed working hours without monetary or other form of compensation benefit. Among others, these lead to the neglect of the employees' families and their own physical and spiritual needs.

In accordance with the aforequoted constitutional mandate, this bill seeks to afford further protection to labor by providing employees in the private sector demands of workplaces with their personal needs and those of their families by allowing employers to offer compensatory time off, which employees may voluntarily elect to receive, and to establish bi-weekly work programs and flexible credit hour programs, in which employees may voluntarily participate.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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AN ACT
PROVIDING PRIVATE SECTOR EMPLOYEES COMPENSATORY TIME OFF, BI
WEEKLY WORK SCHEDULES AND FLEXIBLE CREDIT HOURS

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

SECTION 1. *Short Title.* This Act shall be known as "Family Friendly Workplace Act."

SECTION 2. *Declaration of Policy.* It is the policy of the State to afford full protection to labor and provide them with humane working conditions.

SECTION 3. *General Rule.* – (1) COMPENSATORY TIME OFF – An employee may receive, in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and on-half (1 ½) hours for each hour of employment for which monetary compensation is required.

(2) DEFINITION – For purposes of this Act, the term "employee" does not include an employee of a public agency.

SECTION 4. *Conditions.* – An employer may provide compensatory time off to employees under Section 3 only pursuant to the following:

(1) Such time may be provided only in accordance with—

(A) applicable provisions of the employee recognized under the Labor Code;

(B) in the case of employees who are not represented by a labor organization recognized as provided in the Labor Code, an agreement or understanding arrived at between the employer and employee before the performance of the work involved if such agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment;

(C) if the employee has not accrued compensatory time off in excess of the limit applicable to the employee prescribed by Sector 5.

SECTION 5. *Hour Limit.* – (1) MAXIMUM HOURS – An employee may accrue not more than two hundred forty (240) hours of compensatory time off.

(2) COMPENSATION DATE – Not later than January 31 of each calendar year, the employer shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the preceding calendar year. An employer may designate and communicate to the employees of the employer a twelve (12) month period other than the calendar year, in which case such compensation shall be provided not later than thirty-one (31) days after the end of such 12-month period.

(3) EXCESS OF EIGHTY (80) HOURS – The employer may provide monetary compensation for an employee's unused compensatory time off in excess of eighty (80) hours at any time after giving the employee at least thirty (30) days notice.

SECTION 5. *Separability Clause.* - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or 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 provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

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