



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

'17 MAR -7 A10 :19

SENATE

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COMMITTEE REPORT NO. 44

Submitted by the Committee on Labor, Employment and Human Resources
Development on MAR 07 2017.

Re: Senate Bill No. 1363

Recommending its approval in substitution of Senate Bill No. 1033

Sponsor: Senator Joel Villanueva

.....
MR. PRESIDENT:

The Committee on Labor, Employment and Human Resources Development,
to which was referred Senate Bill No. 1033, introduced by Senator Joel Villanueva,
entitled:

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

has considered the same with the recommendation that the attached bill, Senate Bill
No. 1363 prepared by the Committee, entitled:

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

be approved in substitution of Senate Bill 1033, with Senator Joel Villanueva as
author thereof.

Respectfully Submitted:



JOEL VILLANUEVA
Chairperson



SONNY ANGARA
Vice Chairperson

Members:



LOREN LEGARDA



MARIA LOURDES NANCY S. BINAY

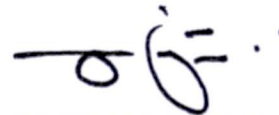
PANFILO M. LACSON



CYNTHIA A. VILLAR



WIN GATCHALIAN



JOSEPH VICTOR G. EJERCITO



FRANCIS G. ESCUDERO



EMMANUEL D. PACQUIAO

ANTONIO F. TRILLANES IV



RISA HONTIVEROS



PAOLO BENIGNO AQUINO IV

Ex-Officio Members:



RALPH G. RECTO
President Pro-Tempore



VICENTE C. SOTTO III
Majority Leader

FRANKLIN M. DRILON
Minority Leader


Hon. AQUILINO PIMENTEL III
President
Senate of the Philippines
Pasay City



SEVENTEENTH CONGRESS OF THE)
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S. B. No. 1363

Prepared and submitted by the Committee on Labor, Employment and Human
Resources Development with Sen. Joel Villanueva as author

**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 "Telecommuting Act of
2 2017."
3

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

10 **Sec. 3. Telecommuting Defined** - For purposes of this Act, the term
11 "telecommuting" means the partial or total substitution of computers or
12 telecommunication technologies, or both, for the commute to work by employees.
13

14 **Sec. 4. Telecommuting Program** - Employers shall be allowed to offer
15 telecommuting program to its employees upon such terms and conditions as they
16 may mutually agree. In all cases, the employer shall provide the telecommuting
17 employee with relevant written information in order to adequately apprise him/her of
18 his/her responsibilities.
19

20 The adoption of a telecommuting program shall be voluntary based upon the
21 agreement of the employer and its employees, which shall not be less than the
22 minimum labor standards set by law, and shall include, but not be limited to,
23 compensable work hours, minimum number of work hours, overtime, rest days, and
24 entitlement to leave benefits.
25

26 **Sec. 5. Fair Treatment** - The employer shall ensure that its telecommuting
27 employees are given the same treatment as that of comparable employees working

1 at the employer's premises. The employer shall ensure, among others, that
2 telecommuting employees shall:

- 3
- 4 (a) Receive rate of pay, including overtime and nighttime work, and other similar
5 monetary benefits not lower than applicable legislation and collective
6 agreements;
 - 7
 - 8 (b) Have the same or equivalent workload and performance standards of the
9 telecommuting employee ;
 - 10
 - 11 (c) Have the same access to training and career development opportunities as
12 comparable workers at the employer's premises and are subject to the same
13 appraisal policies as these workers.
 - 14
 - 15 (d) Receive appropriate training targeted at the technical equipment at their
16 disposal and at the characteristics of this form of work organization.
 - 17
 - 18 (e) Have the same collective rights as workers at the employer's premises and no
19 obstacles are placed to communicating with workers representatives.
 - 20

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

25

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

32

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

35

36 **Sec. 7. Administration** - The parties to the telecommuting work
37 arrangements shall be primarily responsible for its administration. In case of
38 differences in interpretation, the following guidelines shall be observed:

- 39
- 40 (a) The differences shall be treated as grievances under the applicable grievance
41 mechanism of the company.
 - 42
 - 43 (b) If there is no grievance mechanism or if this mechanism is inadequate, the
44 grievance shall be referred to the Regional Office of the Department of Labor
45 and Employment (DOLE) which has jurisdiction over the workplace for
46 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.

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

7
8 **Sec. 9. Implementing Rules** - Within 60 days from the effectivity of this Act,
9 the Department of Labor and Employment shall, in consultation with relevant
10 stakeholders, issue the appropriate implementing rules and regulations of this Act.

11
12 **Sec. 10. Separability Clause** - If any part or provision of this Act shall be
13 declared unconstitutional and invalid, such declaration shall not invalidate other parts
14 thereof which shall remain in full force and effect.

15
16 **Sec. 11. Repealing Clause** - All laws, executive orders, rules and regulations
17 or any part hereof inconsistent herewith are deemed repealed or modified
18 accordingly.

19
20 **Sec. 12. Effectivity** - This Act shall take effect fifteen (15) days after its
21 complete publication in the Official Gazette or in at least two (2) newspapers of
22 general circulation, whichever comes earlier.

23
Approved,