



Implementation **BULLETIN**



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RA 11165: TELECOMMUTING ACT

Approved on December 20, 2018, this law authorizes an employer in the private sector to offer a telecommuting program to its employees on a voluntary basis. Telecommuting employees are given the same treatment as comparable employees working at the employer's premises, such as rate of pay, rest periods and holidays, access to training and career development opportunities, and collective rights, among others. Employers are responsible for taking appropriate measures to protect data handled by telecommuting employees in the course of their work.

Undersecretary Joji V. Aragon of the Department of Labor and Employment (DOLE) reported to the Senate that the implementing rules and regulations (IRR) of this law were issued through Department Order No. 202 s. 2019. It was published in the Manila Times on April 24, 2019 and took effect on May 10, 2019. Usec. Aragon highlighted the following provisions of the IRR:

- (a) Notice and monitoring (Section 7). Employers are required to notify DOLE on the adoption of a telecommuting work arrangement. DOLE regional offices submit to the Bureau of Working Conditions (BWC) a quarterly report on the implementation of telecommuting work arrangement for monitoring and evaluation.
- (b) Effect on existing agreements, practices or policies (Section 9). Any pre-existing agreement between employer and employee on telecommuting, including those that provide higher benefits, shall not be impaired. The employer is simply required to notify DOLE regarding such agreement.
- (c) Periodic review (Sec. 10). The IRR shall be subjected to a mandatory review three years from the date of its effectivity and every three years thereafter.



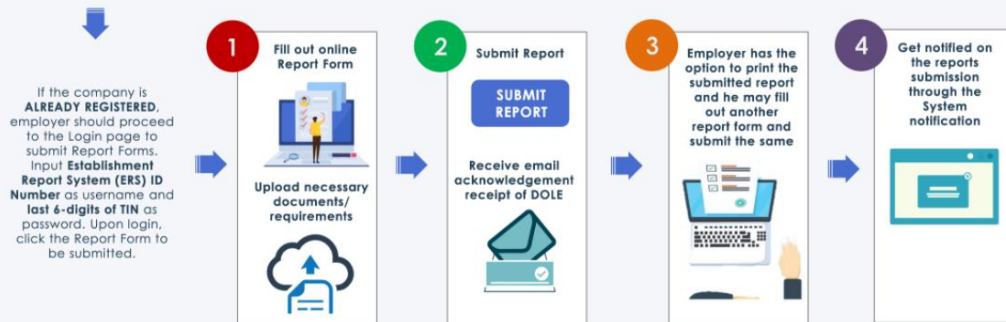
DOLE ESTABLISHMENT REPORT SYSTEM

Welcome to the DOLE Establishment Report System!

As we transition to a new normal amid COVID-19 pandemic, we continue to find means to provide you with service while protecting the health, safety, and well-being of both our clients and employees. As such, this online report system was developed to allow you, our valued stakeholder, to comply with the documentary requirements mandated under the Labor Code and other relevant laws and standards in the comfort of your homes or workplaces. This is also to minimize physical contact and possible health risks for our clientele and the DOLE workforce.



If the company is **NOT YET REGISTERED** with the DOLE Online Establishment Registration, click "**REGISTER YOUR COMPANY NOW**" button to register as it is required for the establishment to be registered first prior to the filing of various Establishment Report Forms.



* Email notification is currently unavailable due to ongoing system upgrade

The DOLE Establishment Report System (<https://reports.dole.gov.ph>) is an online facility for the submission of notices to DOLE. It was developed by the Bureau of Working Conditions (Senate EARD screenshot)

These provisions "will aid the Department in determining industries which will adopt telecommuting work arrangement while ensuring that those who will telecommute will be afforded fair treatment. By fair treatment, this means that telecommuting employees shall be covered by the same set of applicable rules and existing Collective Bargaining Agreement, if any, as that of comparable employees working at the employer's premises or traditional workplace," she explained.

"Moreover, the provision on periodic review allows the Department and its stakeholders to have a developmental and progressive approach in crafting appropriate rules and regulations and other relevant issuances to safeguard the rights of telecommuting employees, ensure protection of confidential and proprietary information at all times, and anticipate technological advancements which may affect how workers perform their tasks at their given workplace," she added. DOLE likewise committed to further develop its monitoring system to ensure the accuracy and completeness of data being generated to aid in decision-making.

Based on the latest data submitted to DOLE-BWC, 26,487 establishments with 1,160,677 workers adopted flexible working arrangements¹ due to the pandemic. Of this number, 4,727 establishments with 196,147 workers adopted telecommuting.

On July 8, 2020, DOLE-BWC launched the DOLE Establishment Report system to allow the online filing of flexible working arrangement notices to DOLE. The system is an alternative to the traditional paper-based filing. It can be accessed at <https://reports.dole.gov.ph/>.

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Issues will be compiled in an annual report released every fourth quarter of the year.
Other publications available on www.senate.gov.ph under Executive-Legislative
Liaison Service (ELLS)

¹ Other flexible working arrangements include reduction of workdays, rotation of employees and implementation of forced leave