

S. No. 1363
H. No. 7402

Republic of the Philippines
Congress of the Philippines
Metro Manila

Seventeenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. 11165]

AN ACT INSTITUTIONALIZING TELECOMMUTING AS
AN ALTERNATIVE WORK ARRANGEMENT FOR
EMPLOYEES IN THE PRIVATE SECTOR

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 the “Telecommuting Act”.

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

SEC. 3. *Telecommuting Defined.* – As used in this Act, the term “telecommuting” refers to a work arrangement that allows an employee in the private sector to work from an

alternative workplace with the use of telecommunication and/or computer technologies.

SEC. 4. *Telecommuting Program.* – An employer in the private sector may offer a telecommuting program to its employees on a voluntary basis, and upon such terms and conditions as they may mutually agree upon: *Provided*, That such terms and conditions shall not be less than the minimum labor standards set by law, and shall include compensable work hours, minimum number of work hours, overtime, rest days, and entitlement to leave benefits. In all cases, the employer shall provide the telecommuting employee with relevant written information in order to adequately apprise the individual of the terms and conditions of the telecommuting program, and the responsibilities of the employee.

SEC. 5. *Fair Treatment.* – The employer shall ensure that the telecommuting employees are given the same treatment as that of comparable employees working at the employer's premises. All telecommuting employees shall:

(a) Receive a rate of pay, including overtime and night shift differential, and other similar monetary benefits not lower than those provided in applicable laws, and collective bargaining agreements.

(b) Have the right to rest periods, regular holidays, and special nonworking days.

(c) Have the same or equivalent workload and performance standards as those of comparable workers at the employer's premises.

(d) Have the same access to training and career development opportunities as those of comparable workers at the employer's premises, and be subject to the same appraisal policies covering these workers.

(e) Receive appropriate training on the technical equipment at their disposal, and the characteristics and conditions of telecommuting.

(f) Have the same collective rights as the workers at the employer's premises, and shall not be barred from communicating with workers' representatives.

The employer shall also ensure that measures are taken to prevent the telecommuting employee from being isolated from the rest of the working community in the company by giving the telecommuting employee the opportunity to meet with colleagues on a regular basis, and allowing access to company information.

SEC. 6. *Data Protection.* – The employer shall be responsible for taking the appropriate measures to ensure the protection of data used and processed by the telecommuting employee for professional purposes. The employer shall inform the telecommuting employee of all relevant laws, and company rules concerning data protection. The telecommuting employee shall ensure that confidential and proprietary information are protected at all times.

For this purpose, the provisions of the Data Privacy Act of 2012 shall have supplementary effect.

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

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

(b) If there is no grievance mechanism or if the mechanism is inadequate, the grievance shall be referred to the regional office of the Department of Labor and Employment (DOLE) which has jurisdiction over the workplace for conciliation.

(c) To facilitate the resolution of grievances, employers shall keep and maintain, as part of their records, the documents proving that the telecommuting work arrangement was voluntarily adopted.

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

SEC. 9. *Implementing Rules.* – Within sixty (60) days from the effectivity of this Act, the Secretary of Labor and Employment shall, in consultation with the National Tripartite Industrial Peace Council, and relevant stakeholders, issue the appropriate implementing rules and regulations of this Act.

SEC. 10. *Separability Clause.* – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 11. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,

GLORIA MACAPAGAL-ARROYO

*Speaker of the House
of Representatives*

VICENTE C. SOTTO III

President of the Senate

This Act which is a consolidation of Senate Bill No. 1363 and House Bill No. 7402 was passed by the Senate and the House of Representatives on October 3, 2018.

DANTE ROBERTO P. MALING

Acting Secretary General

House of Representatives

MYRA MARIE D. VILLARICA

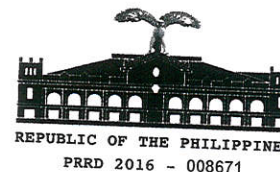
Secretary of the Senate

Approved: DEC 20 2018



RODRIGO ROA DUTERTE

President of the Philippines



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