

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 4291



Introduced by REP. RODEL M. BATOCABE, REP. ALFREDO A. GARBIN, Jr. and
REP. CHRISTOPHER S. CO

EXPLANATORY NOTE

AN ACT

**MANDATING ALL GOVERNMENT AND NON-GOVERNMENT OFFICES AND
ESTABLISHMENTS TO ADOPT WORK-AT-HOME PROGRAMS**

This bill seeks to mandate government and non-government offices to adopt policies to provide work-at-home program for employees. Once enacted, this measure will help 1) provide convenience to employees, 2) decongest traffic in Metro Manila, 3) and save on utility costs of employer companies, among other benefits.

Present technological advancements and lifestyle of individuals have affected the working habits of employees such that employers and companies need to adjust the office work to provide convenience to employees in order to fulfill the State policy to protect the rights and promote the welfare of labor as enshrined in the Constitution. Employees, especially single parents, will greatly benefit from a work-at-home program wherein they can do their work at home, in their own pace, at least once a week.

Current technological advancements particularly in the field of Information and Communication Technology have allowed most jobs or tasks which were previously only doable in the office to be carried out at home, through the use of internet and telephone connectivity.

Traffic congestion and overcrowding of buildings in most central business hubs in Metro Manila and other cities continue to take its toll on employees, who waste increasingly more time in their commute to and from work. Increased travel time means less time for activities not related to work. By providing at least a one-day respite from the stressful commute, this measure seeks to promote the welfare of workers who will have an extra time to stay at home while still doing some work-related activity.

There are an estimated 4.7 million employed workers in Metro Manila, with most of them commuting to and from the office. If we allow at least 10% of these workers to have at least one day of the week spent working at home, it would help lessen traffic congestion by reducing the number of commuting and driving public on certain days of the week, especially those workers in Metro Manila who live in the suburbs.

Employers will benefit from a work-at-home program because it will save the company on utility costs during days when many employees are working at home, using their own electricity and water utility.

Furthermore, Companies can utilize the work-at-home program to help streamline and maximize office spaces and premises.

With the enactment of this legislative measure, employees will be able to enjoy, at least once a week, the opportunity to stay at home and spend more time with their immediate family while also doing office-related work.

In view of the above circumstances, the swift passage of the bill is earnestly sought.



RODEL M. BATOCABE



ALFREDO A. GARBIN, Jr.



CHRISTOPHER S. CO

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AN ACT
MANDATING ALL GOVERNMENT AND NON-GOVERNMENT OFFICES AND
ESTABLISHMENTS TO ADOPT WORK-AT-HOME PROGRAMS

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

Section 1. *Short Title.* This Act shall be known as the “*Work-at-Home Act of 2016*”.

Section 2. *Definition of Terms.* For purposes of this Act, the following terms shall have the meanings stated hereunder:

- a. “Home” means any room, house, apartment or other premises used regularly, in whole or in part, as dwelling place, except those situated within the premises or compound of an employer, contractor, or subcontractor and the work performed therein is under the active or personal supervision by or for the employer, contractor or subcontractor
- b. “Work-at-home” shall mean a program of work schedule wherein an office work is carried out by an employee at home, using his/her own resources.
This is different from an Industrial Homework principally because work-at-home shall exclude manufacturing work which utilize raw materials. Work-at-home shall pertain to office work which shall include, but not limited to, research, graphic design, accounting, writing, and others.

Section 3. *Adoption of Work-at-Home Policies.* All government and non-government offices, except companies with less than 20 employees, or those whose jobs or business cannot be brought by employees at home as determined by the Secretary of Labor and Employment, are hereby directed to adopt policies to provide work-at-home program for employees. Such policies shall at a minimum include provisions which:

- a) Allow an employee or group of employees occupying a certain classification or category of position, including result-based position as well as highly technical and confidential position, to work at home at least once a week, under flexible working hours, without need to report to the office.
- b) Establish clear procedures and strategies for:

- i) Work supervision when employees are working at home
- ii) Communication and coordination with employees regarding work-at-home schedules and output- or result-based evaluation
- iii) Preserving confidentiality of work information, if necessary.

Section 4. Reportorial Requirements.

- (a) All non-government offices and business establishments shall submit to the Department of Labor and Employment, the policies adopting work-at-home programs within six (6) months from the effectivity of this Act.
- (b) All government offices shall submit to the Civil Service Commission, the policies on work-at-home programs formulated within six (6) months from the effectivity of this Act.

Section 5. Visitorial Power. The Secretary of Labor and Employment or his duly authorized representative may, at any time, inspect the premises, books of accounts and records of companies regarding the implementation of the work-at-home program, and act on violation of any of the provisions of this Act.

Section 6. Penalty for Non-Compliance. Any head of office, human relations officer, or any person holding a comparable role, who shall fail to comply with the requirements under this Act shall be liable for penalty ranging from a warning, reprimand, suspension or termination with corresponding fine, to be determined by the Secretary of Labor and Employment for officers of a non-government offices and establishments, and by the Chairman of the Civil Service Commission for officers of a government office.

In addition, any erring non-government offices and business establishments shall likewise suffer the penalty of suspension of their permits to operate.

Section 7. Guidelines on Sanctions. In the rules and regulations to be implemented pursuant to this Act, the Department of Labor and Employment and the Civil Service Commission shall prescribe the appropriate guidelines on the sanctions as provided for in this Act.

Section 8. Implementing Rules and Regulations – Within ninety (90) days from the effectivity of this Act, the Department of Labor and Employment and the Civil Service Commission, respectively, shall promulgate the necessary rules and regulations to implement the provisions of this Act.

Section 9. Separability Clause. – If, for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force or effect.

Section 10. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof, which are inconsistent with or contrary to the provision of this Act are hereby repealed, amended or modified accordingly.

1 **Section 11. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication
2 in at least two (2) national newspapers of general circulation.
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4 *Approved*