EXPLANATORY NOTE

Teleworking refers to a work arrangement wherein employees or employers do not commute to a central office location, but instead work within the comfort of their own homes or the confines of an off-site location. While teleworking was traced to have started in as early as the 1980s, the technological advancements of the 21st century in mobile communication and internet connectivity has made this practice increasingly feasible and more attractive as a work option.

Worsening traffic conditions in Metro Manila and the geographical distance of a number of employees from their office locations is making the rigid 8-hour work schedule increasingly untenable for most Filipinos. In fact, many of them are resigning from their work within a year or two, best illustrated by figures from the Philippine Statistics Authority which showed a 7.59% overall separation rate in the country. It is only common sense therefore that flexible working conditions is becoming a requirement for many Filipinos.

It is by virtue of the this demand that Republic Act No. 11165, otherwise known as the Telecommuting Act was signed into law by President Rodrigo R. Duterte on December 20, 2018. The law provides that employers in the private sector can offer the option, on a voluntary basis, for their employees to telecommute and mandates the fair treatment of telecommuters, as any regular employee is entitled to under Philippine laws.

However, while the abovementioned law is well-intentioned, it did not take into account that government employees also suffer from the same problems as their private sector counterparts do. They are no less than susceptible to the hellish traffic and the weariness of traveling such long distances and therefore, we must grant these employees an opportunity to partake on the benefits of teleworking. Under this Act, teleworking shall become an institutionalized practice in all government agencies without compromise to its service delivery and competencies.

More than a policy borne out of pity for our government employees, institutionalizing telework in government is expected to boost productivity, promote stress-free working conditions, decrease operation costs, reduce employee turnovers, and overall, foster government best practices in line with the technological advancements of the 21st century. Moreover, telework is projected to help decongest major thoroughfares and the public transportation system; allow solo parents to attend to the needs of their children; retain older generations in the workforce; and unburden physically-disabled employees, among others.

Teleworking is the future of work, thus approval of this measure is earnestly sought.

Rep. Ramon V. Guico III
AN ACT
TO REQUIRE EACH AGENCY OF THE GOVERNMENT TO ESTABLISH AND IMPLEMENT A POLICY UNDER WHICH EMPLOYEES SHALL BE AUTHORIZED TO TELEWORK, AND FOR OTHER PURPOSES

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 “Work at Home Act.”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to innovate on certain work practices and promote flexible work options. As such, under this Act, each government agency shall be required to establish telework as a viable work option and for such purpose, implement policies under which employees of different government agencies shall be authorized to telework.

SEC. 3. Definitions. – For purposes of this Act:

Employee means any such person currently employed in any government agency.

Government Agency has the meaning as provided in section (2)(4) of E.O. No. 292, also known as the Administrative Code of 1987.

Telework or teleworking refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

SEC. 4. Government Agencies Telework Requirement. –

a) Telework Policy.—

1) In general.—Not later than 180 days after the date of enactment of this Act, each government agency shall—

A) establish a policy under which eligible employees of the government agency may be authorized to telework;

B) determine the eligibility for all employees of the government agency to participate in telework; and
C) notify all employees of the government agency of their eligibility to telework.

2) Limitations.—An employee may not telework under a policy established under this if—

A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

B) the employee has been officially disciplined for violations of R.A.No. 6713 also known as the "Code of Conduct and Ethical Standards for Public Officials and Employees."

b) Participation.—The policy described under subsection (a) shall—

1) ensure that telework does not diminish employee performance or agency operations;

2) require a written agreement that—

A) is entered into between the government agency and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

B) is mandatory in order for any employee to participate in telework;

3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the government agency and that employee;

4) except in emergency situations as determined by the government agency, not apply to any employee of the department whose official duties require on a daily basis (every work day)—

A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

B) on-site activity that cannot be handled remotely or at an alternate worksite; and

5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

SEC. 5. Training and Monitoring. —

a) In general.—Each government agency shall ensure that—

1) an interactive telework training program is provided to—

A) employees eligible to participate in the telework program of the agency; and
B) all managers of teleworkers;

2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section (4)(b)(2);

3) teleworkers and non-teleworkers are treated the same for purposes of—

A) periodic appraisals of job performance of employees;

B) training, rewarding, reassigning, promoting, reducing in grade, training, and removing employees;

C) work requirements; or

D) other acts involving managerial discretion; and

4) when determining what constitutes diminished employee performance, the agency shall consult the guidelines as provided for by the Strategic Performance Management System (SPMS) of the Civil Service Commission.

b) Training Requirement Exemptions.—Each government agency may provide for an exemption from the training requirements under subsection (a), if the head of that department determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this Act.

SEC. 6. Guidelines on Purchasing Computer Systems.—Not later than 120 days after the date of the enactment of this Act, each government agency shall issue department guidelines requiring that when purchasing computer systems, to purchase computer systems that enable and support telework, unless the head of the agency determines that there is a mission-specific reason not to do so.

SEC. 7. Telework Website.—The Department of Information and Communications Technology shall—

a) maintain a central telework website; and

b) include on that website related—

1) telework links;

2) announcements; and

3) telework guidelines developed by the Civil Service Commission.

SEC. 8. Telework Managing Officer.—

a) Designation.—The head of each government agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be
established within the human resource department or a comparable department with similar
functions.

b) Duties.—The Telework Managing Officer shall—

1) be devoted to policy development and implementation related to agency
telework programs;

2) serve as—

A) an advisor for agency leadership, including the head of the human
resource department;

B) a resource for managers and employees; and

C) a primary agency point of contact for the Civil Service
Commission and the Department of Information and Communications
Technology on telework matters; and

3) perform other duties as the applicable delegating authority may assign.

c) Status within agency.—The Telework Managing Officer of a government agency
shall be a senior official of the agency who has direct access to the head of the agency.

d) Rule of Construction Regarding Status of Telework Managing Officer.—Nothing
in this section shall be construed to prohibit an individual who holds another office or
position in a government agency from serving as the Telework Managing Officer for the
agency under this Act.

SEC. 9. Reports.—

a) Reports by the Civil Service Commission.—

1) Submission of reports.—Not later than 18 months after the date of
enactment of this Act and on an annual basis thereafter, the Chairman of the
Civil Service Commission, in consultation with the human resource offices of
each government agency shall—

A) submit a report addressing the telework programs of each
government agency to:

i) the Committee on Civil Service and Government and
Reorganization of the Senate; and

ii) the Committee on Civil Service and Professional Regulation
of the House of Representatives; and

B) transmit a copy of the report to the Department of Budget and
Management.

2) Contents.—Each report submitted under this subsection shall include—
A) the degree of participation by employees of each government agency in teleworking during the period covered by the report (and each government agency, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

   i) the total number of employees in the agency;

   ii) the number and percent of employees in the agency who are eligible to telework; and

   iii) the number and percent of eligible employees in the agency who are teleworking—

      I) 3 or more days per pay period;

      II) 1 or 2 days per pay period;

      III) once per month; and

      IV) on an occasional, episodic, or short-term basis;

B) the method for gathering telework data in each agency;

C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

   i) emergency readiness;

   ii) energy use;

   iii) recruitment and retention;

   iv) performance;

   v) productivity; and
vi) employee attitudes and opinions regarding telework; and

G) the best practices in agency telework programs.

b) Chief Human Resource Officer Reports.—

1) In general.—Each year the chief human resource officer of each government agency, in consultation with the Teleworking Managing Officer of that agency shall submit a report to the Civil Service Commission on agency management efforts to promote telework.

SEC. 10. Implementing Rules and Regulations.—

a) Agency Consultation with the Civil Service Commission.—Each government agency shall consult with the Civil Service Commission in developing telework policies.

b) Guidance and Consultation.—The Civil Service Commission shall—

1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities; and

2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals.

c) Telework Security Guidelines.—

1) In general.—The Secretary of the Department of Information and Communications Technology, shall issue guidelines not later than 180 days after the date of enactment of this Act to ensure the adequacy of information and security protections for information and information systems used while teleworking.

2) Contents.—Guidelines issued under this subsection shall, at a minimum, include requirements necessary to—

A) control access to agency information and information systems;

B) protect agency information (including personally identifiable information) and information systems;

C) limit the introduction of vulnerabilities;

D) protect information systems not under the control of the agency that are used for teleworking;

E) safeguard wireless and other telecommunications capabilities that are used for teleworking; and
F) prevent inappropriate use of official time or resources that violates
the Code of Conduct and Ethical Standards for Public Officials and
Employees.

SEC. 11. Appropriations. – The amount necessary for the implementation of the provisions
of this Act shall be charged to the annual appropriated funding of the respective government
agencies covered by this Act. Thereafter, any such amounts necessary for the effective
implementation of this Act shall be included in the appropriations for each government agency in
the General Appropriations Act.

SEC. 12. Separability Clause. – If any provision, section or part of this Act shall be
declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other
provisions, sections or parts thereof.

SEC. 13. Repealing Clause. – All laws, decrees, orders, rules and regulations or portions
thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 14. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the
Official Gazette or in at least two (2) newspapers of general circulation.

Approved,