



REPUBLIC ACT NO. 11165: TELECOMMUTING ACT



FAST FACTS ABOUT REPUBLIC ACT (“R.A.”) NO. 11195



Signed into law by the President on 20 December 2018



Became effective on 26 January 2019



Implementing Rules and Regulations (“IRR”) issued on 26 March 2019*

**Only became effective fifteen (15) days after publication in a newspaper of general circulation and posting on the Department of Labor and Employment (“DOLE”) website*



DEFINITIONS

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

ALTERNATIVE WORKPLACE – Refers to a location other than the workplace

TELECOMMUTING PROGRAM – Refers to a set of guidelines and rules governing the implementation of a telecommuting work arrangement



TELECOMMUTING PROGRAM

- ❑ An employer in the private sector may offer a telecommuting program to its employees on a **voluntary basis**
- ❑ Upon such terms and conditions **mutually agreed upon**
 - Must not be less than the minimum labor standards set by law
 - Shall include compensable work hours, minimum number of work hours, overtime, rest days, entitlement to leave benefits, social welfare benefits, and security of tenure
- ❑ Relevant information **in writing** must be provided by the employer to the telecommuting employee to apprise the latter of the following:
 - Terms and conditions of the telecommuting program, e.g. duration
 - Rights, duties, and responsibilities of the employee



TELECOMMUTING POLICY/AGREEMENT

- Eligibility
- Code of conduct, performance evaluation, and assessment
- Alternative workplace/s
- Use and cost of equipment
- Work days and/or hours
- Conditions of employment, compensation, and benefits
- Non-diminution of benefits
- Occupational safety and health
- Observance of data privacy policy
- Dispute settlement
- Termination or change of work arrangement



FAIR TREATMENT

- Telecommuting employees to be given the same treatment as employees working at the employer's premises
 - Covered by the same set of rules and existing collective bargaining agreement, if any
 - Same monetary benefits
 - Right to rest days, holidays, and non-working days
 - Same workload and performance standards, **provided** that the employer and telecommuting employee may agree on more appropriate performance standards
 - Same access to career development opportunities without additional cost
 - Have the same collective rights as employees working at the employer's premises, e.g. safety and health services



FAIR TREATMENT

- ❑ Receive training on the technical equipment and the conditions of telecommuting
- ❑ The employer shall give telecommuting employees opportunity to meet with colleagues on a regular basis and access to the regular workplace and company information



DATA PROTECTION

- ❑ The employer and the employee will agree on minimum standards that will protect personal information
- ❑ It shall be the **responsibility of the employer** to take the appropriate measures to ensure the protection of data used and processed by telecommuting employees
 - Includes informing the telecommuting employee of the company's data protection policies
 - Measures such as disabling of hardware, USB access, and external cloud-based storage
- ❑ The **telecommuting employee shall commit** to the company's data privacy policy
- ❑ For this purpose, the Data Protection Act of 2012 shall have supplementary effect



ADMINISTRATION

- ❑ The parties shall be primarily responsible
- ❑ In case of differences in interpretation, the following guidelines shall be observed:
 - Shall be treated as grievances to be resolved under the grievance mechanism of the company
 - If there is no grievance mechanism, shall be referred for conciliation and mediation to the regional or field office of the DOLE with jurisdiction
 - If unresolved, shall be referred to the National Labor Relations Commission (“NLRC”)



NOTICE AND MONITORING

- The employer shall notify the DOLE about the adoption of a telecommuting program by submitting in print or digital copy an accomplished **DOLE TWA Report Form** to the nearest provincial or field office having jurisdiction over the area where the principal office is located
- Applies to each branch or operational unit outside the region of the principal office

Republic of the Philippines
Department of Labor and Employment
 Intramuros, Manila

REPORT ON THE ADOPTION OF TELECOMMUTING WORK ARRANGEMENT (TWA)

1. Name of establishment:		2. Address:				3. Contact details						
						3.1 Name of contact person and designation:						
						3.2 Telephone no.:						
4. Nature of business:		5. Period of coverage on the adoption of TWA		5.1 Date start:			3.3 Mobile no.:					
				5.2 Date end:			3.4 E-mail address:					
6. Total no. of employees in the establishment:						7. Total no. of employees under TWA:						
6.1 Male:			6.2 Female:			7.1 Male:			7.2 Female:			
6.1.a Parent	6.1.b PWD	6.1.c Senior Citizen	6.2.a Solo Parent	6.2.b PWD	6.2.c Senior Citizen	7.1.a Solo Parent	7.1.b PWD	7.1.c Senior Citizen	7.2.a Solo Parent	7.2.b PWD	7.2.c Senior	
8. Implications of the adopted theme (describe briefly)	8.1 On employees:											
	8.2 On employer:											
The scheme is agreed upon voluntarily by both parties, employer and employees.												
9. Employer's representative	9.1.a Signature:					9.2 Employee's representative	9.2.a Signature:					
	9.1.b Full name:						9.2.b Full name:					
	9.1.c Date:						9.2.c Date:					





EFFECT ON EXISTING AGREEMENTS

- ❑ The terms of any similar voluntary agreement providing similar or higher benefits entered before the effectivity of the Telecommuting Act shall **not** be impaired
- ❑ The employer must notify the DOLE about the arrangement



PERIODIC REVIEW

- ❑ Mandatory review of the IRR of the Telecommuting Act three (3) years from the date of effectivity and every three (3) years thereafter

END OF PRESENTATION

