

LAW & POLICY GROUP | [GRIST](#)

## **PHILIPPINES LAW ADDRESSES RIGHTS OF TELECOMMUTING WORKERS**

*By Mercer's Pauline Cardenas, Fiona Webster and Stephanie Rosseau  
18 Jan 2019*

Employers in the Philippines must treat telecommuters fairly regarding their working hours, rest time, overtime, leave entitlement, pay and access to training opportunities, under a [law](#) effective 26 Jan 2019. These employees must also enjoy the same collective bargaining rights as employees who work on site. Implementing regulations and rules will be issued within 60 days of the effective date. The Department of Labor and Employment will pilot telecommuting arrangements for up to three years in selected industries.

### **HIGHLIGHTS OF TELECOMMUTING PROTECTIONS**

Highlights of the law include following:

- Telecommuting is defined as work arrangements that allow private-sector employees to work from an alternative workplace using telecommunications and computer technologies.
- Employers may offer employee the opportunity to telecommute on a voluntary basis on terms that are mutually agreed to and that meet minimum labor standards and applicable collective agreements.
- Disagreements between the employee and employer about an arrangement would be resolved via the employer's grievance mechanisms. Employer must retain documentation showing the arrangement was agreed to voluntarily.
- Pay should include overtime payments and shift premiums.
- Telecommuting workers must have the same training opportunities and be subject to the same appraisal procedures as workers in comparable roles located at the employer's workplace.
- Employers must take measure to keep telecommuting employees from becoming isolated — for example, by ensuring their access to company information and providing opportunities for them to meet regularly with colleagues.
- Employers must assure the protection of data used by telecommuting employees as part of their jobs inform employees about their data-protection duties.

## RELATED RESOURCES

- [Act No. 11165](#) (Philippines Official Gazette, 20 Dec 2018)

*Note: Mercer is not engaged in the practice of law, and this article, which may contain commentary on legal issues or regulations, does not constitute and is not a substitute for legal advice. Mercer recommends that readers of this article secure the advice of competent legal counsel regarding any legal matters related to this article or otherwise.*