



NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 JUL -7 P3 :05

RECEIVED BY: _____

SENATE

S. B. NO. 134

Introduced by SENATOR JOEL VILLANUEVA

AN ACT

ALLOWING THE ADOPTION OF ALTERNATIVE WORK
ARRANGEMENTS, AMENDING FOR THE PURPOSE
PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS
THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

EXPLANATORY NOTE

Given the increasing complexity of work, there is now a growing recognition of the benefits of adopting flexible work arrangements. Flexibility in the workplace allows employees to find an arrangement where they can best fulfill their work obligations given their respective situations. It also allows an employer to accommodate the uniqueness in the backgrounds and capacities of its employees without compromising their productivity. Workplace flexibility, therefore, allows both employer and employee to find a mutually beneficial arrangement of work that works best for both parties.

In fact, a research project funded by the Economic Social Research Council based at the University of Kent in England, entitled "*Work Autonomy, Work Flexibility and Work Life Balance*" showed that when managers allow workers more discretion or more control over their work, they deliver better performance outcomes or better productivity.

Considering the proven benefits of flexible work arrangements, this bill seeks to institutionalize the adoption of voluntary work arrangements if national emergency requires or as mutually agreed upon by the employer and the employee. This bill also emphasizes that the adoption of voluntary work arrangements shall not result in the diminution of the existing benefits of the employees, and the existing laws on the payment of overtime pay, night shift differential and other benefits shall not be violated.

With this measure, the employer and the employee are given greater liberty to agree on a work arrangement that would fit their needs and preferences.

The immediate passage of this bill is earnestly sought.



SENATOR JOEL VILLANUEVA



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

1 **SECTION 1.** A new Article 83-A is hereby inserted in the Philippine Labor
2 Code, as amended, to read as follows:

3

4 "ARTICLE 83-A. *ADOPTION OF VOLUNTARY WORK ARRANGEMENT.*
5 – WHEN NATIONAL EMERGENCY REQUIRES OR WHEN THE
6 PARTIES MUTUALLY AGREE, THE EMPLOYER AND THE EMPLOYEE
7 MAY ADOPT A VOLUNTARY WORK ARRANGEMENT: *PROVIDED,*
8 THAT HOURS OF WORK SHALL NOT EXCEED FORTY-EIGHT (48)
9 HOURS A WEEK: *PROVIDED, FURTHER,* THAT IT SHALL NOT
10 RESULT IN THE DIMINUTION OF EXISTING BENEFITS AND THE
11 RIGHT TO OVERTIME PAY CONSISTENT WITH ARTICLE 87 OF THE
12 LABOR CODE, NIGHT SHIFT DIFFERENTIAL CONSISTENT WITH
13 ARTICLE 88, AND OTHER BENEFITS IN ACCORDANCE WITH LAW
14 SHALL NOT BE VIOLATED."

15

16 **SEC. 2. Rules and Regulations.** – The Secretary of Labor and Employment,
17 in consultation with relevant stakeholders shall promulgate the necessary
18 implementing rules and regulations within sixty (60) days from the effectivity of
19 this Act.

1

2 **SEC. 3. Separability Clause.** – If any part of this Act shall be held
3 unconstitutional or invalid, other parts not otherwise affected thereby shall
4 remain in force and effect.

5

6 **SEC. 4. Repealing Clause.** – All laws, decrees, resolutions, orders, or
7 ordinances or parts thereof inconsistent with this Act are hereby repealed,
8 amended or modified accordingly.

9

10 **SEC. 5. Effectivity.** – This Act shall take effect fifteen (15) days after its
11 publication in the Official Gazette or in one newspaper of general circulation.

12

13 **Approved,**