

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6496



Introduced by Rep. Winston "Winnie" Castelo

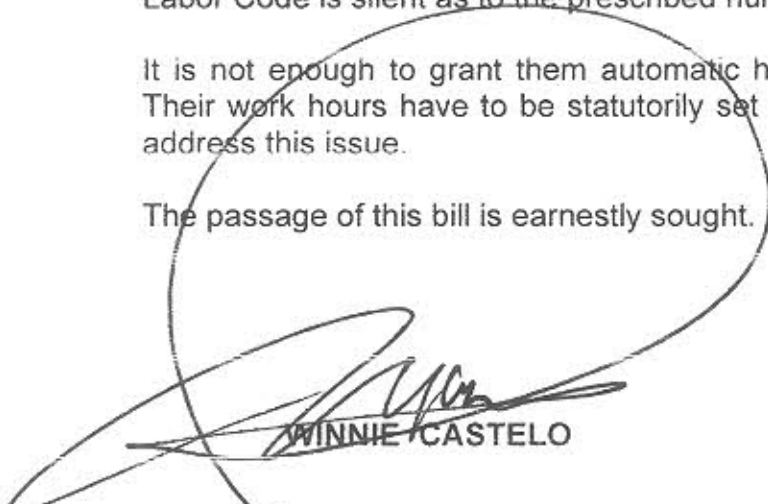
EXPLANATORY NOTE

This bill seeks to regulate the number of work hours and other terms of engagement of cinema/radio/tv/theater and other media personnel who are covered by a talent or service contract. It is high time to put a cap on the work hours of these personnel, who willingly or otherwise, go the extra mile to keep up with the extraordinary and physical demands of film/TV production, location shoot, and circadian requirements.

The backbreaking production hours and erratic work schedules in the cinema/radio/tv/theater and other media industry take their toll on the health of this distinct set of workers. The recent passing of two widely-acclaimed film directors attests to this work blight. In order to meet deadlines and cut back on production costs, some crew members and talents even work for 24 hours on end. Any person with the mildest heart condition would succumb to cardiac arrest under such work-related stress. No statutory policy has been instituted to address this gray area in the work force. The Labor Code is silent as to the prescribed number of hours of work for this unique group.

It is not enough to grant them automatic health and/or accident insurance coverage. Their work hours have to be statutorily set out in order to organically and systemically address this issue.

The passage of this bill is earnestly sought.



WINNIE CASTELO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6496

Introduced by Rep. Winston "Winnie" Castelo

AN ACT
REGULATING THE WORK SCHEDULE AND OTHER TERMS OF ENGAGEMENT
GOVERNING CINEMA/RADIO/TV/THEATER AND OTHER MEDIA PERSONNEL
WHO ARE COVERED BY A SERVICE OR TALENT CONTRACT AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

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

SECTION 1. Title. This Act shall be known as the "Entertainment and Information Personnel Act of 2016."

SEC. 2. Declaration of Policies. It is hereby declared that:

- (a) The State strongly affirms labor as a primary social force and is committed to respect, promote, protect and realize the fundamental principles and rights at work;
- (b) The State recognizes the need to protect the rights of entertainment personnel against economic exploitation and performance of work that is hazardous to their physical and mental health; and
- (c) The State, in protecting entertainment personnel and recognizing their need to a safe and healthful working conditions, promotes measures in the formulation and implementation of policies and programs affecting the local entertainment industry.

SEC. 3. Coverage. This Act shall apply to all entertainment personnel.

SEC. 4. Definition of Terms. As used in this Act, the term:

- (a) Entertainment personnel refers to all persons persons, who shall be employed or permitted or suffered to work in cinema, theater, radio, film, television and other forms of media, including but not limited to the camera and sounds crew, actors, hair and make-up staff, script supervisors, directors, assistant directors, stunt performers, on-air personalities, and station managers.
- (b) Employer refers to any person engaged in cinema, theater, radio, film, television and other forms of media production who enter into service or talent contract with entertainment personnel.
- (c) Working children refers to entertainment personnel who are below eighteen (18) years of age.

SEC. 5. Normal Hours of Work. The normal hours of work of an entertainment personnel shall not exceed twelve (12) hours a day. However, working children shall be afforded protection and benefits under existing laws.

SEC. 6. Weekly Rest Period. The entertainment personnel shall be entitled to at least twenty-four (24) consecutive hours of rest in a week.

SEC. 7. Mandatory Accident Insurance. The employer, together with the signing of the service or talent contract, shall secure a compulsory accident insurance in favor of the entertainment personnel. The Accident Insurance must be attached with the service or talent contract that is submitted to the Department of Labor and Employment (DOLE).

SEC. 8. Health and Safety. The employer shall ensure that the place or location of the production or engagement is safe, healthful and conducive for working.

SEC. 9. Deposits for Loss or Damage. It shall be unlawful for the employer or any other person to require an entertainment personnel to make deposits from which deductions shall be made for the reimbursement of loss or damage to tools, materials, furniture and equipment used in the production.

SEC. 10. Prohibition Against Withholding of Wages. It shall be unlawful for an employer, directly or indirectly, to withhold the wages of the entertainment personnel.

SEC. 11. Implementation of this Act. The regulation of the work schedule and other terms of engagement governing entertainment personnel who are covered by a service or talent contract shall be undertaken by the DOLE.

SEC. 12. Penalties. The employer found to be guilty of non-compliance shall be meted out a penalty of imprisonment for a minimum of six (6) months to one (1) year or a fine of One Hundred Thousand Pesos (Php100,000.00) or both;

SEC. 13. Repeat Offenders. In the event that the employer is found guilty of violating this Act for two (2) or more times committed within a period of five (5) years, the same shall be a ground for the permanent revocation of their license to operate.

SEC. 14. Implementing Rules and Regulations. Within ninety (90) days from the effectivity of this Act, the Secretary of Labor and Employment shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 15. Separability Clause. If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 16. Repealing Clause. All laws, decrees, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 17. Effectivity. All laws, decrees, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

APPROVED