

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6880



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

A work-life balance is a concept that many strive to attain as it advocates proper prioritization between work and lifestyle. This is detriment to the well-being of an employed person but remains to be a struggle in a society that favors the overworked—to an extent where in Japan it has triggered a national debate¹.

The Philippine Statistics Authority (PSA) has reported² a growth in the number of Filipinos considered as "overworked" in 2015. An alarming 8 million workers are considered "overworked" according to the PSA report, prompting Senator Grace Poe to recently seek a probe by Senate on the matter³.

The Movie and Television Industry is one of the many industries whose work hours are unorthodox, owing to the nature of the industry itself. They clock in depending on the needs of the shoot and work extra for preparations prior. As they do not follow the regular 8 to 5 work hours, there is a need to regulate the working conditions of this industry to avoid cases of overworking among their workforce.

¹ <https://www.theguardian.com/world/2017/oct/05/japanese-woman-dies-overwork-159-hours-overtime>

² <https://businessmirror.com.ph/overworked-filipinos-rose-to-8-million-plus-in-2015-psa-report/>

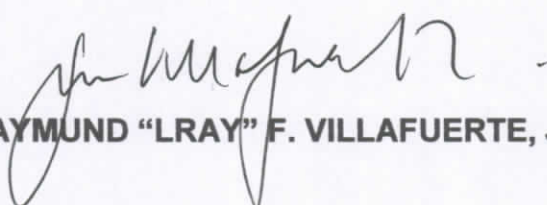
³ <http://newsinfo.inquirer.net/879425/too-much-work-kills-poe-seeks-probe-as-more-filipinos-overworked>

The death of 2 well-known directors in the movie industry in 2016 sparked talks among the industry of unhealthy working conditions⁴. Per the Directors Guild of the Philippines, productions would go from 16 to 24 continuous work hours per set and would cram to save on costs. According to actors, there are days when shooting would last more than 24 continuous hours.

This bill intends to address that by legislating proper working conditions for the Movie and Television Industry, mandating that the work hours by the worker or talent do not exceed 8 hours. Overtime work is also taken into consideration and should not exceed more than 12 hours in a 24-hour period. The bill also provides for proper compensation and facilities, such as transportation and accommodation, for talents and workers working in location shoots, as well as social service benefits.

In order to enforce this, penalties are imposed on a network or company that violates the provided working conditions. This bill, taking inspiration from the Department of Labor and Employment Labor Advisory No. 04-2016, aims to provide a work culture that is just and fair for everyone.

The approval of this bill is earnestly sought.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

⁴ <https://www.rappler.com/entertainment/news/125332-media-industry-speak-out-against-working-conditions-francis-pasion>

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AN ACT
PROVIDING FOR PROPER WORKING CONDITIONS IN THE MOVIE AND
TELEVISION INDUSTRY

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 "Magna Carta for Movie and Television Industry Act of 2017".

SECTION 2. Declaration of Policy. – The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all. It is hereby declared the policy of the State to provide for appropriate and just working conditions for movie and television industry workers to enhance their general welfare.

SECTION 3. Definition of Terms. – For purposes of this Advisory, the following shall be defined as:

- a) Movie and Television Industry – shall include, but not limited to, movie and television network stations, production outfits, air-time contractors, and other necessary and related industry activities/services;

- b) Talent – refers to an independent contractor or individual who has unique skills, experience and talents or celebrity status and whose means and methods in the performance of his/her work is outside the control of another or the hiring party, and his/her service/engagement contract is governed by the Civil Code provisions on contracts and other applicable laws, but in no case lower than the standards provided by the Labor Code, as amended;
- c) Workers – in the Movie and Television Industry shall include cameramen/editors, production assistants, teleprompter operator/editor, VTR person/editor, newscaster/anchor, managers, reporters, news correspondents, and such other individual whether employed in a network or production outfit regardless of the mode of compensation and length of service/engagement;
- d) Workplace – refers to area/s where work is being carried out or undertaken regardless of whether the same is done within the network/company/outfit work premises or outside “on location” or “set”.

SECTION 4. Working Conditions in the Industry. – The following must be observed by the Industry:

- A) Hours of work – The actual hours of work of a movie and television industry worker/talent shall not exceed eight (8) hours in a day. If the worker/talent is required to work beyond eight hours, the maximum actual hours of work shall not exceed twelve (12) hours in any 24-hour period.

The normal hours of work of elderly workers/talents (those aged 60 years and above) shall not exceed eight (8) hours in a day. The hours of work of children in the industry must be in accordance with Republic Act No. 9231 and its Implementing Rules and Regulations or Department of Labor and Employment Department Order No. 65-04.

- B) Waiting time – Waiting time spent by a worker/talent shall be considered as working time if he/she is required or engage to wait.

- C) Occupational Safety and Health – The provisions of the Occupational Safety and Health Standards (OSHS) shall be observed in all workplaces to ensure safe and healthful working conditions for all worker/talents.
- D) Transportation – Adequate transportation facilities to and from the “location/set” shall be provided to the workers. If no transportation is provided to the worker, any costs incurred by the worker shall be reimbursed by the network/company/outfit.
- E) Accommodation – Safe, adequate and free lodging and/or accommodation shall be provided by the network/company/outfit to the worker/talent if work is “on location/set”
- F) Minimum Benefits – The pay and related benefits of the workers/talents in the industry, regardless of the nature of engagement, shall not be lower than the minimum standards under the Labor Code, as amended, and other laws, rules and regulations
- G) Social Welfare Benefits – Without prejudice to established company policy, or collective bargaining agreement, or other applicable employment agreement, workers/talents in the industry shall be covered by Pag-IBIG, PhilHealth, SSS, Employees’ Compensation Program, and other related laws.

SECTION 5. Penalties. – A network, company, outfit, or production team in violation of the above provisions shall be imposed the following penalties:

- a) First Offense – shall be fined the amount of at least two hundred fifty thousand pesos (Php 250,000) but not exceeding five hundred thousand pesos (Php 500,000) per worker/talent and suspension of the franchise or permits for six (6) months to one (1) year;
- b) Second Offense – shall be fined the amount of at least six hundred thousand pesos (Php 600,000) but not exceeding one million pesos (Php 1,000,000)

per worker/talent and suspension of the franchise or permits for one (1) to two (2) years;

- c) Third Offense – shall be fined the amount of at least one (1) million pesos (Php 1,000,000) but not exceeding three (3) million pesos (Php 3,000,000) per worker/talent and suspension of the franchise or permits for two (2) to three (3) years.

SECTION 6. Enforcement of Labor Standards and 30-day Conciliation-Mediation Services under the Single Entry Approach Conciliation-Mediation Services. – Compliance with wage, wage-related benefits, hours of work and OSHS shall be enforced by the Department of Labor and Employment (DOLE) Regional Office having jurisdiction over the workplace/principal office of the network/company/outfit.

Any violation of the provisions of the employment agreement or talent contract uncovered during the conduct of assessment, as well as complaints filed, shall be subject to the 30-day conciliation-mediation services or Single Entry Approach (SEnA).

SECTION 7. Non-diminution of Benefits. – Nothing herein shall be construed to authorize diminution of benefits being enjoyed by the workers/talents at the time of the issuance hereof.

SECTION 8. Effect on Existing Company Policy, Contracts or CBAs. – The minimum benefits reiterated in this Act shall be without prejudice to any company policy, contract, or Collective Bargaining Agreement (CBA) providing better terms and conditions of employment/engagement.

SECTION 9. Tripartite Monitoring Body. – A regional-based Industry Tripartite Council shall be established within 30 days from the effectivity of this Act. Together with DOLE Regional Offices, it shall monitor compliance with this Act.

SECTION 10. *Implementing Rules and Regulations.* – The Department of Labor and Employment, in consultation with the Movie and Television Franchising Regulatory Board, Department of Trade and Industry, and private sectors, shall promulgate the corresponding implementing rules and regulations (IRR) within three (3) months after the effectivity of this Act.

SECTION 11. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 12. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SECTION 13. *Effectivity.* – This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,