

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 81

Introduced by Hon. **RONNIE L. ONG** and Hon. **ALFRED "APID" C. DELOS SANTOS**

EXPLANATORY NOTE

While Republic Act No. 11058 is already in place since last year and there are existing rules and standards with corresponding penalties promulgated by the Department of Labor and Employment on occupational safety and health (OSH) in the working environment, there still occurs recurring OSH issues in all kinds of workplaces. There have been accidents both fatal and non-fatal across all industries proving non-compliance with existing measures.

This is especially true for the film, television and theater industries, which engage artists many of whom hail from the provinces – chasing their dreams and working towards their success in Metro Manila.

This year alone, the Philippine movie industry has suffered the loss of one of its greatest actors, Mr. Eddie Garcia, due to an accident while working during a taping on set. Hailed as a paragon, an icon and asset of Filipino Cinema with his more than 650 movies and Television Dramas, the Bicolano actor is a distinguished and multi-awarded Philippine actor with a career in the movie industry spanning more than sixty years.

News reports show that Mr. Eddie Garcia was shooting an outdoor action scene on the set of GMA, one of the Philippines' largest broadcasting stations, for a forthcoming drama series when he tripped on strewn cable wires, resulting to a bad fall causing severe cervical spinal fracture. The actor was in a coma for almost two weeks before his death on June 20, 2019.

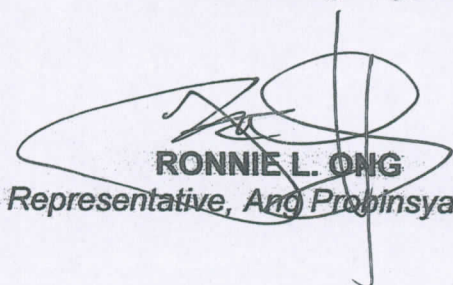
This incident resulting to the loss of one of the country's greatest artists is actually preventable and could have been avoided. However, measures are not being put in place to prevent similar incidents from happening again. Even labor groups and artists' organizations like the Directors Guild of the Philippines Inc. (DGPI) have repetitively pointed out the allegedly horrible working conditions in taping television dramas which reportedly entails 24-hour shooting days just to save on costs and celebrities' fees alone.

The story of Eddie Garcia is just the latest of the many tragedies in this industry because of the lack of standard occupational safety and health measures in place. It must be noted that popular TV Directors Wenn Deramas, Gilbert Perez and Francis Pasion also died (i.e. from cardiac arrest) allegedly due to stressful working conditions. The famous comedian Chokoleit (Jonathan Aguilar Garcia) had also succumbed to pulmonary edema and heart attack while on an out-of-town show in Abra. Hundreds other nameless, but equally valuable, artists in the showbiz industry might have suffered or are suffering working conditions threatening their health and safety. Even the ordinary crew members are also vulnerable to occupational health and safety problems.

It is in this light that this bill is earnestly proposed in order to ensure safety and to establish emergency protocols while artists are at work. All performance platforms, whether on set or on stage, are considered workplaces that must protect the health and safety of artists, including the crew. This bill also proposes to standardize and specify working hours required of artists based on age, as well as prescribe the provision of accident and medical insurance for all workers – on-screen and off-screen alike – involved and employed in the covered industries.

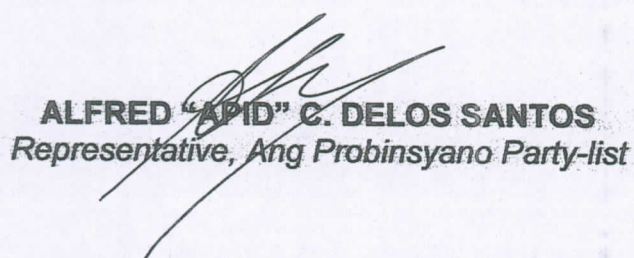
Most of all, this bill recognizes that our artists in the film, television and theater industries are our country's assets. They inspire people with their craft. They promote pride in the Filipino talent and culture. They mold the minds of the next generation. They are our pride and joy, and they deserve not just admiration, but protection as well.

In view of the foregoing, immediate approval of this bill is highly recommended.



RONNIE L. ONG

Representative, Ang Probinsyano Party-list



ALFRED "APID" C. DELOS SANTOS

Representative, Ang Probinsyano Party-list

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**AN ACT PRESCRIBING A MANDATORY OCCUPATIONAL SAFETY, HEALTH,
AND EMERGENCY RESPONSE PROGRAM FOR ALL ARTISTS IN THE FILM,
TELEVISION, AND THEATER INDUSTRIES OF THE PHILIPPINES, AND
FOR OTHER PURPOSES**

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

SECTION 1. Short Title. This Act shall be otherwise known as the "Artists' Safety on Set (ASSET) Act."

SEC. 2. Declaration of Policy. The State recognizes the economic, social and cultural contributions of artists or laborers in the film, television and theater industries which are integral in nation-building. The State shall protect the said workers by ensuring that their workplaces are safe, healthful, hazard-free, and affording them protection from any preventable danger or accident.

Toward this end, the State shall ensure that the provisions of this Act, the Labor Code of the Philippines, as well as all relevant domestic laws and industry standards on health and safety in workplaces are enforced and complied with by all employers to protect all artists regardless of the existence of employer-employee relationship.

SEC. 3. Coverage. This Act shall apply to all employers involved in the film, television and theater industries and shall cover all the working hours of artists and their operations or activities beginning at the time they were engaged such as rehearsals, setups, waiting time, tapings, shootings and on-stage or on-air performances up to the time they are disengaged, including their health and safety off-set as long as they are required to stay in the premises of the workplace.

All artists, including members of the crew, regardless of contractual arrangement, whether employees or independent contractors or self-employed, shall be covered and protected by this Act.

In addition, the DOLE is hereby authorized to determine the applicability or inclusion and the extent of obligations and liabilities under this Act of festival or event organizers, who may not be habitually engaged in the film, television or theater industries, but, nevertheless, engage the works, talents and services of artists during fiesta, holiday or out-of-town shows or similar events which pose similar health and safety risks to the artists.

Section 4. Definition of Terms. For purposes of this Act, the following terms are defined:

- (a) *Artists* refer to but are not limited to actors, actresses, personalities, theater performers, reporters, TV show hosts, singers, dancers, comedians, and all members of the crew, both on-screen and off-screen, whose works, talents and/or services are engaged, regardless of contractual arrangement, by employers involved in the film, television and theater industries in connection with a production, film, segment, show, commercial or performance;
- (b) *Certified first-aider* refers to any person trained and duly certified or qualified to administer first-aid by any organization authorized or accredited by the Department of Labor and Employment;
- (c) *Equipment* refers to any machine, including their accessories, with engine or electric motor as prime power used on set for any production, show or performance;
- (d) *Employers* refer to companies, businesses, professional groups and individuals involved in the film, television and theater industries, excluding the managers and personal staff of artists, and including, but not limited to, media companies, television broadcast stations, film production companies, theater groups, and festival or event organizers as may be later determined by DOLE, that employ, regardless of contractual arrangement, the works, talents and/or services of artists referred to in this Act;
- (e) *General safety and health inspection* refers to an examination of the work environment, including the location and operation of equipment and machinery, adequacy of work space, ventilation, lighting, presence of medical kits and emergency vehicles, and other conditions and possible sources of safety and health hazards in the workplace;
- (f) *Safety Officer* refers to a qualified first-aider, medic, or physician engaged by the employer to provide occupational health and safety services in the workplace;
- (g) *Standard safety procedures* refer to industry-determined and DOLE-approved standards for safety of employees in the workplace; and
- (h) *Workplace* refers to the location setting or "set" of the production, film, segment, show, commercial or performance, whether in or out of town or of the official address of the employer, where the artists referred to in this Act and their respective employers or their representatives conduct rehearsals, setups, tapings, shootings, stage performances and other related activities.

SEC. 5. Mandatory Occupational Safety, Health, and Emergency Response Program (OSHERP) for all Artists. Every employer referred to in this Act is required to formulate, implement and fund a comprehensive Occupational Safety, Health, and Emergency Response Program (OSHERP) to protect all artists engaged in any of its production, film, segment, show, commercial or performance. The said program shall be the product of consultation with the respective organizations or associations of artists and must conform to the minimum OSHERP standards to be set by the Department of Labor and Employment (DOLE).

Within sixty (60) days after the promulgation of the Implementing Rules and Regulations of this Act, employers are required to submit their respective programs to the DOLE including the succeeding updates thereafter. Nothing in this Act shall prevent

The Emergency Response Team shall, in coordination with the OSHERP Oversight Team, ensure that the workplace is occupationally safe, all emergencies are promptly and professionally acted upon and the emergency protocol, including the contingency plan, is clarified to all persons involved on set and put in place before the start of any production, film, segment, show, commercial or performance. The Emergency Response Team must also be aware of the locations of the nearest medical centers or hospitals in every set location or workplace.

The Emergency Response Team shall also, on a regular basis, inquire as to the physical condition of artists, especially the senior citizens and children, or on what they are feeling or experiencing. In addition, the employer shall designate an emergency vehicle or ambulance for the use of the Emergency Response Team, which shall be on-call and on-standby in every workplace.

SEC. 10. Complete Occupational Safety Requirements and Devices in all Workplaces. Every employer shall ensure that the following safety requirements and devices are present in all workplaces:

- (a) *Facilities* - The employer shall ensure that the workplace shall be safe from any imminent threats and dangers to health and safety. Basic requirements such as adequate supply of safe drinking water, sanitary and washing facilities, and suitable rest facilities or tents as far as applicable taking into consideration the length of the rehearsal, production, taping or performance, for all artists, including crews and extras, shall also be ensured by the employer in every workplace.
- (b) *Equipment* - The employer shall ensure that all equipment, including video camera units, lighting systems and cables, and other props and production materials are installed and situated in a manner that will not pose any safety or health risks to artists.
- (c) *Signages* - The employer shall provide safety signages and devices on-site and shall regularly warn and remind all employees of all possible hazards that may occur in the workplace. These safety signages shall be posted in prominent positions or strategic locations at the workplace, shall be in a language understandable to all and shall be in accordance with standard safety procedures.

SEC. 11. Working Hours for all Artists. Considering the nature of the work and the accepted norms and practices of the industry involved vis-à-vis the need to safeguard the health and safety of artists, the DOLE shall set the maximum working hours for artists, both employees and those that are independent contractors, and shall determine the obligations of the employer in establishing the proper working conditions and in the payment of overtime pay and other benefits provided under existing laws.

In particular, senior citizens, aged 60 years old and above, who are engaged as artists, shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week. Work or production at night shall not be imposed upon the senior citizen artist and shall not be set as a condition to their hiring or to the payment of their services. Furthermore, no senior citizen artist shall be obliged to render work requiring any excessive physical exertion or similar activities like running, climbing or carrying heavy-weight items, that may pose a threat to their health, safety, and well-being.

On the other hand, child artists aged 17 years old and below shall be protected by Republic Act No. 9231, otherwise known as the, "Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act" and other DOLE rules and regulations on child laborers.

The employer, including the directors, organizers, managers and representatives of any production, film, segment, show, commercial or performance, shall, at all times, promote the welfare of the senior citizen and child artists.

SEC. 12. Cost. The cost of implementing the OSHERP shall be a mandatory and integral part of the production cost of the employer and shall not, in any way, direct or indirect, be passed on to the artists, including the crews and employees.

SEC. 13. Penalties. Any employer who fails to comply with any provision prescribed by this Act shall be fined with Two Hundred Thousand Pesos (Php 200,000.00) per violation per day until such violation committed by the employer has ceased or is corrected, without prejudice to the filing of a criminal, civil or administrative case pursuant to existing laws, rules and regulations. The Department of Labor and Employment further reserves the right to suspend the operations of any employer which fails to comply with this Act.

SEC. 14. Implementing Rules and Regulations. The DOLE, in coordination with concerned agencies and the respective organizations or associations of artists, shall formulate its rules and regulations within ninety (90) days after the effectivity of this Act.

SEC. 15. Suppletory Application. Republic Act No. 11058 and all other rules and regulations promulgated in relation thereto shall have suppletory application in cases not provided for under this Act.

SEC. 16. Separability Clause. If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SEC. 17. Repealing Clause. Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 18. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,