

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



18TH CONGRESS
First Regular Session
HOUSE BILL NO. 6549

Introduced by Reps. FERDINAND R. GAITE, CARLOS ISAGANI T. ZARATE, EUFEMIA C. CULLAMAT, ARLENE D. BROSAS, FRANCE L. CASTRO and SARAH JANE I. ELAGO

**AN ACT CREATING AN
OCCUPATIONAL SAFETY AND HEALTH STANDARDS ACT (OSHA)
FOR FILM, TELEVISION, AND THEATER INDUSTRIES
OF THE PHILIPPINES**

EXPLANATORY NOTE

Last June 8, 2019, actor, director, television and film legend Eduardo V. Garcia, or popularly known as Eddie Garcia, met an accident while filming for GMA 7. He suffered cervical cracks and fractures which resulted in him being in a comatose state for the next 12 days. Unfortunately, he died on June 20, 2019.

His death highlighted the lack of emergency and safety equipment and protocol during filming, and the importance of safety protocols on the set or workplace of any production sites or locations.

Under this bill, the film and television, and theater industries are required to provide a safe workplace for all its workers and employees. Workplace safety and health protocols shall be the primordial objective to eliminate personal injuries, illness or even death from occurring again inside the workplace.

Further, this Act aims to promote the general welfare of artists and workers, by setting a minimum working hour; mandating the coverage of SSS, PhilHealth and Pag-IBIG Fund membership; and acknowledging their right to self-organization.

In view of the foregoing, immediate approval of this measure is earnestly requested.



Rep. **FERDINAND R. GAITE**

Bayan Muna Party-list



Rep. **CARLOS ISAGANI T. ZARATE**

Bayan Muna Party-list

Rep. **EUFEMIA C. CULLAMAT**

Bayan Muna Party-list



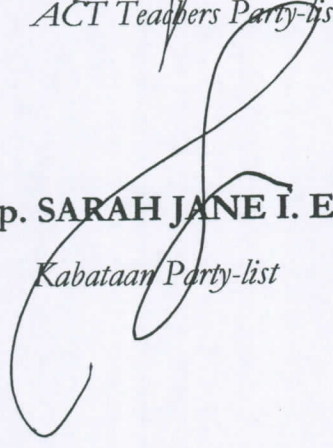
Rep. **FRANCE L. CASTRO**

ACT Teachers Party-list



Rep. **ARLENE D. BROSAS**

Gabriela Women's Party



Rep. **SARAH JANE I. ELAGO**

Kabataan Party-list

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13 **AN ACT**
14 **SETTING THE STANDARD WORKING CONDITIONS**
15 **AND CREATING AN OCCUPATIONAL SAFETY**
16 **AND HEALTH (OSH) STANDARDS OF WORKERS IN**
17 **FILM, TELEVISION, THEATER**
18 **AND SIMILIAR INDUSTRIES OF THE PHILIPPINES**
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20 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*
21

22 **SECTION 1. DECLARATION OF POLICY.** It is hereby a declared policy of the
23 state to safeguard the welfare and security of all personnel and workforce in the *film,*
24 *television, theater and similar* industries.

25 The state recognizes that the labor force of the film, television, theater and similar
26 industries as a prime social and economic workforce, therefor a standard working
27 hour, and safe and health workforce is a vital aspect of nation building.
28

29 **SECTION 2. COVERAGE.** This Act shall apply to all employers involved in the
30 film, television, theater and similar industries, and shall cover all the working hours of
31 workers, beginning at the time they were engaged such as rehearsals, pre-production
32 meetings, set-ups, ocular visits, waiting time, tapings, shootings, post-production and
33 on-stage or on-air performances and productions, up to the time they are disengaged,
34 including their health and safety off-set as long as they are required to stay in the
35 premises of the workplace.

36 All workers in the film, television, theater and similar industries, regardless of
37 contractual arrangement, whether regular employees or independent contractors or
38 self-employed, shall be covered and protected by this Act.

39 In addition, the Department of Labor and Employment (DOLE) is hereby authorized
40 to determine the applicability of inclusion and the extent of obligations and liabilities
41 under this Act of festival or event organizers, who may not habitually engaged in the
42 film, television, theater and similar industries, but, nevertheless, engaged the works,
43 talents, and services of artists and other production staff or crew, during fiesta,
44 holiday or out-of-town shows, or similar events which pose similar health and safety
45 risks to the workers.

46
47 **SECTION 3. DEFINITION OF TERMS.** For the purposes of this Act, the
48 following terms are defined as follows:

- 49
- 50 a. **Call Sheet** - refers to any schedule issued to the cast and crew of a
51 production before the shooting commences to inform them where and
52 when the should report for a working day. It shall include the contact
53 information, schedule for the day, turnaround time, and acknowledgement t
54 that the person is called into the set for that date and time;
- 55
- 56 b. **Call Time** – refers to the time that the workers shall be on the set as
57 provided in the contract and/or call sheet;
- 58
- 59 c. **Employer** – refers to the producer, principal, owner of production
60 company or head of the production, who for purposes of this Act shall be
61 the direct or indirect employer, and for purposes of any liability that shall be
62 directly incurred in the workplace herein defined;

- 63
- 64
- 65 d. **Ocular** - refers to the assessment of a location to be used as a workplace or
- 66 to determine the extent and severity of hazards posed by the location
- 67
- 68 e. **OSH** - refers to the Occupational Safety and Health Standards of the
- 69 Department of Labor and Employment;
- 70
- 71 f. **Pre-production** - refers to the planning stage where elements involved in
- 72 the production is finalized
- 73
- 74 g. **Post-production** - refers to the stage of production where editing (i.e.
- 75 music scoring, color grading and sound design) is done;
- 76
- 77 h. **Qualified OSH Personnel** - refers to the Safety and Health Personnel who
- 78 is engaged by the employer, and responsible for the maintenance and
- 79 ensuring that Occupational Safety and Health Standards are being enforced
- 80 and complied with;
- 81
- 82 i. **Rehearsal** - refers to the activity before shooting where the production
- 83 supervises actors and crew in a practice run. Actors are usually in costume
- 84 and have been through the hair and make-up process;
- 85
- 86 j. **Safety Data Sheet** - refers to the list of hazardous chemical elements or
- 87 products that shall be utilized in the production;
- 88
- 89 k. **Sexual Harassment** – shall be the behavior characterized by the making of
- 90 unwelcome and inappropriate sexual remarks or physical advances in a
- 91 workplace or other professional or social situation pursuant to R.A. 7877
- 92 and R.A. 11313;
- 93
- 94 l. **Stunt Coordinator/Supervisor** - refers to the designated person trained to
- 95 facilitate the stunts required of a stunt performer on the location;
- 96
- 97 m. **Turnaround Time** - refers to the process and timing of how one work day
- 98 follows the previous one. It is the 12-hour mandatory rest period between
- 99 wrap and call time the next work day;
- 100

n. **Waiting Time** - refers to the time spent by a worker which shall be considered as working time if he/she is required or engaged to wait.

All workers required to standby and are restricted to the confines of the employer's premises shall be compensated.

All on-call workers engaged for the day who are outside of the premises of the set or location shall likewise be compensated in the event of the cancellation not less than 24 hours immediately preceding the scheduled shoot.

o. **Worker** - refers to any member of the production, whether part of the crew or as artists or performers, contracted and assigned to perform relevant specific tasks. The definition of 'worker' shall include independent contractors, freelancers, talents and the likes.

p. **Working hour** - refers to all the hours worked or is engaged to work by the workers, beginning at the time they were engaged such as rehearsals, pre-production meetings, set-ups, ocular visits, waiting time, tapings, shootings, post-production and on-stage or on-air performances and productions, up to the time they are disengaged

q. **Workplace** - refers to any site or location or office where workers need to be present or to go to by reason of their work, and which are under the direct or indirect control of employer.

SECTION 4. MANDATORY PERSONNEL AND PRODUCTION INSURANCE COVERAGE. All members of the film, television, and theater industries shall be provided by the employer with an insurance coverage plan for the following:

- First aid;
- Hazards Materials;
- Communication regarding potentially hazardous procedures;

- Production Plan
- Stunt Plan;
- Review Plan; and
- Rescue Plan

SECTION 5. STANDARD WORKING HOURS. Working hours shall be between eight (8) hours only, this includes the waiting hours in between takes, but excluding mandatory meal hours.

The maximum working hours shall be eight (8) hours. If needed, upon mutual consent between the employer and the workers, shooting hours can be extended, but in no instance beyond sixteen (16) hours within twenty-four (24) hours. Applicable overtime, night differential and holiday pay shall be paid to the workers, computation of which shall be based on existing laws and regulations.

The minimum turnaround before the next working, shooting or taping day, or pre-production meetings, ocular visits, and other related activities, shall be twelve (12) hours.

All working hours and call time shall be stated in writing and properly disseminated in a call sheet or memorandum form to all workers.

In addition, 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.

SECTION 6. MANDATORY EMPLOYEE BENEFITS. Employers covered under this Act shall be required to become members and enroll their workers to the Pag-IBIG Fund, PhilHealth and SSS. If applicable, employers shall remit monthly contributions on behalf of the workers, as mandated by law.

SECTION 7. RIGHT TO SELF-ORGANIZATION. — Workers in the film, television, theater and similar industries shall have the right and be encouraged to freely form, join or assist organizations, guilds or unions to obtain redress of their grievances through peaceful concerted activities for purposes not contrary to law.

167

168 **SECTION 8. MANDATORY OCCUPATIONAL SAFETY, HEALTH AND**
169 **EMERGENCY RESPONSE PROGRAM (OSHERP).** Every employer referred
170 to in this Act is required to formulate, implement and fund a comprehensive
171 Occupational Safety, Health, and Emergency Response Program (OSHERP) to
172 protect all workers engaged in any of its production, film, segment, show, commercial
173 or performance. The said program shall be the product of consultation with the
174 respective organizations or associations of workers, and must conform to the
175 minimum OSHERP standards to be set by the DOLE.

176 The cost of implementing the OSHERP shall be mandatory and an integral part of
177 the production cost of the employer and shall not, in any way, directly or indirectly, be
178 passed on to the workers.

179 Nevertheless, the OSHERP shall in no instance be less than the standards set by
180 applicable labor laws and regulations.

181 In accordance with the reportorial requirements of the OSH Standards, the employer
182 shall submit to the Regional Offices the required OSH reports, including the
183 notification of shooting location and schedule to the DOLE Regional Office having
184 jurisdiction over the location.

185

186 **SECTION 9. ON-SITE SAFETY OFFICERS AND PARAMEDICS.** It shall be
187 mandatory under this Act that a qualified safety officer, and paramedic or qualified
188 medical assistant, be designated by the employer, responsible for all safety
189 precautions, risk-reduction involved and medical needs in the production for each set
190 and/or location.

191 Whenever possible, a make shift clinic or any other room/tent equipped with at least
192 a first-aid kit shall be provided by the employer. Likewise, an ambulance or a vehicle
193 on-site and assigned exclusively for medical emergencies shall be provided by the
194 employer.

195 The Safety Office shall have the authority to call off the shoot or filming when the
196 need arises.

197

198 **SECTION 10. ACCIDENT/S IN THE WORKPLACE.** In case of accident/s on
199 set or workplace, or during pre-production activities, such as meetings, oculars,

rehearsals, the employer herein referred, shall pay the full hospitalization bill. In case the artist or worker cannot report to work due to the accident, the employer shall pay for the loss of his means of livelihood until the artist or employer is capable to work again.

SECTION 11. ANTI-SEXUAL HARASSMENT PROVISION. Policy and programs on the prevention of sexual harassment in the workplace shall be developed and implemented in conformance with Republic Act 7877, also known as the Anti-Sexual Harassment Act of 1995.

It shall be the duty of the employer, through the producers and all other members of the line production, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment.

SECTION 12. PENALTIES AND SANCTIONS. Penalties and sanctions shall be imposed thereof to all violator and non-compliances to this Act.

For every violation of this act; or every failure to comply with;

The employer or contractor shall pay an administrative fine of not less than One Hundred Thousand Pesos (P100,000.00) per day until the violation is corrected, beginning the date of the violation or the date the compliance order was served.

The amount of the fine imposed shall depend on the gravity, complexity and veracity of the violation committed or damage caused.

In case of subsequent offenses;

The penalty shall be a fine of not less than One Million pesos (P1,000,000.00) per day, and revocation of franchise to operate.

SECTION 13. TRANSITORY PROVISIONS. Existing industries, businesses and offices affected by the implementation of this Act shall be given six (6) months transitory period from the effectivity of the Implementing Rules and Regulations, or such other period as may be determined, to comply with the requirements of this Act.

SECTION 14. IMPLEMENTING RULES AND REGULATIONS. The departments and agencies charged with carrying out the provisions of this Act, shall within ninety (90) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 15. SEPARABILITY CLAUSE. Should any provision of this Act be declared unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

SECTION 16. REPEALING CLAUSE. All laws, decrees, letters of instruction, resolutions, orders, ordinances, issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

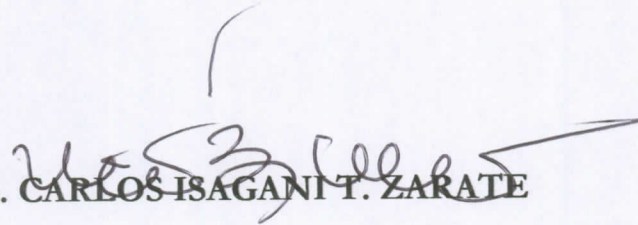
SECTION 17. EFFECTIVITY. This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,



Rep. FERDINAND R. GAITE

Bayan Muna Party-list

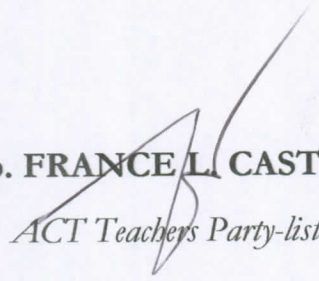


Rep. CARLOS ISAGANI T. ZARATE

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Rep. FRANCES L. CASTRO

ACT Teachers Party-list

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264 **Rep. ARLINE D. BROSAS**
265 *Gabriela Women's Party*
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