

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1270



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.,**
HON. MIGUEL LUIS R. VILLAFUERTE, HON. TSUYOSHI ANTHONY G.
HORIBATA AND HON. NICOLAS ENCISO VIII

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 debate.

The Philippine Statistics Authority (PSA) has reported¹ 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 matter².

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.

The death of 2 well-known directors in the movie industry in 2016 sparked talks among the industry of unhealthy working conditions³. 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.

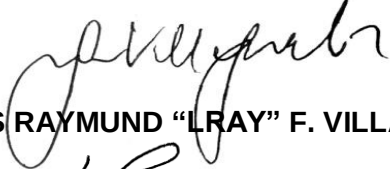
¹ <https://businessmirror.com.ph/overworked-filipinos-rose-to-8-million-plus-in-2015-psa-report/>

² <http://newsinfo.inquirer.net/879425/too-much-work-kills-poe-seeks-probe-as-more-filipinos-overworked>

³ <https://www.rappler.com/entertainment/news/125332-media-industry-speak-out-against-working-conditionsfrancis-pasion>

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.

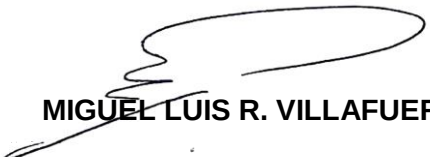
The approval of this bill is earnestly sought.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.



TSUYOSHI ANTHONY G. HORIBATA



MIGUEL LUIS R. VILLAFUERTE



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**“AN ACT INSTITUTING POLICIES FOR THE PROTECTION AND PROMOTION
OF THE WELFARE OF WORKERS OR INDEPENDENT CONTRACTORS IN THE
FILM, TELEVISION, AND RADIO ENTERTAINMENT 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 “*Eddie Garcia Act*”.

SEC. 2. Declaration of Policy. – The State recognizes the economic, social and cultural contributions to nation-building of workers or independent contractors in the film, television, and radio entertainment industry. Towards this end, the State should continually review working conditions to ensure that workers are provided opportunities for gainful employment and decent income, and are protected from abuse, harassment, hazardous working conditions, and economic exploitation.

SEC. 3. Coverage. – This Act applies to all workers or independent contractors engaged in the film, television, and radio entertainment industry.

SEC. 4. Definition of Terms. - As used in this Act:

- a) *Employer or principal* refers to a person, group of persons or an entity that engages or hires the services of a worker or independent contractor in the film, television, and radio entertainment industry.
- b) *Film, television, and radio entertainment industry* refers to any market of sound and visual

components primarily produced, distributed, and exhibited for commercial purposes in film, television, and radio, including any related digital medium.

- c) *Force majeure* refers to an unforeseeable or unavoidable event that interrupts a film, television, or radio entertainment production and prevents workers or independent contractors from fulfilling their obligations relative to the production.
- d) *Lock-in* refers to a condition where a film, television, and radio entertainment production requires the workers or the independent contractors to stay within a set or location site for twenty-four (24) hours or more on a continuous basis.
- e) *Out of town shoot* refers to a set, location, or a distance to be determined by the Tripartite Council under Section 17 of this Act.
- f) *Worker or independent contractor* refers to any person engaged or hired by the employer or principal to render services involving the production, distribution, and exhibition of film, television, and radio entertainment content. A worker or independent contractor shall be governed by the provisions of the Civil Code on contracts and other applicable laws, but not lower than the standards provided under Presidential Decree No. 442, or the Labor Code of the Philippines, as amended
- g) *Workplace* refers to any location under the direct or indirect control of the employer or principal where the film, television, and radio entertainment content is produced and where workers or independent contractors need to be present or to go to by reason of their work.

SEC. 5. *Agreement or Employment Contract.* – The worker or independent contractor and the employer or principal shall execute an agreement or an employment contract in a language or dialect understood by both parties before the commencement of service. The employer or principal shall provide the worker or independent contractor a copy of the duly signed contract which shall include the following:

- a) Job position and status;
- b) Job description;
- c) Period of employment;
- d) Details of compensation and other worker's or independent contractor's benefits including rate, method and schedule of payment;
- e) Authorized deductions, if any;

- f) Hours of work and proportionate additional payment or overtime pay;
- g) Board, lodging, and medical attention;
- h) Code of conduct;
- i) Worker's or independent contractor's grievance mechanism;
- j) Employer's or principal's policies; and
- k) Any other lawful condition agreed upon by both parties.

No agreement or employment contract shall discriminate against a worker or independent contractor who has contracts or projects with other outfits, unless exclusivity is specified in the contract.

SEC. 6. Hours of Work. – The hours of work of the worker or independent contractor shall be based on the terms and conditions set in the employment contract and other stipulations thereto signed with the employer or principal the contents of which shall be in accordance with the following:

- a) The normal work hours shall be eight (8) hours a day, which can be extended to a maximum of twelve (12) hours, served intermittently or continuously, exclusive of meal periods; permissible working hours in excess of the normal work hours shall be determined by the Tripartite Council, except for the following:
 - 1) Workers or independent contractors aged sixty (60) and above who shall be allowed, under exceptional circumstances as defined by the Tripartite Council, to work beyond twelve (12) hours in any twenty four (24)-hour period; Provided, that said workers or independent contractors voluntarily execute a waiver in the proper form prescribed by the Department of Labor and Employment (DOLE); and
 - 2) Minors whose working hours shall be in accordance with the pertinent provisions of Republic Act No. 9231, or the “*Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*”.

In no case shall the total number of work hours be more than sixty (60) hours in a week, with exceptions thereto to be determined by the Tripartite Council;

- b) Work hours include "waiting time" where the worker or independent contractor is required to stay within the premises of the workplace and shall be duly compensated. A worker or independent contractor working on a scheduled shooting day shall be compensated based on work hours that shall commence upon one's entry into the workplace and until one's departure from work. Likewise, all time during which the worker or independent contractor is required to work, including time spent on ocular work, pre-production and post-production activities are considered work hours and are compensable. If a scheduled shoot is cancelled less than twenty-four (24) hours immediately preceding its approved schedule, all on-call workers or independent contractors engaged for the day who are outside the premises of the set or location shall likewise be compensated. Workers or independent contractors may not be compensated in cases of cancellation due to force majeure;
- c) Work rendered beyond eight (8) hours shall be compensable with overtime pay and other benefits provided under existing laws, unless a more favorable rate or fee is stipulated in the contract. For work in excess of eight (8) hours performed on ordinary working days, the worker or the independent contractor is entitled to twenty-five percent (25%) of the hourly rate or fee, unless a more favorable rate is stipulated in the contract. Additional premium pay shall be provided on overtime pay performed beyond 10:00 p.m. and during non-working days such as rest days, special holidays, and regular holidays, unless a more favorable rate or fee is stipulated in the contract. Every worker or independent contractor shall likewise be paid a night shift premium of not less than ten percent (10%) of one's regular wage for each hour of work performed between 10:00 p.m. and 6:00 a.m., unless a more favorable rate or fee is stipulated in the contract;
- d) Travel time to and from out-of-town projects shall be compensable. Likewise, travel time to and from out-of-town or base projects shall be considered compensable working time, especially if the worker or independent contractor

has no choice but to travel as part of one's work and as required by one's employer or principal; Provided, that during the worker's or independent contractor's travel time, the worker or independent contractor cannot gainfully utilize the travel time for one's own personal purpose, need or benefit.

When a worker or independent contractor travels with the equipment coming from the work station to the project site and vice-versa, travel time is compensable.

- e) The workers or independent contractors shall be entitled to travel surcharges or transport services to be provided by the employer or principal, whichever is applicable;
- f) The employer or principal shall provide a rest period of not less than twelve (12) hours between the end of work on one day and the beginning of work on the next day excluding travel time except for locked-in shoots where the rest period shall be determined by the Tripartite Council; and
- g) The employer or principal shall give notice to the worker or independent contractor of any engagement related to the contracted service not less than forty-eight (48) hours ahead of the schedule.

SEC. 7. Wages. – The minimum wage of a worker or independent contractor shall not be less than the applicable minimum wage in the region. Wages shall be paid on time, as agreed upon in the contract, directly to the worker or independent contractor. The employer or principal shall not make any deductions from the wages unless otherwise required or allowed by law. The employer or principal shall at all times provide the worker or independent contractor with a copy of the pay slip containing the amount paid, and indicating all deductions made, if any.

SEC. 8. Social Security and Welfare Benefits. – The employee shall be covered by the Social Security System (SSS), the Home Development Mutual Fund or the Pag-IBIG Fund, and the Philippine Health Insurance Corporation (PhilHealth) upon employment. The payment of SSS, Pag-IBIG Fund, and PhilHealth monthly

contributions shall be jointly shared by the employee and the employer, when applicable, in accordance with existing rules and regulations. The employee shall also be entitled to retirement benefits as provided under Republic Act No. 11199, otherwise known as the "Social Security Act of 2018", and other existing laws. Coverage with the insurance, retirement and other benefits provided by the SSS, Pag-IBIG Fund, and PhilHealth shall not preclude employers or principals from providing social welfare benefits to the worker or independent contractor as may be agreed upon in the Tripartite Council.

SEC. 9. *Basic Necessities.* – The employer or principal shall provide for the basic necessities of the worker or independent contractor as follows:

- a) Adequate and nutritious meals shall be provided every six (6) hours from start of work;
- b) Sufficient supply of safe drinking water shall be kept readily accessible to the workers or independent contractors at all times;
- c) Clean, enclosed, person-with-disability (PWD)-friendly and gender-considerate toilets with sanitary facilities shall be accessed easily, whether on location or not. The number of comfort facilities for a given number of workers or independent contractors shall be in conformity with the requirements of the Department of Health;
- d) Private dressing rooms, whether on location or not, shall have adequate provisions for proper safekeeping of the workers' or independent contractors' valuables. There shall be separate dressing rooms for workers or independent contractors, child workers, and for each gender;
- e) Safe, clean, comfortable and properly ventilated holding areas with emergency exits shall be available for the workers or independent contractors during location activities;
- f) Free accommodation that is safe and adequate shall be provided if services are required to be rendered in an out-of-town location; and
- g) Dedicated vehicle for emergency purposes shall be readily available in the production set.

SEC. 10. *Standard of Treatment.* – The employer or principal shall not subject or allow the worker or independent contractor to be subjected to any kind of abuse,

physical violence or harassment or any act that degrades the dignity of the worker or independent contractor. The employer or principal shall set in place policies, rules and regulations to prevent sexual harassment in the workplace in conformity with the provisions of Republic Act No. 7877 or the "Anti-Sexual Harassment Act of 1995", Republic Act No. 11313 or the "Safe Spaces Act, and Republic Act No. 11036 or the "Mental Health Act". Such policies, rules and regulations shall include procedures for the resolution of any conflict involving sexual harassment.

SEC. 11. *Health and Safety.* - The employer or principal shall strictly comply with the occupational safety and health standards provided in Republic Act No. 11058, entitled, "An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof, and Section 25 of Republic Act No. 11036, entitled, "An Act Establishing a National Mental Health Policy for the Purpose of Enhancing the Delivery of Integrated Mental Health Services, Promoting and Protecting the Rights of Persons Utilizing Psychiatric, Neurologic and Psychosocial Health Services, Appropriating Funds Therefor, and for Other Purposes.

In addition, the occupational safety and health (OSH) officer of the employer or principal shall conduct a risk assessment of the workplace or location of production to identify and eliminate or control any potential hazard to the film, television, and radio entertainment workers or independent contractors and shall use the appropriate safety manual for the industry.

The DOLE shall initiate and oversee, in coordination with film, television, and radio entertainment workers' or independent contractors' organizations and groups, employers or principals, agencies, and field experts, the formulation, production, and distribution of the said manual.

Notwithstanding, the provisions of the contract between the employer or principal and a contractor or subcontractor, if any, the provisions of relevant occupational safety and health legislation and regulations shall apply.

The employer or principal shall regularly submit the required occupational safety and health reports, including timely notification of production location and schedule to the DOLE regional office with jurisdiction over the area where the workplace is located.

SEC. 12. *Employment of Minors.* - The employer or principal shall strictly adhere to the provisions of Republic Act No. 7610 or the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", and Republic Act No. 9231 or the "Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child Act".

SEC. 13. *Insurance.* – All workers or independent contractors shall be adequately insured by the employer or principal for work-related accidents or death in every film, television, and radio entertainment production.

SEC. 14. *Right to Self-organization and Collective Bargaining.* – Workers or independent contractors in the film, television, and radio entertainment industry shall have the right to form, join, or assist in the formation of a labor organization of their own choosing for purposes of collective bargaining, for mutual aid benefit, and to engage in concerted activities which are not contrary to law.

SEC. 15. *Prohibition on Cabo System.* - Any person, group of persons, or labor group acting as a labor contractor or engaging in the "Cabo" system, or otherwise engaging in any activity prohibited by law, shall constitute grounds for cancellation of union organization's registration.

SEC. 16. *Settlement of Disputes.* – All labor-related disputes shall be elevated to the DOLE regional office with jurisdiction over the workplace.

SEC. 17. *Film, Television, and Radio Entertainment Industry Tripartite Council.* – The DOLE shall initiate the creation of the Film, Television, and Radio Entertainment Industry Tripartite Council that shall serve as a link among various stakeholders such as employers or principals, workers or independent contractors, cinematographers, artists, directors, assistant directors, composers and writers, production designers, animators, talent managers, videographers, photographers, digital radio technology

experts, television and radio entertainment, radio drama casts, digital creators, make-up artists, professional speakers, stunt persons, camera men, background performers, and non-government organizations concerned with labor issues. It shall also provide the film, television, and radio entertainment industry with a platform for the employers or principals and workers or independent contractors to represent their respective groups in the crafting of policy decisions that will affect them and the industry as a whole, and serve as an avenue to express their aspirations, present their programs or bridge gaps in cases of conflict among them, subject to the accreditation of the DOLE.

SEC. 18. *Rights to Remuneration.* - The rights of a performer over intellectual property, consisting of the performer's performance on all film, radio or television production, shall at all times be protected and secured under this Act, pursuant to the provisions of Republic Act 8293 or the Intellectual Property Code, as amended. Contracts or engagement agreements may stipulate that the performer transfers exclusive intellectual property rights in favor of the employer or principal: Provided, that a performer shall enjoy the inalienable right to participate in the gross proceeds of any subsequent use or broadcasting of such performance or intellectual property to the extent of five percent (5%) as additional remuneration.

SEC. 19. *Information and Education Campaign.* – The Intellectual Property Office of the Philippines, DOLE, and the Philippine Information Agency, and other pertinent national government agencies shall implement and initiate the information and education campaign on the protection of the intellectual property rights of workers or independent contractors in the film, television, and radio entertainment industry, as enshrined in Republic Act No. 8293 or the "*Intellectual Property Code of the Philippines.*"

SEC. 20. *Effect on Existing Company Policies and Contracts or Collective Bargaining Agreements (CBAS).* - The minimum benefits provided in this Act shall be without prejudice to any existing company policy, contract or CBA providing better terms and conditions of employment.

SEC. 21. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary of the DOLE, in consultation with stakeholders,

concerned government agencies, and non-government organizations shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 22. *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. 23. *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. 24. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,