

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila
Nineteenth Congress
First Regular Session
HOUSE BILL NO. 7624



Introduced by Rep. Anthony R.T. Golez Jr. MD, MBAH

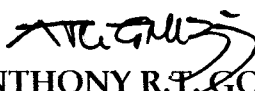
EXPLANATORY NOTE

The protection of workers is a state policy enshrined in the 1987 Constitution, to wit: "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare" (Section 18, Article II, Constitution). Thirty-five years after the adoption of the 1987 Constitution, there are workers in certain industries that are left unprotected, one of which are the Filipinos in the media and entertainment industry.

The hardworking Filipino workers in the media and entertainment industry toil for long hours and there is information that there are times when they are underpaid. As such, this representation finds it proper for a specific law which will ensure that workers in the media and entertainment industry will be properly protected. The proposed law is also seen by this representation as a hope for the improvement of the media and entertainment industry.

Even if it is hard to admit, the media and entertainment industry in the Philippines is behind our Asian neighbors. The improvement of the laws protecting workers in the industry can also be used to boost the said industry. Additional income and job generation can be obtained if the media and entertainment industry catches-up with that of our Asian neighbors.

In view of the foregoing, this representation respectfully prays for the approval of the proposed bill for the Filipino people.


HON. ANTHONY R.T. GOLEZ JR. MD, MBAH
Malasakit at Bayanihan Party List

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila
Nineteenth Congress
First Regular Session
HOUSE BILL NO. 7624

Introduced by **Rep. Anthony R.T. Golez Jr. MD, MBAH**

**AN ACT PROVIDING ENHANCED PROTECTION, SECURITY AND
BENEFITS FOR MEDIA AND ENTERTAINMENT WORKERS**

Section 1. *Short Title.* – This Act shall be known as the “Media and Entertainment Workers Welfare Act of 2022.”

Section 2. *Declaration of Policy.* – It is the declared policy of the State to accord full protection to labor and promote full employment and equality of employment opportunities for all. All workers, including those in the media and entertainment industry, shall be guaranteed the right to self-organization, collective bargaining and negotiations, and peaceful concerted activities. Workers in the media and entertainment industry shall also be entitled to security of tenure, humane conditions of work, and a living wage.

Section 3. *Coverage.* – This Act shall cover workers in the media and entertainment industry as defined herein:

(a) Media and Entertainment Industry shall refer to persons, natural or juridical, engaged in film, television, radio, print, theater, and social media.

(b) Workers in the media and entertainment industry include:

1) Workers who are engaged in the pursuit of information gathering, production, and distribution of media, directly or indirectly, whether as a principal occupation or otherwise, such as but not limited to, reporters, journalists, correspondents, broadcast news analysts, writers and authors, editors, and photographers.

2) Workers in the audio-visual production, such as, but not limited to, director, assistant director, director of photography. Production designer, production manager/unit production manager, location manager, technical crew, department heads, department crew, on-camera performers, and talents.

Section 4. *Mandatory Written Contract.* – Prior to the commencement of any work, it shall be mandatory for the worker and the media or entertainment entity to enter into a written contract detailing the terms of their engagement. The contract shall be in a language understood by both parties and shall, at the minimum, contain the following:

(a) Itemization of all work and/or services to be provided by the worker and the terms and conditions of the engagement.

(b) The rate and method of compensation, the date on which salaries and/or wages shall be paid, or mechanisms by which such due date shall be determined, subject to applicable laws, rules, and regulations.

(c) The name and registered addresses of all parties, and in the case of a foreign or foreign-based entity, the name and address of the local agent representative, or any duly acknowledged representative based in the Philippines.

(d) Other terms and conditions that govern the performance of the mutual obligations of the parties that are not contrary to law, morals, good customs, public order, or public policy.

Section 5. *Absence of Contract.* – In case of failure to enter into a written agreement, the media or entertainment entity or the hiring party shall be liable for a fine of Ten Thousand Pesos (P10,000.00) to One Hundred Thousand Pesos (P100,000.00), depending on the amount of the agreement involved. In the absence of a written agreement, any written exchange or proof of submission and receipt of the completed task, work or service, subject of the engagement, whether electronic or printed, shall be sufficient basis for collection of compensation or payment. The absence of a written agreement shall not be a bar to the collection of compensation or payment for the services rendered by the media or entertainment worker.

Section 6. *Compensation and Terms of Work.* – Regardless of the nature engagement, the pay and related benefits of media and entertainment workers shall not be lower than the minimum standards, as provided by laws.

Section 7. *Overtime Work and Night Differential Pay.* – The normal hours of work shall not exceed eight (8) hours, except when the exigencies of the service so require. In such a case, the maximum hours of work shall not exceed sixteen (16) hours in any twenty-four (24) hour period. However, for elderly workers, the maximum hours of work shall not exceed twelve (12) hours per day.

Work hours of children shall 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.”

All hours spent by worker required or suffered to be on standby and are restricted to the confines of the workplace or work premises, or required or engaged to wait shall be considered hours worked and compensable waiting time.

Section 8. *Overtime Work and Night Shift Differential Pay.* – In all cases, media, and entertainment workers shall be entitled to, in accordance with law or applicable collective bargaining agreement, whichever is higher, overtime pay for work rendered beyond the eight (8) hours normal work per day and to nightshift differential for work rendered between 10:00 PM and 6:00 AM in the morning of the following day.

Section 9. *Occupational Safety and Health Standards.* – All entities in the media and entertainment industry shall comply with the provisions of Republic Act No. 11058, otherwise known as “An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof.” For this purpose, the media and entertainment entity who is in charge of, or manages controls or supervises the work being undertaken, and who has direct or indirect control over the workplace shall undertake the following:

- (a) Observance of occupational safety and health standards, in accordance with law and pertinent rules and regulations of the Department of Labor and Employment (DOLE).
- (b) Mandatory presence of OSH personnel.
- (c) Creation of Safety and Health Committee, as provided under Republic Act No. 11058.
- (d) Conduct of safety operation.
- (e) Provision of first aid.
- (f) Provision of personal protective equipment.
- (g) Conduct of Risk Assessment.
- (h) Preparation of an Emergency Preparedness and Response Plan.
- (i) Provision of adequate sanitary and privacy provisions.
- (j) Such other requirements as may be necessary, taking into consideration the risks and/or hazards involved in the workplace and the nature of the work to be performed.

In all cases, workers shall have the right to refuse unsafe work in accordance with laws. For avoidance of doubt, compliance with OSH regulations shall be equally applicable to contractors/subcontractors and block-timers, or those who buy airtime from radio and television franchise holders.

Section 10. Hazard Pay. – Media workers that are required to physically report for work in dangerous areas. Such strife-torn or embattled areas, distressed or isolated stations, disease-infested areas, or in areas declared under the state of calamity or health emergency, which expose them to great danger, contagion, radiation, to volcanic activity or eruption, occupational risks or perils to life and limb shall be provided with hazard pay, in an amount equivalent to at least twenty-five percent (25%) of their basic daily wage or compensation.

Micro and small enterprises, as defined under Republic Act No. 6977, as amended, otherwise known as the Magna Carta for Micro, Small, and Medium Enterprises, may upon proper application with the Department of Labor and Employment (DOLE), apply for an exemption for the grant of hazard pay.

Section 11. Additional Insurance Benefits for Media Workers. – Within two (2) years from the effectivity of this Act, the DOLE, Department of Finance, National Economic Development Authority, Social Security System, Government Service Insurance System, Employee's Compensation Commission, and other relevant government agencies shall study the feasibility and submit a plan for the implementation of providing additional insurance benefit to workers in the media and entertainment industry. As far as practicable, the additional benefits shall include the following minimum benefits:

- (a) Death Benefit of Three Hundred Thousand Pesos (P300,000.00) for workers in the media and entertainment who shall perish in the line of duty.
- (b) Disability benefits of up to Two Hundred Thousand Pesos (P200,000.00) for each media worker who shall suffer total or partial disability, whether permanent or temporary, arising from any injury sustained in the line of the duty.
- (c) Reimbursement of actual medical expenses up to, but not to exceed, One Hundred Thousand Pesos (P100,000.00) for each media worker who shall be

hospitalized or who shall require medical attendance for injuries sustained while in the line of duty.

Provided, that nothing herein shall be construed as a limitation for the parties to agree to additional insurance coverage beyond the insurance benefits provided by law.

Section 12. *Media Workers in the Public Sector.* – The Civil Service Commission shall issue the appropriate rules and regulations applicable to media workers in the public sector to ensure compliance with the rights and privileges granted to media workers under this Act, subject to applicable laws, rules and regulations governing workers in the public sector. Media workers in the government service not otherwise covered by the Civil Service laws, rules, and regulations shall be entitled to the benefits provided under this Act. Subject to the provisions of the Constitution and applicable civil service laws, rules, and regulations, government media entities shall prioritize the appointment to regular plantilla positions of incumbent casual, contract of service, or job order employees who have rendered exemplary and outstanding service.

Section 13. *Compliance and Reporting Requirements.* – The DOLE shall be the primary agency responsible for the implementation of the provisions of this Act. Compliance with labor standards shall be enforced by the DOLE Regional Office which has jurisdiction over the workplace of the media entity in accordance with the Labor Code and pertinent rules and regulations. Covered entities under this Act shall also comply with reportorial requirements provided under Republic Act No. 11058, including, but not limited to, the notification of shooting location and schedule to the DOLE Regional Office over the shooting location, and to the Film Development Council of the Philippines, as applicable.

Section 14. *Responsibilities of Media Entities.* – A media entity shall be responsible for all contents released under its name in accordance with law.

Section 15. *Tripartite Council.* – The DOLE shall spearhead the creation of an industry tripartite council for entertainment and news media, which may be separate or as one industry. Such tripartite council/s shall serve as the platform of the industry and its stakeholders in crafting policy and programs that will affect them and the industry as a whole.

Section 16. *Implementing Rules and Regulations.* – The DOLE, in consultation with appropriate government agencies and relevant stakeholders, shall promulgate the Implementing Rules and Regulations (IRR) within one hundred twenty (120) days from the effectivity of this Act.

Section 17. *Repealing Clause.* All laws, orders, rules regulations and other issuances, or parts thereof, which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 18. *Separability Clause.* Any provision of this Act declared unconstitutional shall not affect the validity of the other provisions thereof.

Section 19. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of national circulation.

Approved,