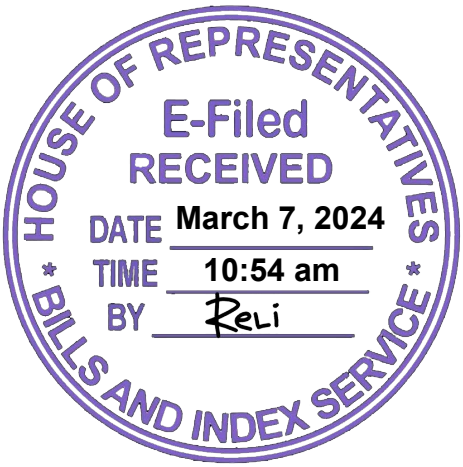
Republic of the Philippines
**HOUSE OF REPRESENTATIVES**
Quezon City

**NINETEENTH CONGRESS**
Second Regular Session




**House Bill No. 10071**

Introduced by CIBAC Party-List Representative
**Hon. Eduardo "Bro. Eddie" C. Villanueva**

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

## EXPLANATORY NOTE

It is undeniable that the media and entertainment industries have played crucial roles in our daily lives and our society as a whole. It has defined and affected how each of us thinks and acts in innumerable ways. These past two years, the contribution of these industries has been significant, not only in keeping viewers informed of the current events and issues in the Philippines and the world, but also in providing a helpful and uplifting distraction or reprieve from the stresses and challenges brought about by the COVID-19 pandemic.

Workers in these industries risk their own lives, exposing themselves to the perils and hazards outdoor just so we receive needed information in the comforts of our homes. However, it is unfortunate that the very same people behind it are not receiving the tangible fruits of this recognition, such as security of tenure, hazard pay, night shift differential pay, and overtime pay, among others.

This bill seeks to provide the necessary labor and other protection to media and entertainment workers, pursuant to the Constitutional guarantee for full protection to labor. To this end, this bill seeks to achieve the following objectives:

1) To ensure that media and entertainment workers are provided with comprehensive benefits package at par with the current benefits enjoyed by those in the labor force both in the government and in the private sector;

2) To motivate and encourage media and entertainment workers to perform their duties as truthful and responsible informers of the people; and

3) To ensure the creation of a safe and protected work environment, conducive to a productive, free, and a fruitful media and entertainment work, as well as to guarantee the right of these workers to self-organization.

The immediate passage of this bill is earnestly sought.



**EDUARDO "BRO. EDDIE" C. VILLANUEVA**

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*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 "Media and Entertainment Workers' Welfare Act."

**SEC. 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. Pursuant to the Constitution, all workers shall be guaranteed the right to self-organization, collective bargaining and negotiations, and peaceful concerted activities. They shall also be entitled to security of tenure, humane conditions of work, and a living wage. They shall participate in policy and decision-making processes affecting their rights and benefits as may be provided by law. To this end, workers in the media and entertainment industry shall:

(a) Have the right to a safe and healthful workplace, a safe atmosphere conducive to free and fruitful media and entertainment work, and freedom from any harassment, consistent with the Constitutional guarantee of the freedoms of speech, press, and expression; and

(b) Have all the rights accorded to workers in accordance with Philippine laws, ratified international labor standards, conventions, and other relevant instruments.

**SEC. 3. *Coverage.*** – This Act shall cover all workers in the media and entertainment industry, as defined herein.

(a) *Media and Entertainment Workers* include:

(1) Workers who are engaged in the pursuit of information gathering, production, report, 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; and

(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; and

(b) *Media and Entertainment Industry* consists of persons, whether natural or juridical, engaged in film, television, radio broadcast, print, or theater productions.

**SEC. 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 address of all parties, and in the case of a foreign or foreign-based entity, the name and address of the local agent or representative, or any duly acknowledged representative based in the Philippines; and

(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.

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 ranging from Ten Thousand Pesos (Php10,000.00) to One Hundred Thousand Pesos (Php100,000.00), depending on the amount of the agreement involved; *Provided*, That 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; *Provided, finally,* That the absence of a written agreement shall not be a bar to the collection of compensation and/or payment for the services or work rendered by the media or entertainment worker.

**SEC. 5. *Compensation and Terms of Work*** – Regardless of the nature of engagement, pay and related benefits of media and entertainment workers shall not be lower than the minimum standards, as provided by laws.

**SEC. 6. *Hours of Work*** – 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, while 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 workers required or suffered to be on standby and are restricted to the confines of the workplace or work premises, or are required or engaged to wait shall be considered hours worked and compensable waiting time.

**SEC. 7. *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 o'clock in the evening to 6:00 o'clock in the morning the following day.

**SEC. 8. *Occupational Safety and Health (OSH) 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 or 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; and

(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 law.

For the 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.

**SEC. 9.** ***Hazard Pay.*** – Media workers that are required to physically report for work in dangerous areas, such as strife-torn or embattled areas, distressed or isolated stations, disease-infested areas, or in areas declared under state of calamity or health emergency, which expose them to great danger, contagion, radiation, volcanic activity/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.

**SEC. 10.** ***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, Employees' 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 Two Hundred Thousand Pesos (Php 200,000.00) for each media worker who shall perish in the line of duty;

(b) Disability Benefits of up to Two Hundred Thousand Pesos (Php 200,000.00) for each media worker who shall suffer total or partial

disability, whether permanent or temporary, arising from any injury sustained in the line of duty; and

(c) Reimbursement of actual medical expenses up to, but not to exceed, One Hundred Thousand Pesos (Php 100,000.00) 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; *Provided finally*, That the foregoing amounts shall be adjusted every three years for inflation and other factors.

**SEC. 11. *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.

**SEC. 12. *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 the 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.

The Civil Service Commission (CSC) shall be responsible for implementing the provisions of this Act in the public sector in accordance with applicable laws, rules and regulations.

**SEC. 13. *Responsibilities of Media Entities.*** – A media entity shall be responsible for all contents released under its name in accordance with law.

**SEC. 14. *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.

**SEC. 15.** ***Implementing Rules and Regulations.*** **–** The DOLE, in consultation with appropriate government agencies and relevant stakeholders, shall promulgate the Implementing Rules and Regulations (IRR) within 120 days from the effectivity of this Act.

**SEC. 16.** ***Separability Clause.*** – If, for any reason, any provision or section of this Act is declared unconstitutional or invalid, such portions not affected thereby shall remain in full force and effect.

**SEC. 17.** ***Repealing Clause.*** – All laws, decrees, executive orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

***Approved,***