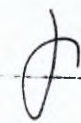


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL 13 A10 :10

SENATE
S. No. 461

RECEIVED BY 

Introduced by SENATOR JINGGOY EJERCITO ESTRADA

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

EXPLANATORY NOTE

During the implementation of strict lockdown measures due to the Covid-19 pandemic and while we are all forced to stay at home, we relied on the journalists and media workers to inform us about what was happening around us. They bravely produced stories that provided awareness about the serious impact of the novel Coronavirus to one's health and to the global economy.


Also, entertainment workers provided relief and inspiration during stressful times. Their creative work and performances brought smile and hope to the population and uplifted our spirit at the height of the public health emergency.

Even before the pandemic, media and entertainment workers have already been exposed to many occupational hazards – extended hours of location shoots, immersion in isolated and dangerous areas, irregular work schedules, to name a few. Despite the many risks inherent to their chosen career, their dedication to their craft and being of service to the community remain steadfast.

This bill aims to provide enhanced protection, security and benefits to workers engaged in pursuit of information gathering and dissemination (journalists, reporters, photographers, etc), and to the workers in the audio-visual production (director, technical crew, talents, etc).

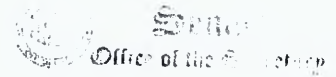
This measure prescribes normal hours of work not to exceed eight hours; although in extraordinary instances, up to a maximum of 16 hours. They shall also be entitled to overtime, night shift differential and hazard pays. Government agencies are also encouraged to implement additional insurance benefits to this sector, including death benefit (P200,000), disability benefits (up to P200,000) and reimbursement of actual medical expenses up to P100,000. A tripartite council for entertainment and news media shall also be created to serve as the platform of the stakeholders in crafting policies and programs that will affect them and the industry as a whole.

In recognition of the valuable contribution of the media and entertainment workers to society and nation building, the immediate passage of this bill is highly recommended.




JINGGOY EJERCITO ESTRADA

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

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

3 Sec. 2. *Declaration of Policy.* – It is the declared policy of the State to accord
4 full protection to labor and promote full employment and equality of employment
5 opportunities for all. Pursuant to the Constitution, all workers shall be guaranteed the
6 right to self-organization, collective bargaining and negotiations, and peaceful
7 concerted activities. They shall also be entitled to security of tenure, humane
8 conditions of work, and a living wage. They shall participate in policy and decision-
9 making process affecting their rights and benefits as may be provided by law. To this
10 end, workers in the media and entertainment industry shall:

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

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

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

3 (a) Media and Entertainment Workers include:

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

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

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

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

23 (a) Itemization of all work and/or services to be provided by the workers
24 and the terms and conditions of the engagement;

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

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

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

4 In case of failure to enter into written agreement, the media or entertainment
5 entity or the hiring party shall be liable for a fine ranging from Ten thousand pesos
6 (P10,000.00) to One hundred thousand pesos (P100,000.00), depending on the
7 amount of the agreement involved: *Provided*, That in the absence of a written
8 agreement, any written exchange or proof of submission and receipt of the completed
9 task, work or service subject of the engagement, whether electronic or printed, shall
10 be sufficient basis for collection of compensation or payment: *Provided, further*, That
11 the absence of a written agreement shall not be a bar to the collection of compensation
12 and/or payment for the services or work rendered by the media or entertainment
13 worker.

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

17 *Sec. 6. Hours of Work.* – The normal hours of work shall not exceed eight (8)
18 hours, except when the exigencies of the service so require. In such a case, the
19 maximum hours of work shall not exceed sixteen (16) hours in any twenty-four (24)-
20 hour period.

21 However, for elderly workers, the maximum hours of work shall not exceed
22 twelve (12) hours per day, while work hours of children shall adhere to the provisions
23 of Republic Act No. 7610 or the "Special Protection of Children Against Child Abuse,
24 Exploitation and Discrimination Act", and Republic Act No. 9231 or the "Elimination of
25 the Worst Forms of Child Labor and Affording Stronger Protection for the Working
26 Child Act".

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

30 *Sec. 7. Overtime Work and Night Shift Differential Pay.* – In all cases, media
31 and entertainment workers shall be entitled to, in accordance with law or applicable
32 collective bargaining agreement, whichever is higher, overtime pay for work rendered

1 beyond eight (8) hours normal work per day and to night shift differential for work
2 rendered between 10:00 o'clock in the evening to 6:00 o'clock in the morning the
3 following day.

4 *Sec. 8. Occupational Safety and Health (OSH) Standards.* – All entities in the
5 media and entertainment industry shall comply with the provisions of Republic Act No.
6 11058, otherwise known as “An Act Strengthening Compliance with Occupational
7 Safety and Health Standards and Providing Penalties for Violations Thereof”. For this
8 purpose, the media or entertainment entity who is in charge of, or manages, controls,
9 supervises the work being undertaken, and who has direct or indirect control over the
10 workplace shall undertake the following:

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

26 In all cases, workers shall have the right to refuse unsafe work in accordance
27 with law.

28 For the avoidance of doubt, compliance with OSH regulations shall be equally
29 applicable to contractors / subcontractors and block timers, or those who buy airtime
30 from radio and television franchise holders.

31 *Sec. 9. Hazard Pay.* – Media workers that are required to physically report for
32 work in dangerous areas such as strife-torn or embattled areas, distressed or isolated

1 stations, disease-infested areas, or in areas declared under state of calamity or health
2 emergency, which expose them to great danger, contagion, radiation, volcanic activity
3 / eruption, occupational risks or perils to life and limb shall be provided with hazard
4 pay, in an amount equivalent to at least twenty-five percent (25%) of their basic daily
5 wage or compensation.

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

10 *Sec. 10. Additional Insurance Benefits for Media Workers.* – Within two (2)
11 years from the effectivity of this Act, the DOLE, Department of Finance, National
12 Economic and Development Authority, Social Security System, Government Service
13 Insurance System, Employees' Compensation Commission, and other relevant
14 government agencies shall study the feasibility and submit a plan for the
15 implementation or providing additional insurance benefit to workers in the media and
16 entertainment industry. As far as practicable, the additional benefits shall include the
17 following minimum benefits:

- 18 (a) Death Benefit of Two hundred thousand pesos (P200,000.00) for each
19 media worker who shall perish in the line of duty;
- 20 (b) Disability Benefits of up to Two hundred thousand pesos (P200,000.00)
21 for each media worker who shall suffer total or partial disability, whether
22 permanent or temporary, arising from any injury sustained in the line of
23 duty; and,
- 24 (c) Reimbursement of actual medical expenses up to, but not to exceed,
25 One hundred thousand pesos (P100,000.00) to each media worker who
26 shall be hospitalized or who shall require medical attendance for injuries
27 sustained while in the line of duty.

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

31 *Sec. 11. Media Workers in the Public Sector.* – The Civil Service Commission
32 (CSC) shall issue the appropriate rules and regulations applicable to media workers in

1 the public sector to ensure compliance with the rights and privileges granted to media
2 workers under this Act, subject to applicable laws, rules, and regulations governing
3 workers in the public sector.

4 Media workers in the government service not otherwise covered by the Civil
5 Service laws, rules and regulations shall be entitled to the benefits provided under this
6 Act.

7 Subject to the provisions of the Constitution and applicable civil service laws,
8 rules and regulations, government media entities shall prioritize the appointment to
9 regular plantilla positions of incumbent casual, contract of service, or job order
10 employees which have rendered exemplary and outstanding service.

11 *Sec. 12. Compliance and Reporting Requirements.* – The DOLE shall be the
12 primary agency responsible for the implementation of the provisions of this Act.
13 Compliance with labor standards shall be enforced by the DOLE Regional Office which
14 has jurisdiction over the workplace of the media entity in accordance with the Labor
15 Code and pertinent rules and regulations. Covered entities under this Act shall also
16 comply with the reportorial requirements provided under Republic Act No. 11058,
17 including, but not limited to, the notification of shooting location and schedule to the
18 DOLE Regional Office over the shooting location, and to the Film Development Council
19 of the Philippines, as applicable.

20 The CSC shall be responsible for implementing the provisions of this Act in the
21 public sector in accordance with the applicable laws, rules and regulations.

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

24 *Sec. 14. Tripartite Council.* – The DOLE shall spearhead the creation of an
25 industry tripartite council for entertainment and news media, which may be separate
26 or as one industry. Such tripartite council/s shall serve as the platform of the industry
27 and its stakeholders in crafting policy and programs that will affect them and the
28 industry as a whole.

29 *Sec. 15. Implementing Rules and Regulations.* – The DOLE, in consultation with
30 appropriate government agencies and relevant stakeholders, shall promulgate the
31 Implementing Rules and Regulations (IRR) within one hundred and twenty (120) days
32 from the effectivity of this Act.

1 Sec. 16. *Separability Clause.* – If any provision or part hereof is held invalid or
2 unconstitutional, the remainder of the law or the provision or part not otherwise
3 affected shall remain valid and subsisting.

4 Sec. 17. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule, or regulation contrary to or
6 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
7 accordingly.

8 Sec. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its
9 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,