

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

'22 AUG 16 P2 :25

SENATE
S. No. 1183

RECEIVED BY: _____



Introduced by Senator Christopher Lawrence "Bong" T. Go

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

EXPLANATORY NOTE

Section 18, Article II of the 1987 Constitution provides that "the State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare." The Constitution also guarantees workers 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.

Media and entertainment workers, as part of the labor force, play a vital role in our society and economy. They provide news, entertainment and other essential contents we need to keep us posted from all the current events happening around us. Behind the reports and amusing contents, media and entertainment workers trudge the day and night, amid the threat of COVID-19, just to provide people with crisp information and coverage.

Media and entertainment workers' dedication for public service is truly undeniable. In recognition for their invaluable contribution in the society and the hazardous circumstances they are exposed to during crises, it is right and

proper to commensurate their hard work with just emoluments and added labor protection under the law.

This proposed measure seeks to provide enhanced protection, security and incentives for media workers through additional health insurance package, overtime and night differential pay, other benefits provided herein. This bill also stipulates that there must be a written contract signed by the media entity and the employee to guarantee utmost protection from unjust compensation and to ensure that their labor rights are well protected and their welfare are not neglected.

In view of the foregoing, approval of this bill is earnestly sought.



SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

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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 "*Media and*
2 *Entertainment Workers' Welfare Act.*"

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

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

4 Sec. 3. *Coverage.* — This Act shall cover all workers in the media and
5 entertainment industry, as defined herein.

6 (a) Media and Entertainment Workers include:

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

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

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

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

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

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

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

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

8 In case of failure to enter into a written agreement, the media or
9 entertainment entity or the hiring party shall be liable for a fine ranging from Ten
10 Thousand Pesos (Php10,000.00) to One Hundred Thousand Pesos
11 (Php100,000.00), depending on the amount of the agreement involved; Provided,
12 That in the absence of a written agreement, any written exchange or proof of
13 submission and receipt of the completed task, work or service subject of the
14 engagement, whether electronic or printed, shall be sufficient basis for collection of
15 compensation or payment; Provided, finally, That the absence of a written
16 agreement shall not be a bar to the collection of compensation and/or payment for
17 the services or work rendered by the media or entertainment worker.

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

21 *Sec. 6. Hours of Work* – The normal hours of work shall not exceed eight (8)
22 hours, except when the exigencies of the service so require. In such a case, the
23 maximum hours of work shall not exceed sixteen (16) hours in any twenty-four (24)
24 hour period. However, for elderly workers, the maximum hours of work shall not
25 exceed twelve (12) hours per day, while work hours of children shall adhere to the
26 provisions of Republic Act No. 7610 or the "Special Protection of Children Against
27 Child Abuse, Exploitation and Discrimination Act", and Republic Act No. 9231 or the
28 "Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for
29 the Working Child Act". All hours spent by workers required or suffered to be on
30 standby and are restricted to the confines of the workplace or work premises, or are

1 required or engaged to wait shall be considered hours worked and compensable
2 waiting time.

3 *Sec. 7. Overtime Work and Night Shift Differential Pay.* – In all cases, media
4 and entertainment workers shall be entitled to, in accordance with law or applicable
5 collective bargaining agreement, whichever is higher, overtime pay for work
6 rendered beyond the eight (8) hours normal work per day and to nightshift
7 differential for work rendered between 10:00 o'clock in the evening to 6:00 o'clock in
8 the morning the following day.

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

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

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

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

6 Sec. 9. *Hazard Pay.* – Media workers that are required to physically report for
7 work in dangerous areas, such as strife-torn or embattled areas, distressed or
8 isolated stations, disease-infested areas, or in areas declared under state of calamity
9 or health emergency, which expose them to great danger, contagion, radiation,
10 volcanic activity/eruption, occupational risks or perils to life and limb shall be
11 provided with hazard pay, in an amount equivalent to at least twenty-five percent
12 (25%) of their basic daily wage or compensation.

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

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

25 (a) Death Benefit of Two Hundred Thousand Pesos (Php 200,000.00) for each
26 media worker who shall perish in the line of duty;

27 (b) Disability Benefits of up to Two Hundred Thousand Pesos (Php
28 200,000.00) for each media worker who shall suffer total or partial disability,
29 whether permanent or temporary, arising from any injury sustained in the line
30 of duty; and

1 (c) Reimbursement of actual medical expenses up to, but not to exceed, One
2 Hundred Thousand Pesos (Php 100,000.00) for each media worker who shall
3 be hospitalized or who shall require medical attendance for injuries sustained
4 while in the line of duty.

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

8 *Sec. 11. Media Workers in the Public Sector.* – The Civil Service Commission
9 shall issue the appropriate rules and regulations applicable to media workers in the
10 public sector to ensure compliance with the rights and privileges granted to media
11 workers under this Act, subject to applicable laws, rules and regulations governing
12 workers in the public sector. Media workers in the government service not otherwise
13 covered by the Civil Service laws, rules, and regulations shall be entitled to the
14 benefits provided under this Act. Subject to the provisions of the Constitution and
15 applicable civil service laws, rules, and regulations, government media entities shall
16 prioritize the appointment to regular plantilla positions of incumbent casual, contract
17 of service, or job order employees who have rendered exemplary and outstanding
18 service.

19 *Sec. 12. Compliance and Reporting Requirements.* – The DOLE shall be the
20 primary agency responsible for the implementation of the provisions of this Act.
21 Compliance with labor standards shall be enforced by the DOLE Regional Office
22 which has jurisdiction over the workplace of the media entity in accordance with the
23 Labor Code and pertinent rules and regulations. Covered entities under this Act shall
24 also comply with the reportorial requirements provided under Republic Act No.
25 11058, including, but not limited to, the notification of shooting location and
26 schedule to the DOLE Regional Office over the shooting location, and to the Film
27 Development Council of the Philippines, as applicable.

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

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

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

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

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

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

19 Sec. 18. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after
20 publication in at least two (2) newspapers of general circulation.

Approved,