

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



23 JAN 18 P5:18

SENATE
S. No. 1693

RECEIVED BY:

A handwritten signature in black ink, appearing to be "S" or "SO", written over a horizontal line.

Introduced by **Senator Raffy T. Tulfo**

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

EXPLANATORY NOTE

We now have unlimited access to both entertainment and news. Rather than waiting for the next day's newspaper, we may be able to obtain breaking news on our cellphones as events unfold.

The most recent local and international news can be obtained from the comfort of one's own residence, place of business, automobile, or virtually any other location. However, behind all this information that is provided in such a straightforward and accessible manner are media professionals that perform their work in precisely the same way.

In order to provide us with the news we require, media employees frequently expose themselves to injury by stepping into the elements. Sadly, those responsible are also the ones whose labor rights are habitually neglected, including those pertaining to job security, hazard compensation, differential pay for night work, and overtime pay, among others.

Consequently, the purpose of this legislation is to ensure that media workers receive a comparable benefits package to that of other public and private sector

employees. Its objectives include ensuring that employees are free to create their own unions and can organize in a safe and secure manner.

With the foregoing, the passage of this measure is earnestly sought.



Raffy T. Tulfo

Senator

23 JAN 18 P5:18

SENATE
S. No. 1693

RECEIVED BY: 

Introduced by **Senator Raffy T. Tulfo**

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

*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 Workers'
2 Welfare Act. "
- 3 SEC. 2 Declaration of Policy, - It is the declared policy of the State that workers
4 should be entitled to humane conditions of work and living wage. Consonant with this
5 principle, this Act shall have the following objectives:
- 6 a) To ensure that media workers shall be provided with comprehensive benefits
7 package at par with the current benefits enjoyed by those in the labor force
8 both in government and the private sector;
- 9 b) To motivate and encourage media workers to perform their duties as truthful
10 and responsible informers of the people;
- 11 c) To ensure the creation of a safe, protected, and atmosphere conducive to a
12 productive, free, and fruitful media work, as well as to guarantee the right of
13 workers to self-organization;
- 14 d) To ensure the observance and implementation of the principles agreed upon
15 in the International Labor Organization (ILO) Convention No. 190. (Violence
16 and Harassment Against Workers, 201 9); and

1 e) To ensure that the jobs of media workers in the current exercise of freedom
2 of press and the exercise of news media shall be free from any form of
3 harassment.

4 SEC. 3. Coverage. — This Act shall cover all media workers and media entities as
5 defined herein.

6 1 Media Workers shall refer to those who are legitimately engaged in news
7 media practice, directly or indirectly, whether as a principal occupation or not,
8 including but not limited to the following: regular employees, project
9 employees, and independent contractors, among others.

10 2 Media Entities are persons or entities that actively gather information of
11 potential interest to a segment of the public, turns gathered information into
12 a distinct work, or distributes that work to an audience within the Philippines,
13 and otherwise serves the purposes described herein. The term includes media
14 networks and media operators.

15 SEC. 4. Minimum Compensation for Media Workers. - To ensure that media
16 workers shall be properly compensated, entry-level positions shall receive the
17 minimum monthly compensation determined by the National Wages and Productivity
18 Commission (NWPC) and Regional Tripartite Wages and Productivity Boards
19 (RTWPBs), whichever applies.

20 SEC. 5. Security of Tenure or Regularization. - In addition to the existing rights
21 and benefits accorded to the employee by the Labor Code under P.D. No. 442, as
22 amended, and subject to existing laws, a media worker shall be deemed a regular
23 employee after six (6) months of continuous employment, regardless of the nature of
24 employment No worker shall be dismissed from one's employment without just or
25 authorized cause and without procedural due process. The computation of
26 employment time shall be cumulative in cases where the employee is repeatedly
27 engaged for shorter periods by the employer to avoid regularization.

1 SEC. 6. Hazard Pay. - Media workers required to physically report for work in
2 dangerous areas, such as strife-torn or embattled areas, distressed or isolated
3 stations, disease-infested areas or in areas declared under state of calamity or
4 emergency for the duration thereof which expose them to great danger, contagion,
5 radiation, volcanic activity/eruption, occupational risks or perils to life as determined
6 by the Presidential Task Force on Media Security (PTFoMS) in consultation with the
7 Department of Labor and Employment (DOLE)I shall be compensated with hazard pay
8 in an amount of at least five hundred pesos (PHP500.00) per day, with no diminution,
9 which shall be computed as follows:

10 Hazard pay- PHP500 x number of days physically reporting for working
11 dangerous areas.

12 The hazard pay of media workers may be increased or subject to change as
13 decided upon by the Tripartite Council, which shall be created under Section 14 of this
14 Act.

15 Media workers working for government or private media entities who are
16 already enjoying similar benefit equal or superior to the above amount shall no longer
17 be entitled to such hazard pay.

18 In addition, the employer shall provide media workers covering the above-
19 mentioned areas or incidents with basic safety gear and equipment, such as
20 bulletproof vest and helmets, first-aid kit, fire protection jacket, face shield, medical
21 grade protective equipment, harness, safety shoes, life vest, and the like.

22 SEC. 7. Overtime Work and Night Shift Differential Pay. - Where the exigencies
23 of the service so require, any media worker may be required to render service beyond
24 the normal eight (8) hours a day, or between 10:00 0'clock in the evening to 6:00
25 o'clock in the morning the following day. In such a case, the media worker shall be
26 paid an additional compensation In accordance with existing laws and duly recognized
27 industry practices, subject to exemptions set by existing laws.

1 SEC. 8. Mandatory Additional Insurance Benefits for Media Workers, - In
2 addition to the existing insurance benefits given to media workers by the Social
3 Security System (SSS), the Government Service Insurance System (GSIS), Home
4 Development Mutual Fund (Pag-Ibig Fund), and the Philippine Health Insurance
5 Corporation (PhilHealth), there shall be an additional insurance coverage to be
6 provided to media workers which shall provide the following minimum benefits:

- 7 1. Death Benefit of Two Hundred Thousand Pesos (Php 200,000.00) for each
8 media worker who shall perish in the line of duty;
- 9 2. Disability Benefits of up to Two Hundred Thousand Pesos (Php 200,000.00)
10 for each media worker who shall suffer total or partial disability whether
11 permanent or temporary, arising from any injury sustained in the line of duty;
12 and
- 13 3. Reimbursement of actual medical expenses up to but not to exceed One
14 Hundred Thousand Pesos (Php 100,000.00) for each media worker who shall
15 be hospitalized or who shall require medical attendance for injuries sustained
16 while in the line of

17 SEC. 9. Equal Access to Public Information Fund. - Any government fund obtained
18 from taxpayer's money intended to support the public information campaign of all
19 government branches in the form of official ad placements, notices and the like, shall
20 be deemed as "Public Information Fund". These shall include funds allotted through
21 various public information units of local government units, national government
22 agencies, and all units of the executive, judiciary and legislature from the national
23 level down to their subunits and government owned or controlled corporations.

24 Subject to existing laws, any media entity shall have equal opportunity and access
25 to such fund through such measure or policy adopted by the government unit
26 concerned specifically designed to ensure such equal access. A media entity must
27 show proof of full payment of all relevant local and national taxes, permits, fees and
28 licenses and the like to be entitled to the provisions of this Act. For transparency, all
29 information surrounding such fund shall be made available to the public pursuant to

1 the Freedom of Information (FOI) program as established under Executive Order No.
2 2, Series of 2 2016.

3 SEC. 10. Compliance. - The DOLE, as the primary agency under Administrative
4 Order No. 1 (Series of 2016) tasked to ensure the protection of the life, liberty and
5 security of media workers, shall monitor compliance with the provisions of this Act
6 and shall assume the role of a voluntary grievance mechanism on matters stipulated
7 in Sections 4, 5, 6, 7 and 8 of this Act. The DOLE shall likewise monitor compliance
8 with Section 9 of this Act and assume the role of a voluntary grievance mechanism
9 for any violation thereof. However, nothing in this Act shall be interpreted to add to
10 bureaucratic processes or regulations in order to achieve the objectives as set forth
11 in this Act.

12 SEC. 11. Responsibilities of Media Entities. - A Media Entity shall be responsible
13 for all contents released under its name.

14 Claims against media workers - Owners of media entities, including the
15 franchise holder, shall be solidarily liable for any claims against media workers
16 in connection with their work, regardless of the nature of engagement. Any
17 agreement to the contrary shall be void.

18 Claims against Blocktimers - A blocktimer is one who buys airtime from radio
19 and television franchise holders. Blocktimers are bound and must strictly
20 comply with the standards set by the franchise and the generally-accepted and
21 applied broadcast code such as, but not limited to, the one set by the Kapisanan
22 ng mga Brodkaster ng Pilipinas (KBP). Owners of media entities, including the
23 franchise holder, shall be solidarily liable for any claims arising from the content
24 aired by blocktimers, their agents, successors and assigns. Any agreement to
25 the contrary shall be void.

26 Claims against Advertisements - Owners of media entities, including the
27 franchise holder, shall be solidarity liable for any claims arising from the content
28 aired through advertisements. Any agreement to the contrary shall be void.

1 SEC. 12. Penal Provision. - A fine of thirty thousand pesos (PHP30,000.00) shall
2 be imposed on a person or entity operating as a job contractor without a license,
3 provided that said person or entity does not commit any other act described as labor
4 only contracting under Article 106 of the Labor Code;

5 A fine shall be imposed on a person or entity operating as a job contractor
6 without a license and who also commits any of the acts described as labor-only
7 contracting under Article 106 of the Labor Code. Said fine shall be thirty thousand
8 pesos (PHP30,000.00) assessed per employee engaged under a labor-only
9 contracting arrangement but not to exceed the total amount of five million pesos
10 (Php5,000,000.00). In addition, said person or entity which engages in labor-only
11 contracting shall be barred from applying or future licenses. This disqualification shall
12 extend to the responsible partners, directors or officers of the liable partnership,
13 corporation or cooperative;

14 A fine shall be imposed on a licensed job contractor who commits any of the
15 acts described as labor-only contracting under Article 106 of the Labor Code. The fine
16 shall be thirty thousand pesos (PHP30,000.00) assessed per employee engaged under
17 a labor-only contracting arrangement but not to exceed the total amount of five
18 million pesos (PHP5,000,000.00). In addition, the licensee shall have its operation
19 closed on the project in which the violation was committed and shall be barred from
20 applying for licenses In the future. Any succeeding offense committed shall result In
21 the termination of operations and disqualification of the job contractor. This
22 disqualification shall extend to the responsible partners, directors or officers of the
23 liable partnership, corporation or cooperative;

24 A fine shall be Imposed on a person or entity which engages fixed-term
25 employees in violation of Article 295 of the Labor Code. The fine Shali be thirty
26 thousand pesos (PHP30,000.00) assessed per employee engaged under the
27 prohibited fixed-term arrangement but not to exceed the total amount of five million
28 pesos (PHP5,000,000.00). The above fines shall be imposed jointly and severally
29 against the principal employer, and contractor, manpower agency, workers'
30 cooperative or any other similar entity or their responsible partners, directors or

1 officers engaged in the prohibited arrangements described above. The fines shall be
2 imposed without prejudice to other damages that may be imposed under the Labor
3 Code and other laws and regulations.

4 SEC. 13. Inclusion in the Curriculum. - The provisions of this Act and its
5 Implementing Rules and Regulations, as well as the Code of Ethics for Media Workers
6 shall form part of the core subjects in the school curriculum on journalism.

7 SEC. 14. News Media Tripartite Council. - The DOLE shall initiate the creation
8 of the News Media Tripartite Council that will serve as a link among various
9 stakeholders, provide the industry with a platform for both media workers groups and
10 media entities in the crafting of policy decisions that will affect them and the industry
11 as a whole, and serve as an avenue to express their aspirations, present their
12 programs or bridge gaps in cases of conflict among them.

13 SEC. 15. Implementing Rules and Regulations. - The DOLE in consultation with
14 other media groups, associations, publishers, guilds and concerned groups, shall
15 promulgate the Implementing Rules and Regulations (RR) within six (6) months from
16 the effectivity of this Act.

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

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

23 SEC. 18. Effectivity Clause. - This Act shall take effect fifteen (15) days after
24 publication in at least two (2) newspapers of general circulation.

Approved.