

'19 JUL -8 P3:34

SENATE

S. No. 294



Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
PROVIDING FOR OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR
THE WORKERS AND TALENTS IN THE MOVIE AND TELEVISION INDUSTRY**

EXPLANATORY NOTE

Article II Section 18 of the 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 movie and television industry is one of the most fascinating realms where working means creating an imaginary world drawn from the aspirations, frustrations and dreams of the viewers. While working in the said industry is both exciting and rewarding, it is considered one of the hazardous jobs because of its nature – erratic work schedule, long hours of shooting, different shooting locations that exposes the workers to varied environment and weather with their accompanying dangers and risks, the use of various materials and equipment that may pose danger to their safety, health, and even life, among others.

Numerous accidents have already happened in the course of producing movies and television shows. From stuntmen to directors, no one is spared of the dangers in the workplace in this industry. In 2008, director Gilbert Perez died of cardiac arrest and in 2016, Directors Wenn Deramas and Francis Xavier Pasion passed away. Their death was attributed to poor working conditions in the industry. The most recent is

the unfortunate accident met by veteran and multi-awarded actor Mr. Eddie Garcia who was then on the set shooting a television show. After days of struggling for life, Mr. Garcia eventually succumbed. He may have been a victim of negligence on safety in the workplace, which could have been prevented had precautions and safety measures been strictly observed, and medical services made readily available.

Workers in the movie and television industry are protected under the Labor Code of the Philippines and the recent Republic Act No. 11058 entitled, "An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof". In April 2016, the Department of Labor and Employment issued Labor Advisory No. 04 Series of 2016 or the "Working Conditions in the Movie and Television Industry" as a response to the urgent call of the members of television and movie industry for the government to provide guidelines for safe and better working conditions for their workers and/or talents.

This measure seeks to formulate the Occupational Safety and Health Standards (OSHS) for the Workers in the Movie and Television Industry. It defines the responsibilities of the producers pertaining to OSHS and requires the hiring of Production Safety Officer. Further, this bill requires the producers to provide insurance to the workers and compensation to work-related injuries, sickness, and death.

As a tribute to the actor who is considered as one of the pillars of the Philippine movie and television industry, this bill is called the "Eddie Garcia Law".

In view of the foregoing, the immediate passage of this bill is highly recommended.


RAMON BONG REVILLA, JR.

SENATE

'19 JUL -8 8P 3:3434

S. No. 294

RECEIVED BY:



Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
PROVIDING FOR OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR
THE WORKERS AND TALENTS IN THE MOVIE AND TELEVISION INDUSTRY**

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

1 Section 1. *Short Title.* - This Act shall be known as the "*Eddie Garcia Law*".

2 Sec. 2. *Declaration of Policy.* - The State affirms labor as a primary social and
3 economic force, and that a safe and healthy workforce is an integral aspect of nation
4 building.

5 The State shall ensure that the provisions of the Labor Code of the Philippines,
6 Republic Act No. 11058 entitled, "An Act Strengthening Compliance with Occupational
7 Safety and Health Standards and Providing Penalties for Violations Thereof", all
8 domestic laws, and internationally-recognized standards on occupational safety and
9 health are being fully enforced and complied with.

10 It is hereby declared the policy of the State to secure the safety, health and
11 welfare of the workers and talents in the television and movie industry. The State
12 must ensure a safe and healthy work environment for said workers and talents that
13 will protect them from death, injury and illness. All producers of television shows and
14 movies must adhere to the following principles of safety and health for the mutual
15 benefit of the producers and workers:

- 16 a) The importance of safety and health requires that producers, workers,
17 and members of the public be given the highest level of protection

1 against risks to their life, safety and health in reasonably practicable
2 circumstances;

3 b) Producers have a duty to secure the safety, health, and welfare of the
4 workers. This general duty requires producers to actively prevent risks
5 arising out of their activities;

6 c) Producers, workers and talents should exchange information and ideas
7 about risks to life, safety, and health, and measures that can be taken
8 to eliminate or reduce those risks;

9 d) Workers and talents should always be adequately represented in relation
10 to safety and health issues.

11 Sec. 3. *Definition of Terms.* – As used in this Act, the term:

12 a) "*Movie and Television Industry*" shall include, but not limited to, movie
13 and television network stations, production outfits, air-time contractors,
14 and other necessary and related industry activities and services;

15 b) "*Occupational Health*" shall refer to a sound state of the body and mind
16 of the workers and talents which enables them to perform their job
17 normally, in a state of well-being;

18 c) "*Producer*" shall refer to the person, natural or juridical, who partially or
19 wholly owns the film company that plans and coordinates various
20 aspects of a show or film in the television or movie industry such as
21 funds, script, direction, editing, promotion, marketing, among others;

22 d) "*Production Safety Officer*" shall refer to the person trained by the
23 Department of Labor and Employment (DOLE) on basic occupational
24 safety and health;

25 e) "*Registered interested party*" shall mean any duly-registered non-stock,
26 non-profit organization advocating occupational safety and health;

27 f) "*Regulation Officer*" shall refer to the duly authorized representative of
28 the Secretary of DOLE to enforce the standards set forth in this Act and
29 monitor the compliance of the producers to the same;

30 g) "*Safe*" or "*safety*" shall mean the condition of being protected from or
31 unlikely to cause danger, risk, or injury;

- 1 h) "*Talent*" refers to an independent contractor or individual who has
2 unique skills, experience and talents or celebrity status and whose
3 means and methods in the performance of his/her work is outside the
4 control of another or the hiring party, and his/her service or engagement
5 contract is governed by the Civil Code provisions on contracts and other
6 applicable laws, but in no case lower than the standards provided by the
7 Labor Code, as amended;
- 8 i) "*Workers*" shall refer collectively to all the persons involved in the
9 production of a movie or a show which shall include, but not limited to,
10 the following:
- 11 i. Cast or the actors and actresses who appear in front of the
12 camera or provide voices for characters in the film;
 - 13 ii. Crew or the people who work behind the camera including the
14 directors, cameramen, editors, production assistants,
15 teleprompter operators and editors, VTR staff and editors,
16 newscasters and anchors, managers, reporters, news
17 correspondents, photographers, videographers, engineering
18 staff, wardrobe staff, make-up artists, prop makers and such
19 other individuals whether employed in the network or production
20 company regardless of the mode of compensation and length of
21 service or engagement;
 - 22 iii. Talent as defined in this act.
- 23 j) "*Workplace*" refers to the areas where work is being carried out or
24 undertaken regardless of whether the same is done within the premises
25 of the television network or production company or outside "on location"
26 or "set".

27 *Sec. 4. Occupational Safety and Health (OSH) Standards and Regulations for*
28 *Workers in the Movie and Television Industry.* – The Department of Labor and
29 Employment (DOLE) is hereby mandated to formulate Occupational Safety and Health
30 Standards for Workers and Talents in the Movie and Television Industry, which shall
31 be referred to as "Standards".

1 The Standards shall adhere to the prevailing standards of safety and health as
2 provided under the Labor Code of the Philippines, Republic Act No. 11058, the
3 International Labour Organization (ILO) Guidelines on Occupational Safety and Health
4 Management Systems (ILO-OSH 2001) and other relevant laws and international
5 instruments. The Standards shall be reviewed annually by the DOLE, representatives
6 from the movie and television industry, and registered interested parties.

7 Sec. 5. *Working Conditions in the Movie and Television Industry.* – The
8 following must be observed by the industry:

9 a) Hours of Work. The actual hours of work of a movie and television
10 industry worker shall not exceed eight (8) hours in a day. If the worker
11 is required to work beyond eight hours, the maximum actual hours of
12 work shall not exceed twelve (12) hours in any 24-hour period.

13 The normal hours of work of elderly workers or those aged 60 years and
14 above, shall not exceed eight (8) hours in a day. The hours of work of
15 children in the industry must be in accordance with Republic Act No.
16 9231 and its Implementing Rules and regulations or Department Order
17 No. 65-04 issued by DOLE.

18 b) Waiting Time. Waiting time spent by a worker shall be considered as
19 working time if he/she is required or engaged to wait.

20 c) Occupational Safety and Health. The provisions of the Occupational
21 Safety and Health Standards (OSHS) shall be observed in all workplaces
22 to ensure safe and healthful working conditions for all workers.

23 d) Transportation. Adequate transportation facilities to and from the
24 "location" or "set" shall be provided to the workers. If no transportation
25 is provided to the worker, any costs incurred by the worker shall be
26 reimbursed by the producer.

27 e) Accommodation. Safe, adequate and free lodging and/or
28 accommodation shall be provided by the producer to the worker if work
29 is "on location" or "set".

30 f) Minimum Benefits. The pay and related benefits to the workers in the
31 industry, regardless of the nature of engagement, shall not be lower

1 than the minimum standards under the Labor Code, as amended, and
2 other laws, rules and regulations.

- 3 g) Social Welfare Benefits. Without prejudice to established policies of the
4 producer, or collective bargaining agreement, or other applicable
5 employment agreement, workers in the industry shall be covered by
6 Pag-Ibig Fund, Philippine Health Insurance Corporation (PhilHealth),
7 Social Security System (SSS), Employees' Compensation Program, and
8 other related laws.

9 Sec. 6. *Guidelines for the Implementation of Standards.* – DOLE, through its
10 Regulation Officers, shall regularly monitor the implementation of the Standards.

- 11 a) DOLE, through its Regulation Officers, shall administer and enforce the
12 provisions of the Standards;
- 13 b) Every producer shall give the Regulation Officers access to its premises
14 and records for the purpose of determining compliance with the
15 provisions of the Standards;
- 16 c) The workplaces including shooting locations, premises, areas and sets
17 where television shows and films are produced shall be inspected to
18 determine compliance with the provisions of the Standards. Special
19 inspection visits, however, may be authorized by the Regional Labor
20 Office or as authorized under Rule 1980 of the Labor Code, to investigate
21 accidents, occupational illnesses, or dangerous occurrences, especially
22 those resulting in permanent total disability or death; to conduct surveys
23 of working conditions requested by the Bureau of Working Conditions
24 for the purpose of evaluating and assessing environment contaminants
25 and physical conditions or to conduct investigations, inspections or
26 follow-up inspections upon request of an employer, worker or a labor
27 union of the establishment;
- 28 d) The Regulation Officer shall determine reasonable period of compliance
29 with the recommendations depending on the gravity of the hazards
30 needing corrections or the period needed to come into compliance with
31 the Standards; and,

- 1 e) In case the producer fails to comply with the Standards to the imminent
2 danger of the workers, the Regulation Officer can immediately suspend
3 operations in order to prevent injuries pending compliance by the
4 production company or producer.

5 *Sec. 7. Duties and Responsibilities of the Producer.* – It is hereby declared to
6 be the duty of the producer of the movie or television show to:

- 7 a) Comply with the laws, rules and regulations regarding occupational
8 safety and health in every show and movie being produced, particularly
9 the Standards as formulated under Section 4 of this Act;
10 b) Promote safety and provide safe working conditions;
11 c) Provide and maintain at all workplaces any first aid and medical supplies
12 and services;
13 d) Only engage workers who are appropriately trained to perform their
14 jobs;
15 e) Ensure all workers who may be affected by a potential hazard are made
16 aware of the existence of the hazard to which they may be exposed in
17 the course of production, as well as other safety and health concerns;
18 f) Ensure all sets and locations have been properly assessed for any
19 potential safety and health issues and proper remedies and safeguards
20 are implemented to deal with any of these issues;
21 g) Ensure all environmental or structural hazards identified are addressed
22 and corrected;
23 h) Ensure the use of proper safeguards and means of personal protection,
24 including a careful check of all new and relocated equipment before it is
25 placed in operation;
26 i) Require that any necessary safety equipment and protective devices are
27 being used or worn;
28 j) Provide safety information which should include, but may not be limited
29 to emergency numbers of nearest hospital, fire station and similar
30 establishments; emergency personnel in the workplace; and location of
31 safety, fire and first aid equipment; and,

1 k) Conduct a 2-5 minute meeting with all workers every start of the
2 shooting day to define safety and health issues.

3 Sec. 8. *The Production Safety Officer and His Responsibilities.* – The producer
4 is hereby mandated to engage the services of a Production Safety Officer to implement
5 the Standards as provided for in Section 4 hereof for each and every television
6 program or movie that it will produce.

7 The responsibilities of the Production Safety Officer shall include, but not limited
8 to, the following:

- 9 a) Ensure the compliance to laws, rules and regulations regarding
10 occupational safety and health in every movie and show being produced,
11 particularly the Standards as formulated under Section 4 hereof;
12 b) Conduct orientation and training of workers on occupational safety and
13 health;
14 c) Enforce safe work practices;
15 d) Correct unsafe conditions;
16 e) Prevent lingering unsafe or unhealthy conditions or hazards;
17 f) Investigate workplace accidents; and,
18 g) Promote quick return to work.

19 Sec. 9. *Powers of the Production Safety Officer.* – A Production Safety Officer
20 has the power to:

- 21 a) Inspect any part of the workplace prior to, during and after the conduct
22 of a shooting or production;
23 b) Inspect the workplace immediately after an accident or any situation
24 involving an immediate risk to the health or safety of any person;
25 c) Accompany the Regulation Officer during an inspection of a workplace;
26 d) Give notice to the producer for the suspension of the shooting or related
27 activities if the welfare and safety of the artists and workers are at risk.
28 The notice must be immediately acted upon by the producer to prevent
29 endangering the lives of the workers.

30 Sec. 10. *Health Insurance.* – The production company or producer shall provide
31 full health insurance to the artists and workers, the minimum coverage of which shall
32 be included in the Standards that shall be formulated under Section 4 of this Act.

1 Sec. 11. *Work-Related Injuries, Sickness and Death Compensation.* – All artists
2 and workers shall be compensated for injuries, medical complications, illness, disability
3 and death arising from and related to their work in accordance with existing laws,
4 labor policies, guidelines or circular as the case may be. The producer, or its duly
5 contracted insurance provider, shall be responsible for bearing the costs for the said
6 compensation.

7 Sec. 12. *Penal Provision.* – Any person or organization who shall violate,
8 disobey, refuse, omit or neglect to comply with any of the rules and regulations
9 promulgated under this Act shall have a criminal liability and upon conviction shall be
10 punished by imprisonment for a period not exceeding six (6) years and a fine not less
11 than One Hundred Fifty Thousand Pesos (P150,000.00) depending upon the discretion
12 of the court.

13 Sec. 13. *Separability Clause.* – If any part, section or provision of this Act is
14 held invalid or unconstitutional, other provisions not affected thereby shall remain in
15 full force and effect.

16 Sec. 14. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
17 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

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

20
21 Approved,