

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

**19<sup>th</sup> CONGRESS**  
First Regular Session

**HOUSE BILL NO. 459**



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Introduced by **REP. ARJO ATAYDE**

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

The campaign to improve the working conditions across the movie and television industry has been a perennial discourse in the labor sector for decades. Its atypical work dynamic has raised a number of issues on the coverage, work arrangement, talent fees and wages, working hours, and the need to regulate or liberalize the industry which are all considered a national concern. The business process uniqueness in film production and broadcasting generates complexities that pose challenges to the existing government policies. Foremost to this is the industry's demand for competitive advantage, which needs special kinds of talents and skills both in arts and science.

Based on a study by the Department of Labor and Employment's Institute for Labor Studies (2016), the industry's peculiar working conditions include, among others, long working hours in shootings or on-location; disparities in salaries/wages, depending on skills, popularity, size of the company, and the size and scale of projects; experience of pressures and stressful situation; work demands flexibility and mobility; frequent travels (local and foreign), and overnight and overtime works.

These peculiarities in work arrangements pose risks to the safety, health, and even life of workers. In 2019, the untimely death of the veteran and multi-awarded actor Mr. Eddie Garcia who was met by an unfortunate accident on set may have been the most recent testament of supposed negligence on safety in the workplace. Several deaths in the past have also been attributed to poor working conditions in the industry including that of director Gilbert Perez who succumbed to cardiac arrest in 2008 and Directors Wenn Deramas and Francis Xavier Pasion in 2016.

These unfortunate events could have been prevented with stringent measures in place and medical services made available for the protection of the workers' welfare in the industry.

This measure seeks to formulate the Occupational Safety and Health Standards (OSHS) for the Workers in the Movie and Television Industry. This is in adherence to 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" and the DOLE's Labor Advisory No. 04 Series of 2016 issuance, "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.

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

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

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

**SEC. 2. *Declaration of Policy.*** - The State affirms labor as a primary social and economic force, and that a safe and healthy workforce is an integral aspect of nation-building. The State shall ensure that the provisions of the Labor Code of the Philippines, Republic Act No. 11058 entitled, "An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof", all domestic laws, and internationally recognized standards on occupational safety and health are being fully enforced and complied with.

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

A. The importance of safety and health requires that producers, workers, and members of the public be given the highest level of protection against risks to their life, safety, and health in reasonably practicable circumstances.

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

C. Producers, workers, and talents should exchange information and ideas about risks to life, safety, and health, and measures that can be taken to eliminate or reduce those risks; and

Workers and talents should always be adequately represented in relation to safety and health issues

1  
2       **SEC. 3. Definition of Terms.** - As used in this Act, the term:

3  
4       a) "Movie and Television Industry" shall include, but not limited to, movie and  
5 television network stations, production outfits, air-time contractors, and other  
6 necessary and related industry activities and services;

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

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

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

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

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

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

23       h) "Talent" refers to an independent contractor or individual who has unique  
24 skills, experience and talents or celebrity status and whose means and methods in the  
25 performance of his/her work is outside the control of another or the hiring party, and  
26 his/her service or engagement contract is governed by the Civil Code provisions on  
27 contracts and other applicable laws, but in no case lower than the standards provided  
28 by the Labor Code, as amended;

29       i) "Workers" shall refer collectively to all the persons involved in the production  
30 of a movie or a show which shall include, but not limited to the following:

31       I.    Cast or the actors and actresses who appear in front of the camera or  
32       provide voices for characters in the film;

33       II.   Crew or the people who work behind the camera including the directors,  
34       cameramen, editors, production assistants, teleprompter operators and  
35       editors, VTR staff and editors, newscasters and anchors, managers,  
36       reporters, news correspondents, photographers, videographers,  
37       engineering staff, wardrobe staff, make-up artists, prop makers and such  
38       other individuals whether employed in the network or production  
39       company regardless of the mode of compensation and length of service  
40       or engagement; and

41       III.   Talent as defined in this act.

42  
43       j) "Workplace" refers to the areas where work is being carried out or undertaken  
44 regardless of whether the same is done within the premises of the television network  
45 or production company or outside "on location" or "set".

1           **SEC. 4. Occupational Safety and Health (OSH) Standards and Regulations**  
2 **for Workers in the Movie and Television Industry.** - The Department of Labor and  
3 Employment (DOLE) is hereby mandated to formulate Occupational Safety and Health  
4 Standards for Workers and Talents in the Movie and Television Industry, which shall  
5 be referred to as "Standards".  
6

7           The Standards shall adhere to the prevailing standards of safety and health as  
8 provided under the Labor Code of the Philippines, Republic Act No. 11058, the  
9 International Labour Organization (ILO) Guidelines on Occupational Safety and Health  
10 Management Systems (ILO-OSH 2001) and other relevant laws and international  
11 instruments. The Standards shall be reviewed annually by the DOLE, representatives  
12 from the movie and television industry, and registered interested parties.  
13

14           **SEC. 5. Working Conditions in the Movie and Television Industry.** - The  
15 following must be observed by the industry:

16           a) Hours of Work. The actual hours of work of a movie and television industry  
17 worker shall be eight (8) hours in a day. If the worker is required to work beyond eight  
18 hours, the maximum actual hours of work shall not exceed fourteen (14) hours in any  
19 24-hour period with a two (2) hour break distributed accordingly. Hours in excess shall  
20 entitle the worker to additional pay as provided below:

21           1. Additional 25% of the hourly rate after the 8th hour up to the 12th hour; and

22           2. Additional 50% of the hourly rate for the 13th and 14th hour.

23           The normal hours of work of elderly workers or those aged 60 years and above,  
24 shall not exceed eight (8) hours in a day. The hours of work of children in the industry  
25 shall not exceed six (6) hours at any given day and shall not exceed thirty (30) hours  
26 a week.

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

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

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

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

37           f) Minimum Benefits. The pay and related benefits to the workers in the industry,  
38 regardless of the nature of engagement, shall not be lower than the minimum  
39 standards under the Labor Code, as amended, and other laws, rules and regulations.

40           g) Social Welfare Benefits. Without prejudice to established policies of the  
41 producer, or collective bargaining agreement, or other applicable employment  
42 agreement, workers in the industry shall be covered by Pag-Ibig Fund, Philippine  
43 Health Insurance Corporation (PhilHealth), Social Security System (SSS), Employees'  
44 Compensation Program, and other related laws.  
45  
46

1           **SEC. 6. *Guidelines for the Implementation of Standards.*** - DOLE, through  
2 its Regulation Officers, shall regularly monitor the implementation of the Standards.

3           a) DOLE, through its Regulation Officers, shall administer and enforce the  
4 provisions of the Standards.

5           b) Every producer shall give the Regulation Officers access to its premises and  
6 records for the purpose of determining compliance with the provisions of the  
7 Standards.

8           c) The workplaces including shooting locations, premises, areas and sets  
9 where television shows and films are produced shall be inspected to determine  
10 compliance with the provisions of the Standards. Special inspection visits, however,  
11 may be authorized by the Regional Labor Office or as authorized under Rule 1980 of  
12 the Labor Code, to investigate accidents, occupational illnesses, or dangerous  
13 occurrences, especially those resulting in permanent total disability or death; to  
14 conduct surveys of working conditions requested by the Bureau of Working Conditions  
15 for the purpose of evaluating and assessing environment contaminants and physical  
16 conditions or to conduct investigations, inspections or follow-up inspections upon  
17 request of an employer, worker or a labor union of the establishment;

18           d) The Regulation Officer shall determine reasonable period of compliance with  
19 the recommendations depending on the gravity of the hazards needing corrections or  
20 the period needed to come into compliance with the Standards; and

21           e) In case the producer fails to comply with the Standards to the imminent  
22 danger of the workers, the Regulation Officer can immediately suspend operations in  
23 order to prevent injuries pending compliance by the production company or producer.  
24

25           **SEC. 7.** It is hereby declared to be the duty of the producer of the movie or  
26 television show to:

27           a) Comply with the laws, rules and regulations regarding occupational safety  
28 and health in every show and movie being produced, particularly the Standards as  
29 formulated under Section 4 of this Act;

30           b) Promote safety and provide safe working conditions;

31           c) Provide and maintain at all workplaces any first aid and medical supplies  
32 and services;

33           d) Only engage workers who are appropriately trained to perform their jobs;

34           e) Ensure all workers who may be affected by a potential hazard are made  
35 aware of the existence of the hazard to which they may be exposed in the course of  
36 production, as well as other safety and health concerns;

37           f) Ensure all sets and locations have been properly assessed for any potential  
38 safety and health issues and proper remedies and safeguards are implemented to  
39 deal with any of these issues;

40           g) Ensure all environmental or structural hazards identified are addressed and  
41 corrected;

42           h) Ensure the use of proper safeguards and means of personal protection,  
43 including a careful check of all new and relocated equipment before it is placed in  
44 operation;

45           i) Require that any necessary safety equipment and protective devices are  
46 being used or worn;



j) Provide safety information which should include, but may not be limited to emergency numbers of the nearest hospital, fire station, and similar establishments; emergency personnel in the workplace; and location of safety, fire, and first aid equipment; and,

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

**SEC. 8. The Production Safety Officer and His Responsibilities** The producer is hereby mandated to engage the services of a Production Safety Officer to implement the Standards as provided for in Section 4 hereof for each and every television program or movie that it will produce. The responsibilities of the Production Safety Officer shall include, but not limited to, the following:

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

Such programs to be established should give priority to the following:

- a. A financial subsidy given to indigent patients, upon qualification, to cover the expenses of all necessary laboratory tests and other related examinations during the diagnosis as well as the expenses needed for treatment of cancer;
- b. A financial subsidy to be given to non-governmental cancer support groups in recognition of and in order to facilitate the continuity of the programs they have for cancer patients as well as their families especially in coping and dealing with the circumstances. However, only recognized and duly organized support groups shall be granted subsidy in accordance with the Implementing Rules and Regulations of this Act;

An independent support group shall be established as a standing program to augment the emotional support needed by cancer patients including their families in dealing and coping with the circumstances through regular inspirational and motivational sessions with cancer survivors and family members who have experienced having a relative similarly afflicted with cancer.

**SEC. 9. Powers of the Production Safety Officer.** - A Production Safety Officer has the power to:

- a) Inspect any part of the workplace prior to, during, and after the conduct of shooting or production;
- b) Inspect the workplace immediately after an accident or any situation involving an immediate risk to the health or safety of any person;

- 1 c) Accompany the Regulation Officer during an inspection of a workplace.  
2 d) Give notice to the producer for the suspension of the shooting or related  
3 activities if the welfare and safety of the artists and workers are at risk. The notice  
4 must be immediately acted upon by the producer to prevent endangering the lives  
5 of the workers.  
6

7 **SEC. 10. Health Insurance.** -The production company or producer shall provide  
8 full health insurance to the artists and workers, the minimum coverage of which shall  
9 be included in the Standards that shall be formulated under Section 4 of this Act.  
10

11 **SEC. 11. Work-Related Injuries/ Sickness and Death Compensation.** - All  
12 artists and workers shall be compensated for injuries, medical complications, illness,  
13 disability, and death arising from and related to their work in accordance with existing  
14 laws, labor policies, guidelines or circular as the case may be. The producer, or its  
15 duly contracted insurance provider, shall be responsible for bearing the costs for the  
16 said compensation  
17

18 **SEC. 12. Penalty of imprisonment not exceeding six (6) years and a fine, not less**  
19 **than One Hundred Fifty Thousand Pesos (P150,000.00) shall be imposed on any**  
20 **person or organization who shall violate, disobey, refuse, omit or neglect to comply**  
21 **with any of the rules and regulations promulgated under this Act upon conviction and**  
22 **final judgment.**  
23

24 **SEC.13. Implementing Rules and Regulations.** - The National Cancer Advisory  
25 Board, with the involvement of the stakeholders, shall establish the committee that will  
26 promulgate the implementing rules and regulations of this Act within ninety (90) days  
27 from the approval of this Act.  
28

29 **SEC. 14. Separability Clause.** - If any provision or part hereof is held invalid or  
30 unconstitutional, the remainder of this Act or the provision not otherwise affected shall  
31 remain valid and subsisting.  
32

33 **SEC. 15. Repealing Clause.** - All laws, decrees, rules and regulations or parts  
34 thereof inconsistent with this Acts are hereby repealed or amended accordingly.  
35

36 **SEC. 16. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its  
37 publication in the Official Gazette and in a newspaper of general circulation.  
38

39 **Sec. 24. Separability Clause.** - If any provision or part of this Act is declared  
40 invalid or unconstitutional, the remaining parts or provisions not affected shall remain  
41 in full force and effect.  
42

43 **Sec. 25. Repealing Clause.** - For purposes of this Act, pertinent provisions of  
44 Republic Act No. 9165, otherwise known as the "Dangerous Drugs Act of 2002," as  
45 amended, and all other laws, decrees, orders, rules and regulations, or parts thereof,  
46 inconsistent with any provision of this Act are hereby repealed or modified accordingly.



1        Sec. 26. **Effectivity.** - This Act shall take effect fifteen (15) days after its  
2 publication in the Official Gazette or in a newspaper

3  
4        Approved,