



289 Republic of the Philippines
290 **HOUSE OF REPRESENTATIVES**
291 Quezon City
292

293 **18TH CONGRESS**
294 First Regular Session
295 **HOUSE BILL NO. 6549**

296

297 Introduced by Reps. FERDINAND R. GAITE, CARLOS ISAGANI T.
298 ZARATE, EUFEMIA C. CULLAMAT, ARLENE D. BROSAS, FRANCE L.
299 CASTRO and SARAH JANE I. ELAGO

300

301 **AN ACT CREATING AN**
302 **OCCUPATIONAL SAFETY AND HEALTH STANDARDS ACT (OSHA)**
303 **FOR FILM, TELEVISION, AND THEATER INDUSTRIES**
304 **OF THE PHILIPPINES**

305

306 **EXPLANATORY NOTE**

307

308 Last June 8, 2019, actor, director, television and film legend Eduardo V. Garcia, or
309 popularly known as Eddie Garcia, met an accident while filming for GMA 7. He
310 suffered cervical cracks and fractures which resulted in him being in a comatose state
311 for the next 12 days. Unfortunately, he died on June 20, 2019.

312

313 His death highlighted the lack of emergency and safety equipment and protocol
314 during filming, and the importance of safety protocols on the set or workplace of any
315 production sites or locations.

316

317 Under this bill, the film and television, and theater industries are required to provide a
318 safe workplace for all its workers and employees. Workplace safety and health
319 protocols shall be the primordial objective to eliminate personal injuries, illness or
320 even death from occurring again inside the workplace.

321

322 Further, this Act aims to promote the general welfare of artists and workers, by
323 setting a minimum working hour; mandating the coverage of SSS, PhilHealth and Pag-
324 IBIG Fund membership; and acknowledging their right to self-organization.

325

326 In view of the foregoing, immediate approval of this measure is earnestly requested.

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328 
329 Rep. FERDINAND R. GAITE
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Bayan Muna Party-list

Rep. CARLOS ISAGANI T. ZARATE

Bayan Muna Party-list

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334 Rep. EUFEMIA C. CULLAMAT
335 *Bayan Muna Party-list*

Rep. FRANC E L. CASTRO

ACT Teachers Party-list

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338 Rep. ARLENE D. BROSAS
339 *Gabriela Women's Party*

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12
13 **AN ACT**
14 **SETTING THE STANDARD WORKING CONDITIONS**
15 **AND CREATING AN OCCUPATIONAL SAFETY**
16 **AND HEALTH (OSH) STANDARDS OF WORKERS IN**
17 **FILM, TELEVISION, THEATER**
18 **AND SIMILIAR INDUSTRIES OF THE PHILIPPINES**

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

21
22 **SECTION 1. DECLARATION OF POLICY.** It is hereby a declared policy of the
23 state to safeguard the welfare and security of all personnel and workforce in the *film,*
24 *television, theater and similar industries.*

25 The state recognizes that the labor force of the film, television, theater and similar
26 industries as a prime social and economic workforce, therefor a standard working
27 hour, and safe and health workforce is a vital aspect of nation building.

28

29 **SECTION 2. COVERAGE.** This Act shall apply to all employers involved in the
30 film, television, theater and similar industries, and shall cover all the working hours of
31 workers, beginning at the time they were engaged such as rehearsals, pre-production
32 meetings, set-ups, ocular visits, waiting time, tapings, shootings, post-production and
33 on-stage or on-air performances and productions, up to the time they are disengaged,
34 including their health and safety off-set as long as they are required to stay in the
35 premises of the workplace.

36 All workers in the film, television, theater and similar industries, regardless of
37 contractual arrangement, whether regular employees or independent contractors or
38 self-employed, shall be covered and protected by this Act.

39 In addition, the Department of Labor and Employment (DOLE) is hereby authorized
40 to determine the applicability of inclusion and the extent of obligations and liabilities
41 under this Act of festival or event organizers, who may not habitually engaged in the
42 film, television, theater and similar industries, but, nevertheless, engaged the works,
43 talents, and services of artists and other production staff or crew, during fiesta,
44 holiday or out-of-town shows, or similar events which pose similar health and safety
45 risks to the workers.

46

47 **SECTION 3. DEFINITION OF TERMS.** For the purposes of this Act, the
48 following terms are defined as follows:

- 49
- 50 a. **Call Sheet** - refers to any schedule issued to the cast and crew of a
51 production before the shooting commences to inform them where and
52 when the should report for a working day. It shall include the contact
53 information, schedule for the day, turnaround time, and acknowledgement t
54 that the person is called into the set for that date and time;
- 55
- 56 b. **Call Time** – refers to the time that the workers shall be on the set as
57 provided in the contract and/or call sheet;
- 58
- 59 c. **Employer** – refers to the producer, principal, owner of production
60 company or head of the production, who for purposes of this Act shall be
61 the direct or indirect employer, and for purposes of any liability that shall be
62 directly incurred in the workplace herein defined;

- 63
- 64
- 65 d. **Ocular** - refers to the assessment of a location to be used as a workplace or
66 to determine the extent and severity of hazards posed by the location
- 67
- 68 e. **OSH** - refers to the Occupational Safety and Health Standards of the
69 Department of Labor and Employment;
- 70
- 71 f. **Pre-production** - refers to the planning stage where elements involved in
72 the production is finalized
- 73
- 74 g. **Post-production** - refers to the stage of production where editing (i.e.
75 music scoring, color grading and sound design) is done;
- 76
- 77 h. **Qualified OSH Personnel** - refers to the Safety and Health Personnel who
78 is engaged by the employer, and responsible for the maintenance and
79 ensuring that Occupational Safety and Health Standards are being enforced
80 and complied with;
- 81
- 82 i. **Rehearsal** - refers to the activity before shooting where the production
83 supervises actors and crew in a practice run. Actors are usually in costume
84 and have been through the hair and make-up process;
- 85
- 86 j. **Safety Data Sheet** - refers to the list of hazardous chemical elements or
87 products that shall be utilized in the production;
- 88
- 89 k. **Sexual Harassment** – shall be the behavior characterized by the making of
90 unwelcome and inappropriate sexual remarks or physical advances in a
91 workplace or other professional or social situation pursuant to R.A. 7877
92 and R.A. 11313;
- 93
- 94 l. **Stunt Coordinator/Supervisor** - refers to the designated person trained to
95 facilitate the stunts required of a stunt performer on the location;
- 96
- 97 m. **Turnaround Time** - refers to the process and timing of how one work day
98 follows the previous one. It is the 12-hour mandatory rest period between
99 wrap and call time the next work day;
- 100

101 n. **Waiting Time** - refers to the time spent by a worker which shall be
102 considered as working time if he/she is required or engaged to wait.

103
104 All workers required to standby and are restricted to the confines of the
105 employer's premises shall be compensated.

106
107 All on-call workers engaged for the day who are outside of the premises of
108 the set or location shall likewise be compensated in the event of the
109 cancellation not less than 24 hours immediately preceding the scheduled
110 shoot.

111
112 o. **Worker** - refers to any member of the production, whether part of the crew
113 or as artists or performers, contracted and assigned to perform relevant
114 specific tasks. The definition of 'worker' shall include independent
115 contractors, freelancers, talents and the likes.

116
117 p. **Working hour** - refers to all the hours worked or is engaged to work by the
118 workers, beginning at the time they were engaged such as rehearsals, pre-
119 production meetings, set-ups, ocular visits, waiting time, tapings, shootings,
120 post-production and on-stage or on-air performances and productions, up
121 to the time they are disengaged

122
123 q. **Workplace** - refers to any site or location or office where workers need to
124 be present or to go to by reason of their work, and which are under the
125 direct or indirect control of employer.

126
127 **SECTION 4. MANDATORY PERSONNEL AND PRODUCTION**
128 **INSURANCE COVERAGE.** All members of the film, television, and theater
129 industries shall be provided by the employer with an insurance coverage plan for the
130 following:

- 131
132 • First aid;
133 • Hazards Materials;
134 • Communication regarding potentially hazardous procedures;

- 135 • Production Plan
136 • Stunt Plan;
137 • Review Plan; and
138 • Rescue Plan

139

140 **SECTION 5. STANDARD WORKING HOURS.** Working hours shall be
141 between eight (8) hours only, this includes the waiting hours in between takes, but
142 excluding mandatory meal hours.

143 The maximum working hours shall be eight (8) hours. If needed, upon mutual
144 consent between the employer and the workers, shooting hours can be extended, but
145 in no instance beyond sixteen (16) hours within twenty-four (24) hours. Applicable
146 overtime, night differential and holiday pay shall be paid to the workers, computation
147 of which shall be based on existing laws and regulations.

148 The minimum turnaround before the next working, shooting or taping day, or pre-
149 production meetings, ocular visits, and other related activities, shall be twelve (12)
150 hours.

151 All working hours and call time shall be stated in writing and properly disseminated in
152 a call sheet or memorandum form to all workers.

153 In addition, child artists aged 17 years old and below shall be protected by Republic
154 Act No. 9231, otherwise known as the, "Special Protection of Children Against Child
155 Abuse, Exploitation, and Discrimination Act" and other DOLE rules and regulations
156 on child laborers.

157

158 **SECTION 6. MANDATORY EMPLOYEE BENEFITS.** Employers covered
159 under this Act shall be required to become members and enroll their workers to the
160 Pag-IBIG Fund, PhilHealth and SSS. If applicable, employers shall remit monthly
161 contributions on behalf of the workers, as mandated by law.

162

163 **SECTION 7. RIGHT TO SELF-ORGANIZATION.** — Workers in the film,
164 television, theater and similar industries shall have the right and be encouraged to
165 freely form, join or assist organizations, guilds or unions to obtain redress of their
166 grievances through peaceful concerted activities for purposes not contrary to law.

167

168 **SECTION 8. MANDATORY OCCUPATIONAL SAFETY, HEALTH AND**
169 **EMERGENCY RESPONSE PROGRAM (OSHERP).** Every employer referred
170 to in this Act is required to formulate, implement and fund a comprehensive
171 Occupational Safety, Health, and Emergency Response Program (OSHERP) to
172 protect all workers engaged in any of its production, film, segment, show, commercial
173 or performance. The said program shall be the product of consultation with the
174 respective organizations or associations of workers, and must conform to the
175 minimum OSHERP standards to be set by the DOLE.

176 The cost of implementing the OSHERP shall be mandatory and an integral part of
177 the production cost of the employer and shall not, in any way, directly or indirectly, be
178 passed on to the workers.

179 Nevertheless, the OSHERP shall in no instance be less than the standards set by
180 applicable labor laws and regulations.

181 In accordance with the reportorial requirements of the OSH Standards, the employer
182 shall submit to the Regional Offices the required OSH reports, including the
183 notification of shooting location and schedule to the DOLE Regional Office having
184 jurisdiction over the location.

185

186 **SECTION 9. ON-SITE SAFETY OFFICERS AND PARAMEDICS.** It shall be
187 mandatory under this Act that a qualified safety officer, and paramedic or qualified
188 medical assistant, be designated by the employer, responsible for all safety
189 precautions, risk-reduction involved and medical needs in the production for each set
190 and/or location.

191 Whenever possible, a make shift clinic or any other room/tent equipped with at least
192 a first-aid kit shall be provided by the employer. Likewise, an ambulance or a vehicle
193 on-site and assigned exclusively for medical emergencies shall be provided by the
194 employer.

195 The Safety Office shall have the authority to call off the shoot or filming when the
196 need arises.

197

198 **SECTION 10. ACCIDENT/S IN THE WORKPLACE.** In case of accident/s on
199 set or workplace, or during pre-production activities, such as meetings, oculars,

200 rehearsals, the employer herein referred, shall pay the full hospitalization bill. In case
201 the artist or worker cannot report to work due to the accident, the employer shall pay
202 for the loss of his means of livelihood until the artist or employer is capable to work
203 again.

204

205 **SECTION 11. ANTI-SEXUAL HARASSMENT PROVISION.** Policy and
206 programs on the prevention of sexual harassment in the workplace shall be developed
207 and implemented in conformance with Republic Act 7877, also known as the Anti-
208 Sexual Harassment Act of 1995.

209 It shall be the duty of the employer, through the producers and all other members of
210 the line production, to prevent or deter the commission of acts of sexual harassment
211 and to provide the procedures for the resolution, settlement or prosecution of acts of
212 sexual harassment.

213

214 **SECTION 12. PENALTIES AND SANCTIONS.** Penalties and sanctions shall be
215 imposed thereof to all violator and non-compliances to this Act.

216 *For every violation of this act; or every failure to comply with;*

217 The employer or contractor shall pay an administrative fine of not less
218 than One Hundred Thousand Pesos (P100,000.00) per day until the
219 violation is corrected, beginning the date of the violation or the date the
220 compliance order was served.

221 The amount of the fine imposed shall depend on the gravity, complexity
222 and veracity of the violation committed or damage caused.

223 *In case of subsequent offenses;*

224 The penalty shall be a fine of not less than One Million pesos
225 (P1,000,000.00) per day, and revocation of franchise to operate.

226

227 **SECTION 13. TRANSITORY PROVISIONS.** Existing industries, businesses and
228 offices affected by the implementation of this Act shall be given six (6) months
229 transitory period from the effectivity of the Implementing Rules and Regulations, or
230 such other period as may be determined, to comply with the requirements of this Act.

231

232 **SECTION 14. IMPLEMENTING RULES AND REGULATIONS.** The
233 departments and agencies charged with carrying out the provisions of this Act, shall
234 within ninety (90) days after the effectivity of this Act, formulate the necessary rules
235 and regulations for its effective implementation.

236

237 **SECTION 15. SEPARABILITY CLAUSE.** Should any provision of this Act be
238 declared unconstitutional, the validity or constitutionality of the other provisions shall
239 not be affected thereby.

240

241 **SECTION 16. REPEALING CLAUSE.** All laws, decrees, letters of instruction,
242 resolutions, orders, ordinances, issuances or parts thereof which are inconsistent with
243 the provisions of this Act are hereby repealed, amended, or modified accordingly.

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245 **SECTION 17. EFFECTIVITY.** This Act shall take effect fifteen (15) days after its
246 publication in a newspaper of general circulation.

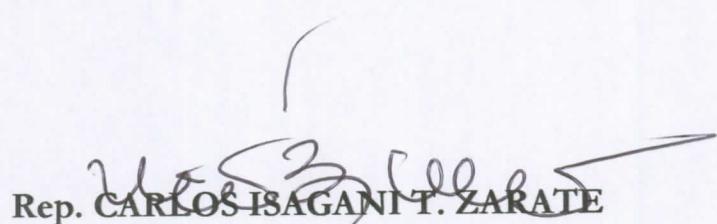
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248 *Approved,*



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252 **Rep. FERDINAND R. GAITE**

253 *Bayan Muna Party-list*



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Kabataan Party-list

