

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

18TH CONGRESS
First Regular Session

HOUSE BILL NO. 0181



Introduced by Representative Michael Lagman Romero

EXPLANATORY NOTE

Lights, Camera, Safety.

Safety in the movie/film, television and theater world is diverse and the safety and health checklists are more than a piece of paper. A safety incident onsite can mean more than a retake, it can lead to huge losses of millions of pesos, a long production down time or worst, even loss of lives. The film, television and theater industry is a unique business, and as such, presents several unique health and safety hazards.

It is therefore the duty of the state to protect the lives and safety of each and every individual working in this industry. The state must likewise secure the health and safeness of these individual/s within their areas of workplaces.

Last June 8, 2019, the Philippines Most Awarded Actor, Director and Screen Legend Eduardo V. Garcia otherwise known as "Eddie Garcia" tripped on lose cables onsite GMA Network production set while filming its regular television series. Instantly, Mr. Garcia not only suffered cervical cracks and fractures, but also left him in a comatose state for another 12 days. This incident eventually lead to his death on June 20, 2019.

The aftermath showed that the state and its people recognizes the everlasting contributions of the great "Eddie Garcia". The whole nation mourned the passing of the screen icon. It then prompted the urgent reminder of the importance of safety protocols on the set of any production sites. In this manner, it is the state's move that the "Eddie Garcia" incident will symbolize the last of its kind of accidents and that safety and health protocols be put in place so that such incidents can now be eliminated.

GMA Network said it has been their protocol to have medical personnel and crew on standby whenever a production is performing. Nonetheless, that was not the situation on the day of Eddie Garcia's accident.

Under this House Bill, the film, television and theater industry are required to provide a safe workplace for all its workers and employees. Workplace safety and health protocols shall be primordial to eliminate personal injuries, illness or even death from occurring inside the workplace.

The House Bill likewise seeks to foster the enforcement and implementation of safety protocols and measures in the film, television and theater industries.

This by itself is of paramount importance. Thus, the early passage of this bill is earnestly requested.



REP. MICHAEL L. ROMERO Ph.D.

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AN ACT

CREATING AN OCCUPATIONAL SAFETY AND HEALTH STANDARDS ACT (OSHA) FOR THE FILM, TELEVISION AND THEATER INDUSTRY OF THE PHILIPPINES, OTHERWISE KNOWN AS THE “Eddie Garcia Act”, AND FOR OTHER PURPOSES

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

SECTION 1. DECLARATION OF POLICY – It is hereby a declared policy of the state to safeguard the welfare and security of all personnel and workforce in the *film, television and theater* industry.

The state recognizes that the labor force of the *film, television and theater* industry as a prime social and economic workforce, therefor a safe and healthy workforce is a vital aspect of the nation building.

SECTION 2. MANDATORY PERSONNEL AND PRODUCTION INSURANCE COVERAGE – all members of the *film, television and*

theater industry shall be provided with an insurance coverage plan for the following:

- First aid;
- Hazards Materials;
- Communication regarding potentially hazardous procedures;
- Production Plan;
- Stunt Plan;
- Review Plan; and
- Rescue plan

SECTION 3. STANDARD WORKING HOURS – working hours shall be between eight **(8)** to twelve **(12)** hours only, this includes the waiting hours in between takes. The working hours vary from the age bracket written below:

- Below 12 years old
- 13-18 years old
- 19 to 59 years old
- 60 years old and above
- The Maximum shooting hours shall be 12 hours.
- The Minimum turnaround time before the next shooting day shall be 12 hours.
- All working hours shall be stated in writing and properly disseminated in memorandum form to all workers and/or employees.

SECTION 4. IDENTIFICATION OF SAFETY AND HEALTH HAZARDS IN THE WORKPLACE - In order to manage workplace health and safety and help prevent accidents and sickness absence, it's important to identify, monitor and reduce the risk associated with *workplace hazards*.

Workplace Hazards are any aspect of work that cause health and safety risks and have the potential to harm.

SECTION 5. SAFETY AND MEDICAL CHECKLIST AND THE CREATION OF A STANDARD OPERATING PROCEDURES (SOP) – the *film, television and theater* industry shall formulate a synchronize medical and safety precautionary measures.

- Safety responsibilities and duties; and
- Work refusal process

SECTION 6. MANDATORY PRESENCE OF SAFETY OFFICERS AND MEDICAL PERSONNEL – safety and medical personnel (team) shall be mandatorily deployed to all workplaces and areas during the entire conduct of working hours.

SECTION 7. EMERGENCY OPERATIONAL STANDARDS AND PROTOCOL – the *film, television and theater* industry shall formulate a systematic protocol for emergency operational scenarios for the following:

- Explosives;
- Pyrotechnics;
- Open frames;
- Smoke and fog;
- Propane use;
- Gasoline Operated Equipment's;
- Electrical safety;
- Transportation concerns;
- Seat Belts, Harnesses, Roll cages;
- Air bags in vehicles;
- Motorcycles;
- Railways and railway crossings;
- Camera cars;
- Process trailers and towed vehicles;
- Camera boom vehicles;
- Camera cranes;
- Working at heights;
- Mobile elevating equipment's;
- Scaffoldings;
- Child performers;

- High fall;
- Skydiving;
- Helicopters;
- Fixed wing aircraft;
- Hot air balloons;
- Underwater stunts and underwater operations;
- Water hazards;
- Water locations, small craft/vessel and/at dockside;
- Working in extreme temperature conditions;
- Location requirements;
- Hair and make-up;
- Multiple dressing rooms;
- Craft services and food catering;
- Carpentry and woodworking;
- Firearms;
- Animal handling;
- Indigenous pests;
- Exotic animals; and
- Industrial and construction regulations

SECTION 8. ACCIDENT(S) ON THE WORKPLACE – In case of Accident(s) on set, the Corporation or Producer in contract with, shall pay the full hospitalization bill of its worker/employee.

In case the worker/employee cannot work because of his/her accident, the Corporation or Producer shall pay for the loss of his means of livelihood, until the worker/employee is capable to work again.

SECTION 9. PENALTIES AND SANCTIONS – Penalties and Sanctions shall be enforced thereof to all violators and non-compliances to this act.

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

The employer or contractor shall pay an administrative fine of not less than One hundred thousand pesos (**₱100,000.00**) per day until the violation is corrected, beginning from the date of the violation or the date the compliance order was served.

The amount of the fine imposed shall depend on the gravity, complexity and veracity of the violation committed or damaged cause.

In case of subsequent offenses;

The penalty shall be a fine of not less than One million pesos (**₱1,000,000.00**) per day, and revocation of the franchise to operate.

SECTION 10. The DEPARTMENT OF LABOR AND EMPLOYEMNT (DOLE) shall oversee the full implementation, enforcement and sanctions imposed in this act.

SECTION 11. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six (**6**) months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 12. IMPLEMENTING RULES AND REGULATIONS – The departments and agencies charged, with carrying out the provisions of this Act, shall within ninety (**90**) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 13. REPEALING CLAUSE – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 14. SEPARABILITY CLAUSE – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 15. EFFECTIVITY CLAUSE – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,