Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7820

Introduced by HON. LUIS RAYMUND “LRAY” F. VILLAFUERTE, JR.

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

Our access to entertainment and news has never been this easy. Breaking news no longer appears on the next day’s headline but on our smart phones as events happen. We get to know the news around us at the comforts of our houses, workplaces, vehicles or any other location.

However, behind all the information delivered very easily and very conveniently are the media workers who do their jobs in a more or less similar manner.

Media workers risk their own lives being exposed to the perils and hazards outdoor just so we receive our needed information. It is unfortunate that the very same people behind it are usually the ones whose labor rights are ignored such as those pertaining to security of tenure, hazard pay, night shift differential pay, and overtime pay, among others.

Hence, this measure seeks to ensure that media workers shall be provided with comprehensive benefits package at par with the current benefits enjoyed by those in the labor force both in the government and in the private sector. It seeks to create a safe, protected, and atmosphere conducive to a productive, free, and fruitful media work, as well as to guarantee the right of workers to self-organization.

In view of the foregoing, the immediate passage of this bill is most earnestly sought.

LUI S RAYMUND “LRAY” F. VILLAFUERTE, JR.
AN ACT PROVIDING ENHANCED PROTECTION, SECURITY AND BENEFITS FOR MEDIA WORKERS

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

SECTION 1. Short Title. - This Act shall be known as the "Media Workers' Welfare Act."

SEC. 2 Declaration of Policy. - It is the declared policy of the State that workers should be entitled to humane conditions of work and living wage. Consonant with this principle, this Act shall have the following objectives:

(a) To ensure that media workers shall be provided with comprehensive benefits package at par with the current benefits enjoyed by those in the labor force both in government and the private sector;

(b) To motivate and encourage media workers to perform their duties as truthful and responsible informers of the people;

(c) To ensure the creation of a safe, protected, and atmosphere conducive to a productive, free, and fruitful media work, as well as to guarantee the right of workers to self-organization;

(d) To ensure the observance and implementation of the principles agreed upon in the International Labor Organization (ILO) Convention No. 190. (Violence and Harassment Against Workers, 2019); and

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

SEC. 3. Coverage. — This Act shall cover all media workers and media entities as defined herein.
1. Media Workers shall refer to those who are legitimately engaged in news media practice, directly or indirectly, whether as a principal occupation or not, including but not limited to the following: regular employees, project employees, and independent contractors, among others.

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

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

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

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

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

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

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

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

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

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

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

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

Subject to existing laws, any media entity shall have equal opportunity and access to such fund through such measure or policy adopted by the government unit concerned specifically designed to ensure such equal access. A media entity must show proof of full payment of all relevant local and national taxes, permits, fees and licenses and the like to be entitled to the provisions of this Act. For transparency, all information surrounding such fund shall be made available to the public pursuant to the Freedom of Information (FOI) program as established under Executive Order No. 2, Series of 2 2016.

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

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

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

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

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

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

A fine shall be imposed on a person or entity operating as a job contractor without a license and who also commits any of the acts described as labor-only contracting under Article 106 of the Labor Code. Said fine shall be thirty thousand pesos (PHP30,000.00) assessed per employee engaged under a labor-only contracting arrangement but not to exceed the total amount of five million pesos (PHP5,000,000.00). In addition, said person or entity which engages in labor-only contracting shall be barred from applying for future licenses. This disqualification shall extend to the responsible partners, directors or officers of the liable partnership, corporation or cooperative;

A fine shall be imposed on a licensed job contractor who commits any of the acts described as labor-only contracting under Article 106 of the Labor Code. The fine shall be thirty thousand pesos (PHP30,000.00) assessed per employee engaged under a labor-only contracting arrangement but not to exceed the total amount of five million pesos (PHP5,000,000.00). In addition, the licensee shall have its operation closed on the project in which the violation was committed and shall be barred from applying for licenses in the future. Any succeeding offense committed shall result in the termination of operations and disqualification of the job contractor. This disqualification shall extend to the responsible partners, directors or officers of the liable partnership, corporation or cooperative;
A fine shall be imposed on a person or entity which engages fixed-term employees in violation of Article 295 of the Labor Code. The fine shall be thirty thousand pesos (PHP30,000.00) assessed per employee engaged under the prohibited fixed-term arrangement but not to exceed the total amount of five million pesos (PHP5,000,000.00). The above fines shall be imposed jointly and severally against the principal employer, and contractor, manpower agency, workers' cooperative or any other similar entity or their responsible partners, directors or officers engaged in the prohibited arrangements described above. The fines shall be imposed without prejudice to other damages that may be imposed under the Labor Code and other laws and regulations.

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

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

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

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

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

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

Approved,