



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila



LABOR ADVISORY NO. 04
Series of 2016

WORKING CONDITIONS IN THE MOVIE AND TELEVISION INDUSTRY

- I. **Purpose and Coverage.** – Pursuant to the provisions of Articles 5 and 168¹ of the Labor Code of the Philippines, as amended, this Advisory is hereby issued to ensure compliance with Labor Standards and Occupational Safety and Health Standards and better working conditions for all workers and/or talents, including children or elderly, in the Movie and Television Industry.
- II. **Definition of Terms.** – For purposes of this Advisory, the following shall be defined as:
 1. **“Movie and Television Industry”** shall include, but not limited to, movie and television network stations, production outfits, air-time contractors, and other necessary and related industry activities/services.
 2. **“Talent”** refers to an independent contractor or individual who has unique skills, experience and talents or celebrity status and whose means and methods in the performance of his/her work is outside the control of another or the hiring party, and his/her service/engagement contract is governed by the Civil Code provisions on contracts and other applicable laws, but in no case lower than the standards provided by the Labor Code, as amended.
 3. **“Workers”** in the Movie and Television Industry shall include cameramen/editors, production assistants, teleprompter operator/editor, VTR person/editor², newscaster/anchor³, managers, reporters⁴, news correspondents⁵, and such other individual whether employed in a network or production outfit regardless of the mode of compensation and length of service/engagement.
 4. **“Workplace”** refers to area/s where work is being carried out or undertaken regardless of whether the same is done within the network/company/outfit work premises or outside “on location” or “set”.

¹ Department Advisory No. 01 s. 2015 – Renumbering of the Labor Code of the Philippines, as amended.

² Farley Fulache, et al., vs. ABS-CBN, et al., G.R.No.183810, Jan. 21, 2010.

³ Thelma Dumpit-Murillo vs. CA, G.R. No.164652, June 8, 2007.

⁴ Nelson V. Begino, et al., vs. ABS-CBN, et al., G.R.No.199166, April 20, 2015.

⁵ Fuji Television Network, Inc., vs. Arlene S. Espiritu, G.R.No.204944-45, Dec. 03, 2014.

III. Working Conditions in the Industry. – The following must be observed by the Industry:

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

The normal hours of work of elderly workers/talents⁶ (those aged 60 years and above) shall not exceed eight (8) hours in a day. The hours of work of children in the industry must be in accordance with Republic Act No. 9231⁷ and its Implementing Rules and Regulations or Department Order No. 65-04.

2. **Waiting Time.** Waiting time spent by a worker/talent shall be considered as working time if he/she is required or engaged to wait.
3. **Occupational Safety and Health.** The provisions of the Occupational Safety and Health Standards (OSHS) shall be observed in all workplaces to ensure safe and healthful working conditions for all workers/talents.
4. **Transportation.** Adequate transportation facilities to and from the "location/set" shall be provided to the workers. If no transportation is provided to the worker, any costs incurred by the worker shall be reimbursed by the network/company/outfit.
5. **Accommodation.** Safe, adequate and free lodging and/or accommodation shall be provided by the network/company/outfit to the worker/talent if work is "on location/set".⁸
6. **Minimum Benefits.** The pay and related benefits of the workers/talents in the industry, regardless of the nature of engagement, shall not be lower than the minimum standards under the Labor Code, as amended, and other laws, rules and regulations.
7. **Social Welfare Benefits.** Without prejudice to established company policy, or collective bargaining agreement, or other applicable employment agreement, workers/talents in the industry shall be covered by Pag-IBIG,⁹ PhilHealth,¹⁰ SSS,¹¹ Employees' Compensation Program¹² and other related laws.

⁶ Republic Act No. 7432.

⁷ An Act Providing for the elimination of the worst forms of child labor and affording stronger protection for the working child, Amending for this purpose Republic Act No. 7610, As Amended, otherwise known as the "Special Protection of Children against Child Abuse, Exploitation and Discrimination Act.

⁸ DOLE Department Order No. 119-12.

⁹ Republic Act No. 9679.

¹⁰ Republic Act No. 7875, as amended by Republic Act No. 9241.

¹¹ Republic Act No. 1161, as amended by Republic Act No. 8282.

¹² Presidential Decree No. 626.

IV. Enforcement of Labor Standards and 30-day Conciliation-Mediation Services under the Single Entry Approach Conciliation-Mediation Services. – Consistent with Article 128 of the Labor Code, as amended, compliance with wage, wage-related benefits, hours of work and OSHS shall be enforced by the DOLE-Regional Office having jurisdiction over the workplace/principal office of the network/company/outfit in accordance with DOLE Department Order No. 131, Series of 2013, as amended.

Any violation of the provisions of the employment agreement or talent contract uncovered during the conduct of assessment, as well as complaints filed, shall be subject to the 30-day conciliation-mediation services or Single Entry Approach (SEnA) pursuant to Department Order No. 151, Series of 2016, as a prior-resort.

V. Contracting/Subcontracting and Recruitment and Placement. – The provisions of DOLE Department Order No. 18-A, Series of 2011, regulating contracting/subcontracting arrangement and DOLE Department Order No. 141, Series of 2014, on recruitment and placement of workers, shall apply in the industry.

VI. Tripartite Monitoring Body. – Pursuant to Republic Act No. 10395 mandating representation of employers and workers in decision and policy-making bodies of the government, a regional-based Industry Tripartite Council shall be established within 30 days from the issuance of this Advisory. Together with the Regional Office, it shall monitor compliance with this Advisory.

VII. Non-diminution of Benefits. – Nothing herein shall be construed to authorize diminution of benefits being enjoyed by the workers/talents at the time of the issuance hereof.

VIII. Effect on Existing Company Policy, Contracts or CBAs. – The minimum benefits reiterated in this Advisory shall be without prejudice to any company policy, contract, or Collective Bargaining Agreement (CBA) providing better terms and conditions of employment/engagement.

Be guided accordingly.

Manila, Philippines, 26 April, 2016.


ROSALINDA DIMAPILIS-BALDOZ
Secretary

Dept. of Labor & Employment
Office of the Secretary

