

REPUBLIC OF THE PHILIPPINES
COMMISSION ON HUMAN RIGHTS

**POSITION PAPER ON MEDIA AND ENTERTAINMENT WORKERS'
WELFARE ACT**

I. Background

1. The Commission on Human Rights (Commission), in the exercise of its constitutional mandate to recommend to Congress effective measures to promote human rights,¹ submits its position paper on **SENATE BILL NO. 2427 "AN ACT PROVIDING ENHANCED PROTECTION, SECURITY AND BENEFITS FOR MEDIA AND ENTERTAINMENT WORKERS**, also known as *The Media and Entertainment Workers' Welfare Act* pending before the Senate Committee on Labor, Employment and Human Resources Development.
2. The media faces rising violence fostered by a culture of impunity that has spread across sectors and throughout the nation for decades. Since 1986, the Philippines has been one of the most dangerous countries in the world for journalists. The violence against journalists is not unique to the Philippines. Since 2000, 1028 journalists have been killed in the line of duty from the Americas to Africa, the Middle East, Asia and Europe. In nine of 10 cases, nobody has been brought to justice.²
3. The Media and Entertainment Workers' Welfare Act is a crucial piece of legislation aimed at enhancing the protection, security, and benefits for individuals employed in the media and entertainment industry. Senate Bill No. 2427 seeks to address the rights and working conditions of media entertainment workers³, ensuring fair compensation⁴, improved working conditions⁵, and comprehensive benefits packages⁶. It emphasizes the importance of providing humane working conditions, living wages, and benefits comparable to those enjoyed by workers in other sectors. The Act covers various aspects such as compensation, terms of work, hours of work, occupational safety and health standards, and the establishment of an industry tripartite council to promote the interest of media workers.⁷ Through this legislation, the government aims to recognize the invaluable contributions of media and entertainment workers while safeguarding their well-being and ensuring their rights are protected in line with labor laws and regulations.

¹ 1987 Constitution, Article XIII, Section 18(6)

² *Philippine Plan of Action on the Safety of Journalists*, Manila, Philippines, Asian Institute of Journalism and Communication and International Media Support, 2019, page 11.

³ Sec. 6. Hours of Work

⁴ Sec. 5 Compensation and Terms of Work

⁵ Sec. 8 Occupational Safety and Health (OSH) Standards

⁶ Sec. 10 Additional Insurance Benefits for Media Workers

⁷ Sec. 14 Tripartite Council

4. Senate Bill No. 2427 remains essential even after the passage of RA 11996, known as the Eddie Garcia Act. While the latter addresses the rights and protections of workers specifically in the movie and television industry, SB No. 2427 expands its scope to encompass a broader range of media professionals. This includes reporters, journalists, correspondents, broadcast news analysts, writers and authors, editors, and photographers, ensuring comprehensive protections for all individuals contributing to the media landscape.

II. International Human Rights Standards and Domestic Legal Framework

5. The **International Labor Organization (ILO)** provides the international framework for the protection of media and entertainment workers through several key conventions: **Convention No. 87 or Freedom of Association and Protection of the Right to Organize**. This convention protects the rights of workers to form and join trade unions and organizations of their choosing without interference from employers or governments. By safeguarding freedom of association, media workers can collectively advocate for their rights, negotiate better working conditions, and ensure their voices are heard within the industry.
6. **Convention No. 98 or Right to Organise and Collective Bargaining**. This convention emphasizes the importance of the right to organize and engage in collective bargaining, ensuring that workers can negotiate terms of employment through their chosen representatives. Collective bargaining is essential for media professionals, as it allows them to negotiate fair wages, benefits, and safe working conditions, addressing the unique challenges faced in the rapidly changing media landscape.
7. The legal bases for the enactment of the Media and Entertainment Workers' Welfare Act are rooted in the Philippine Constitution and existing labor laws. The Constitution provides that, "***the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.***"⁸ The Act also draws from the principle of ensuring humane working conditions, living wages, and the right to self-organization, collective bargaining, and peaceful concerted activities.
8. Freedom of the media is essential to enable democratic, free and participative societies. Journalists and the media are crucial to ensure transparency and accountability for public governmental authorities. Yet media freedom and the safety of journalists are under threat around the globe.⁹ In the Philippines, the Center for Media Freedom and Responsibility noted the continuing harassment faced by the media. It recorded around 135 incidents of attacks and threats against media workers between July 1, 2022 and April 30, 2024.¹⁰
9. In the recent 1st Philippine Media Safety Summit held on 2-3 May 2024, it was stated that journalists, like other ordinary citizens, must be able to possess, enjoy, and

⁸ 1987 Constitution, Article XIII, Section 3

⁹ OHCHR and the safety of journalists and the issue of impunity, available at <https://www.ohchr.org/en/safety-of-journalists>, (last accessed on 13 May 2024)

¹⁰ Southeast Asian media groups cite need for press freedom in dealing with extreme weather events, available at <https://advoc.globalvoices.org/2024/05/13/southeast-asian-media-groups-cite-need-for-press-freedom-in-dealing-with-extreme-weather-events/#:~:text=Despite%20the%20change%20in%20the,%2C%20and%20April%2030%2C%202024,> (last accessed on 13 May 2024)

exercise their rights in order to live in dignity, grow and develop as human beings, enhance their skills, talents, and potentials. The protection of human rights is essential to safeguarding journalists and media workers from targeted surveillance and attacks that undermine their ability to carry out their work without fear of reprisal.

III. Comments and Recommendations

10. Bearing in mind the objectives of Senate Bill No. 2427, the Commission respectfully provides the Committee on Labor, Employment and Human Resource Development, its comments and recommendations for the Committee's consideration:
11. **Mandatory Written Contract (Sec. 4).** The Commission suggests to incorporate a provision for dispute resolution mechanisms within the contract to help resolve conflicts efficiently and fairly. This could involve mediation, arbitration, or other forms of alternative dispute resolution, tailored to the specific needs of the media and entertainment industry.

(c) xxxx
(d) *A dispute resolution mechanism to help resolve conflicts tailored to the specific needs of the media and entertainment industry.*
12. **Hours of Work (Sec. 6).** The Commission recommends providing clear definition and criteria for what constitutes "exigencies of the service" to prevent potential abuse or misinterpretation by employers. Establish specific circumstances under which extended work hours may be necessary and ensure that they are genuinely exceptional and unavoidable. These exigencies could arise during the production of live events, breaking news coverage, film shoots with time constraints, or when handling crises that require immediate attention. In such cases, workers may need to exceed the standard 8-hour workday to ensure the timely delivery of services or content while maintaining quality and meeting audience expectations.
13. **Overtime Work and Night Shift Differential (Sec. 7).** The Commission supports the inclusion of overtime and night shift differential in this Act. To enhance its effectiveness, the Commission suggests the regular review and adjustment of the rates for overtime pay and night shift differentials to ensure they remain competitive and reflective of the current economic conditions. The bill mentioned applicable collective bargaining agreement as one of the bases in determining the overtime work pay and night shift differential. The Commission encourages the negotiation of fair and competitive rates through collective bargaining agreements and supports the involvement of labor unions or worker representatives in setting terms that prioritize the well-being and rights of workers in the media and entertainment industry.
14. **Hazard Pay (Sec. 9).** The provision on hazard pay for media workers who are required to physically report for work in dangerous areas recognizes the risks and challenges faced by them in fulfilling their duties. By providing hazard pay equivalent to at least twenty-five percent (25%) of their basic daily wage or compensation, this provision acknowledges the extraordinary circumstances under which these workers operate and compensates them for the heightened dangers they encounter. For its effective implementation, the Commission recommends the

establishment of clear guidelines, to be elaborated in the Implementing Rules and Regulations (IRR), for assessing the level of risk and determining eligibility for hazard pay. Include criteria such as the severity of the hazard, the duration of exposure, and the specific duties performed by the worker. Providing specific criteria can help ensure consistency in the application of hazard pay and prevent disputes or inconsistencies.

15. **Responsibilities of Media Entities (Sec. 13).** While this provision appropriately emphasizes the accountability of media entities for the content they release, it could benefit from further clarification regarding the specific obligations and standards expected of them. It might help to specify what it means for a media entity to be “responsible for all contents.” It may include outlining the standards for accuracy, fairness, and ethical journalism, as well as mechanisms for ensuring compliance with legal requirements such as defamation laws, privacy rights, and regulations on hate speech or incitement to violence.
16. **Tripartite Council (Sec. 14.).** The creation of a News Media Tripartite Council is among the proposals contained in the Philippine Plan of Action on the Safety of Journalists (PPASJ). The Commission commends the creation of the tripartite council as a step toward fostering dialogue and collaboration among stakeholders. In order to ensure inclusivity and effectiveness in its operations, the Commission suggests that the bill specify the composition of the tripartite council to ensure representation from all relevant stakeholders, including media workers, media companies, and government agencies. This would make it easier to make sure that all parties' interests are represented in decisions and that a variety of viewpoints are considered during the policymaking process.

IV. Conclusion

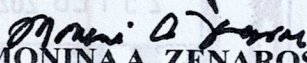
17. In sum, the Commission reiterates its support for the passage of the proposed bill that aims to safeguard the rights and well-being of media and entertainment workers in the Philippines. The Act creates a more just and supportive environment for media and entertainment professionals in the country. Its implementation has the potential to improve working conditions, foster a culture of respect for worker rights, and contribute to the overall development and sustainability of the industry.

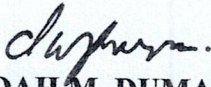
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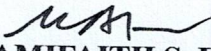

RICHARD E. PALPAL-LATOC

Chairperson


BEDAA. EPRES
Commissioner


Justice MONINA A. ZENAROSA (Ret.)
Commissioner


FAYDAH M. DUMARPA
Commissioner


Judge MARIA AMIFATH S. FIDER-REYES (Ret.)
Commissioner