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**FILM
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PHILIPPINES**

REPUBLIC OF THE PHILIPPINES

**DEPARTMENT OF LABOR AND EMPLOYMENT
FILM DEVELOPMENT COUNCIL OF THE PHILIPPINES**

JOINT MEMORANDUM CIRCULAR NO. 001 Series of 2020

SUBJECT: GUIDELINES GOVERNING THE WORKING CONDITIONS AND OCCUPATIONAL SAFETY AND HEALTH OF WORKERS IN THE AUDIO-VISUAL PRODUCTION

SECTION 1. BACKGROUND

WHEREAS, the State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work;

WHEREAS, Republic Act No. 11058 otherwise known as the Act Strengthening Compliance with Occupational Safety and Health (OSH) Standards and providing penalties for violations thereof, was enacted for the State to ensure a safe and healthful workplace for all working people by affording them full protection against all hazards in their working environment;

WHEREAS, the Secretary of Labor and Employment or his duly authorized representatives shall have access to employer's records and premises at any time of the day or night whenever work is being undertaken therein, and the right to copy therefrom, to question any employee and investigate any fact, condition or matter which may be necessary to determine violations or which may aid in the enforcement of the Labor Code, as amended, and of any labor law, wage order or rules and regulations issued pursuant thereto;

WHEREAS, the Secretary of Labor and Employment or his duly authorized representatives shall have the power to issue compliance orders to give effect to the labor standards provisions of the Labor Code, as amended, and other labor legislation;

WHEREAS, pursuant to provisions of Articles 168 and 171 of the Labor Code, as amended, the Department of Labor and Employment (DOLE) shall provide for Occupational Safety and Health Standards and shall spearhead the administration of Safety and Health Laws in all labor industries;

WHEREAS, the Film Development Council of the Philippines (FDCP), by its powers and functions accorded under Section 3 in relation to Section 15 of RA No. 9167, shall undertake to produce a Set of Guidelines for the Working Conditions and Occupational Health and Safety of Workers applicable in all sectors of the Audio-visual Production;

WHEREAS, the Audio-visual Production is a sector within the audio-visual industry which involves the creation, development, and production of the audio-visual content regardless of platforms (such as Television, Motion Picture (or Film) and all other identified digital medium) where it is exhibited;

WHEREAS, Audio-visual Production takes a sui generis character of work environment which can present unusual occupational safety and health hazards;

WHEREAS, Audio-visual Production workers have been working on set or location and in projects sometimes without the full benefit of certain provisions in the workplace that affect safety and well-being;

WHEREAS, a separate Guidelines for Working Conditions and Occupational Safety and Health Standards for Audio-visual Production workers shall be put in place to afford them adequate protection and compensation in case unfortunate incidents thereof ensue;

WHEREAS, the Department of Labor and Employment, in coordination with the Film Development Council of the Philippines, sets out the rights and duties of all workers the Audio-visual Production. It establishes procedures for dealing with workplace hazards, and it provides for enforcement of the law where workplace parties have not achieved compliance voluntarily;

WHEREAS, all provisions hereof shall be enforced and complied with in accordance with existing labor laws, rules and regulations and internationally-recognized standards on occupational safety and health, which are similarly applied in all industries and shall provide penalties therefor;

NOW THEREFORE, the Department of Labor and Employment and Film Development Council of the Philippines, hereby adopt this Joint Memorandum Circular (hereinafter referred to as "JMC").

SECTION 2. COVERAGE

This JMC is issued to ensure the protection and welfare of all workers in the Audio-visual Production in the Philippines.

This JMC shall apply to all workers whose services are engaged in the Audio-visual Production. These workers may include, but are not limited to a Director, Assistant Director, Director of Photography, Production Designer, Production Manager/Unit Production Manager, Location Manager, Technical Crew, Department Heads, Department Crew, On-Camera Performers and Talents.

SECTION 3. DEFINITION OF TERMS. For purposes of this JMC, the following terms are defined as follows:

- a. **Actual work time** refers to all time during which a worker is performing actual work;
- b. **Audio-visual Industry** refers to any market of both sound and visual components primarily produced, distributed and exhibited for commercial purposes in platforms such as Television, Motion Picture (or Film) and all other identified digital medium;
- c. **Audio-visual Industry Sectors** refers to stakeholders involved in the production, distribution, and exhibition of audio-visual content;
- d. **Audio-visual Production** is a sector within the audio-visual industry which involves the creation, development, and production of the audio-visual content regardless of platforms (such as Television, Motion Picture (or Film) and all other identified digital medium) where it is exhibited;
- e. **Audio-visual Production Staff** refers to the following persons but not limited to the Director, Assistant Director, Director of Photography, Production Designer, Production Manager/Unit Production Manager, Location Manager, Department Heads, and Technical Crew and Department Crew;
- f. **Call Sheet** refers to any schedule (printed or electronic) issued to the workers before the shoot commences to inform them where and when they should report for a particular filming day. It includes the contact information, schedule for the day, turnaround time, and acknowledgement that the person is called into the set for that date and time in a form of physical acknowledgement. In the absence of a written agreement, this shall serve as the contract;
- g. **Call Time** refers to the time that the workers shall be on the set as provided in the contract and/or call sheet;
- h. **Closed set** refers to the number of people present in a shooting scene, reduced to the necessary minimum, in order to maintain an intimate atmosphere. This is often done for scenes involving sexual acts or exhibition or nudity to make the actors more comfortable;
- i. **Contract** refers to a written agreement between the production and the worker;
- j. **DOH** refers to the Department of Health;
- k. **DOLE** refers to the Department of Labor and Employment;
- l. **Elderly Worker** refers to any active member of the Audio-visual Production above the 65 years of age with a high potential of continued efficient and productive performance in workplace (Country Report Profile of the Philippines re OSH of Older Workers 2007);

- m. **FDCP** refers to Film Development Council of the Philippines;
- n. **Hazardous Location** refers to a location prone to risks and hazards;
- o. **Hours of Work** refers to the amount of time that a worker must work for the production on agreed wage;
- Hours worked shall include all time during which a worker is required to be on duty or to be at a prescribed workplace at an agreed wage;
- p. **Insurance** refers to a practice or arrangement by which the production provides a guarantee of compensation for specified loss, damage, illness, or death incurred while in the conduct of audio-visual production;
- q. **DOLE Department Order No. 65-04** refers to the implementing rules and regulations of RA No. 9231 amending RA No. 7610;
- r. **DOLE DO No. 174 s. 2017** refers to the rules implementing the Articles 106 to 109 of the PD No. 442 or the Labor Code, as amended;
- s. **DOLE DO No. 198 s. 2018** refers to the implementing rules and regulations of RA No. 11058 or the Occupational Safety and Health Standards Law;
- t. **Location Manager** refers to the person designated by the producer responsible for ensuring that Location Requirements per Safety Guidelines for the Audio-visual Production are complied with accordingly, and informing the Producer of known environmental or structural hazards;
- u. **Meal Period** refers to a period of time that interrupts a basic workday in a non-pay and non-work status for the purpose of permitting workers to eat or engage in permitted personal activities;
- v. **National Registry for Audio-visual Workers (NRAW)** refers to a list of all active audio-visual workers and related organizations and production companies in the Philippines. It is under the administrative supervision of the Film Development Council of the Philippines;
- w. **National Emergency** refers to a state of emergency resulting from a danger or threat of danger to a nation from foreign or domestic sources and usually declared to be in existence by governmental authority;
- x. **Sexual Harassment** refers to behavior characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace pursuant to RA No. 7877 and RA No. 11313 or "Safe Spaces Act";
- y. **Ocular** refers to the assessment of a location to determine the extent and severity of hazards posed by the location;
- z. **On-camera Performer** refers to a person paid to appear on screen;

- aa. OSHS** refers to the Occupational Safety and Health Standards of the DOLE;
- bb. Pre-production** refers to the planning stage where elements involved in the audio-visual content is finalized including but not limited to script reading, set up, look test, wardrobe preparation and rehearsal;
- cc. Post-production** refers to the stage of production where editing (i.e. music scoring, color grading and sound design) is done;
- dd. Producer or duly designated representative** refers to a person who is the head of, or act as the representative of the Production, who purposes of this JMC shall act as a direct or indirect employer, and shall be directly or indirectly liable for all incurred violations in the workplace;
- ee. Production or Production Company** refers to an entity which for purposes of this JMC, shall serve as the principal directly liable for any incurred violations by its agent in the workplace;
- ff. Pack up Location and Time** refers to the act of concluding or terminating from the set or location whether or not the production is finished for any given time, day or period;
- gg. Pull-out Location and Time** refers to the act of pulling from a certain set or location to another;
- hh. Qualified OSH Personnel** refers to the Safety and Health Personnel who is engaged by the producer, and responsible for ensuring that OSH Standards are being enforced and complied with;
- ii. RA No. 9231** refers to law known as An Act providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child amending RA No. 7610 or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act;
- jj. Rehearsal** refers to the activity before shoot where the production supervises actors in a practice run. On-camera performers are usually in costume and have been through the hair and make-up process;
- kk. Safety Data Sheet** refers to the list of hazardous chemical elements or products that shall be utilized in the production document;
- ll. Scaffold** refers to a temporary or movable platform supported on the ground or suspended, used for access and/or working at considerable heights above ground;
- mm. Sexual Act or Exhibition** refers to any scenes involving sexual stimulation or nudity;

nn. Standby or holding area refers to a covered and enclosed area within the set where workers are temporarily held during rest period or waiting time;

oo. Stunt Coordinator refers to the designated person trained to facilitate the stunts required of a stunt performer on set or location;

pp. 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;

qq. Turnaround Time refers to the 12-hour rest period between wrap and call time the next work day;

rr. Waiting Time refers to time spent by a worker which shall be considered as actual working time if he/she is required or engaged to wait;

All workers required to standby and are restricted to the confines of the workplace premises shall be compensated;

All on-call workers engaged for their services who are outside the premises of the set or location shall likewise be compensated in the event of cancellation not less than twenty-four (24) hours immediately preceding the scheduled shoot;

ss. Worker refers to any staff or member of the production which may include, but are not limited to a Director, Assistant Director, Director of Photography, Production Designer, Production Manager/Unit Production Manager, Location Manager, Technical Crew, Department Heads, Department Crew and On-Camera Performers;

tt. Working Child as defined in RA No. 9231 and its IRR (DOLE DO No. 65-04) refers to any child engaged as follows:

1. when the child is below eighteen (18) years of age, in work or economic activity that is not child labor; and
2. when the child is below fifteen (15) years of age and is engaged in public entertainment or information;

uu. Working Conditions refer to the working environment and all existing circumstances affecting labor, including work hours, physical condition, and legal rights and responsibilities;

vv. Workplace refers to any set or location where workers need to be present or to go to by reason of their work, and which are under the direct or indirect control of the producer. It is where the audio-visual content is produced. It can be an actual setting or a studio shoot (soundstage, sets, back lot, etc.); and

ww. Workplace Hazard refers to any risks and hazards present in the work environment which workers are confronted with.

SECTION 4. GENERAL WORK GUIDELINES

4.1 CONTRACT AND HOURS OF WORK

4.1.1 NO CONTRACT, NO WORK POLICY. No worker shall render any service or agree to perform service for any production who has not executed a contract consistent with this JMC, which is in full force and effect, in any jurisdiction within the country.

Talents and their production shall have a contract stipulating the terms and conditions of engagement which shall not be lower than the standards as provided under this JMC.

A pro-forma contract is herein attached for reference (**Annex A**).

4.1.2 HOURS OF WORK. The normal hours of work of an Audio-visual Production worker shall be at a minimum of eight (8) hours which shall not exceed sixteen (16) hours a day (intermittent or continuous, meal periods are excluded).

If required to work beyond eight (8) hours a day, the maximum actual hours of work shall not exceed sixteen (16) hours in any 24-hour period. Elderly workers shall not exceed twelve (12) hours of work a day. Work hours for the children shall be in accordance with the RA No. 9231 and its IRR (DOLE DO No. 65-04).

4.1.3 CALL SHEETS. Call sheets (**Annex B**) must be provided to every worker before every shoot.

4.1.4 PRE-PRODUCTION. Pre-production is actual work time, whether on a day before filming or on the same day. Pre-production is paid by the day by the producer unless otherwise agreed upon in the contract.

4.1.5 POST-PRODUCTION. Post-production is actual work time, whether during the same day or after the filming. Post-production is paid based on the contract and output delivered.

4.1.6 OCULAR WORK. Ocular work is actual work time, whether on a day before filming or on the same day.

4.1.7 OVERTIME. The normal hours of work shall be eight (8) hours in a day. Overtime work may be extended to sixteen (16) hours in exceptional circumstances. However, the hours of work shall not exceed sixty (60) hours in a week.

For work in excess of eight (8) hours performed on ordinary working days, the worker is entitled to 25% of the hourly rate unless a more favorable rate is

stipulated in the contract. Additional premium pay shall be provided on overtime pay performed during rest days, special days and regular holidays.

4.1.8 WAITING TIME. Hours spent by a worker shall be considered as working time if he/she is required or engaged to wait.

All workers required to standby and are restricted to the confines of the workplace premises shall be compensated.

All on-call workers engaged for their services who are outside the premises of the set or location shall likewise be compensated if the cancellation is less than twenty-four (24) hours immediately preceding the scheduled shoot.

4.1.9 TURNAROUND TIME. There must be a 12-hour rest period between days. The producer shall provide a rest period of not less than twelve (12) hours between the end of work on one day and the beginning of work on the next day.

Rest period penalties must be imposed for the hours the worker is required to report on the set before the end of such 12-hour period.

4.1.10 CANCELLATION OF WORK. The worker must be given notice of his/her rehearsal or shooting location not less than twenty-four (24) hours before his/her shoot. If the engagement is cancelled, the worker is to be paid for all contracted time.

4.2 BENEFITS

Regardless of the nature of engagement, pay and related benefits of the workers in the Audio-visual Production shall not be lower than the minimum standards under the Labor Code, as amended, and other laws, rules and regulations.

4.2.1 SOCIAL WELFARE BENEFITS. Without prejudice to established company policy, collective bargaining agreement, or other applicable employment agreement, workers shall be covered by PAG-IBIG, PhilHealth, and SSS.

The production is required to provide emergency health services and access to rehabilitation and compensation of work connected to illnesses and injuries affecting worker, whenever applicable. The production is required to provide the necessary documents to facilitate the claims as required by the Employees' Compensation Program.

4.3 MEALS

Meals must be provided to all workers. Meals must consist of a well-balanced diet following the food safety and handling guidelines prescribed by the FDCP in accordance with existing rules and regulations of the DOH (**Annex C**). Meals should be healthy enough to sustain energy over long periods of time.

4.3.1 MEAL PERIODS. The producer shall provide the workers not less than sixty (60) minutes non-compensable time-off for their regular meal. A meal shall be provided every six (6) hours from call time.

Breakfast is not a requirement and usually considered a courtesy unless the call time is on or before 7:00 AM.

For every meal, a fifteen (15) minutes grace period shall be provided. Thereafter, a meal penalty shall be imposed on the producer for every half hour that has lapsed without affording the worker his/her meal period.

4.3.2 WATER AND COFFEE. A sufficient supply of safe drinking water shall be kept readily accessible for workers at all times. Likewise, sufficient supply of coffee should be ready from the arrival of workers and shall be made available until the end of the production shoot.

4.4 WORK LOCATION

4.4.1 NEAR STUDIO. Near studio shall mean any place of work not at the Production studio which is within 25km from the pullout location.

If the worker travels from home to a "near studio", credited time will start when the worker arrives on set or location.

4.4.2 DISTANT LOCATION. A distant location shall be any place beyond 25km from the pullout location. If the producer instructs the worker to fly to a location and the trip takes less than twenty-four (24) hours by air, the same shall be deemed to be a distant location.

If the worker travels from home to a location beyond 25km from the pullout location, actual work time will start when the worker arrives on the "pullout location". Pullout location could be the production studio or a meeting point within 25km from the studio.

4.4.3 OVERNIGHT LOCATION. Overnight location shall be any location which takes overnight to reach by ordinary means of transportation, where the worker shall be provided accommodation by the Producer for one (1) or more nights.

On overnight locations, in which worker travel to or from an overnight location shall be actual work time with a basic allowance for meals.

When an overnight trip to or from location is required, and the same takes at least seven (7) hours to reach and the worker is given a berth on a boat or train, the time spent in such traveling to or from such location, whether at the beginning, during or at the end of the engagement, shall not be actual work time or travel time for the purpose of computing overtime and the rest period.

4.5 TRANSPORTATION

Adequate transportation facilities to and from the set or location shall be provided to the workers. If no transportation is provided, any cost incurred by the worker shall be reimbursed by the producer.

4.5.1 WORKERS WITH OWN TRANSPORTATION. For a worker who has his/her own vehicle, he/she is paid in accordance with the production's policy. If the production has no policy, then the rate is ten (10) pesos per kilometer from "pullout location" to the set or location shall be reimbursed by the producer.

4.5.2 AIR TRAVEL. When flying at the request of the producer, economy class air travel is permissible for domestic non-stop flight within the Philippines and international flights within Asia. The producer shall reimburse baggage fees and cost of in-flight meals provided that the worker submits a request with the appropriate receipts within thirty (30) days after the flight. In case the contract of engagement stipulates business class air travel, such stipulation shall apply.

4.6 ACCOMMODATION

The producer shall provide safe, adequate, and free accommodation to the worker if work is on distant or overnight location.

The producer shall provide a bed for each worker in any accommodation set-up as applicable.

SECTION 5. OCCUPATIONAL SAFETY AND HEALTH STANDARDS

5.1 DUTIES OF THE PRODUCER. Every production, producer, contractor or subcontractor, if any, and any person who manages, controls, or supervises the work being undertaken shall comply to their duties stated in the DOLE DO No. 198 s. 2018.

In addition, every producer shall ensure a place free of hazardous conditions for workers.

5.2 DUTIES OF WORKERS. Every worker shall:

- a. Cooperate with the producer in carrying out the provisions of RA No. 11058 and its IRR (DOLE DO No. 198 s. 2018);
- b. Report any work hazard in the workplace;
- c. Make proper use of all safeguards and safety devices furnished in accordance with the provisions of OSH Standards; and
- d. Comply with prescribed safety and health procedures, relating to the prevention and control of work-related accidents and/or diseases.

5.3 RIGHTS OF WORKERS. The following are the rights of every worker:

- a. All workers in the Audio-visual Production shall have the right to appropriate information. They shall be appropriately informed by their producer about all

types of hazards in the workplace, mechanical safety, ergonomics, health and other hazards and risks;

- b. Workers have the right of refusal to work without threat or reprisal from the production, if as determined by DOLE, an imminent danger situation exists;
- c. Workers shall have the right to report accidents, dangerous occurrences, and hazards to the producer, to DOLE and to other concerned competent government agencies;
- d. The production shall provide their workers, free of charge, Personal Protective Equipment (PPE) for any part of the body that may be exposed to hazards. The same shall be provided by the contractors and sub-contractors to their employees; and
- e. All workers have the right to access to applicable welfare facilities as provided in DOLE DO No.198 s 2018.

5.4 WORKPLACE SAFETY RULES. The production, producer and all other personnel who is in charge of or manages, controls or supervises the work being undertaken and who has direct or indirect control over the site or location where the workers need to be present or to go by reason of their work, shall insofar as applicable, undertake the following:

- a. **OBSERVANCE OF OCCUPATIONAL SAFETY AND HEALTH STANDARDS.** Workplaces in the Audio-visual Production shall refer to the recommended and suitable OSH Program as prescribed by the FDCP in a format described by DOLE. Likewise, the provisions of the OSH Standards shall be observed in all workplaces and sites to ensure safe and healthful working conditions for all workers. DOLE mandated OSH programs and other related laws and issuances such as but not limited to prevention and control of tuberculosis, HIV, AIDS, Hepatitis, mental health, sexual harassment and drug-free workplace and other OSH-related issuances shall likewise be implemented.

Safety officers in coordination with Location Managers shall conduct Hazard Identification, Risk Assessment, and Control (HIRAC) before any shoot specially on remote areas. Coordination with competent authorities as well as nearby health facilities shall be part of contingency measures of the OSH Program. Workers shall be provided, free of charge prior to travel, the necessary vaccinations and prophylaxis for any endemic diseases in the location.

- b. **MANDATORY PRESENCE OF OSH PERSONNEL.** Necessary safety officers and occupational health personnel shall be deployed to all workplaces and areas during the entire conduct of working hours. The number and types of whom shall depend on the activities and total number of workers that are present in the shoot. The number of OSH personnel shall be in accordance with the provisions of Sections 14 and 15, Chapter IV of DOLE DO No. 198 s. 2018. Regardless of whether it is a studio shoot or in location, the qualified OSH personnel shall conduct an ocular inspection of the area and institute the necessary control measures. They shall likewise conduct health and safety briefing to all workers prior to the start of the production.

- c. **CREATION OF SAFETY AND HEALTH COMMITTEE.** A safety and health committee shall be organized by the production in accordance with Sec.13(b) of DOLE DO No. 198 s. 2018. The producer shall ensure that all persons engaged in a production are qualified and competent to undertake the duties for which they have been engaged.

Representatives from the independent contractors shall be part of the Safety and Health Committee.

- d. **REFUSING UNSAFE WORK.** All workers shall have the right to refuse work they believe is potentially hazardous to their own health and safety or that of the others. All workers should also be trained on HIRAC, to properly assess and identify occupational hazards in their workplace.

Reported unsafe condition and act must be immediately investigated and remedied without delay by the Safety Officer.

- e. **CONDUCT OF SAFETY OPERATION.** Sufficient OSH information shall be provided to workers to enable them to perform their job safely. Irrespective of the duration of their engagement period, all those working on production shall be given an induction at each work site at which they will perform duties especially if the locations are hazardous such as caves, pits, cliffs, or other elevated surfaces.

All visitors to a production shall be given sufficient information to enable them to visit the site safely.

- f. **PROVISION ON FIRST AID.** There shall be a makeshift clinic or any other holding area equipped with sufficient supply of first aid kit in place and readily accessible in set or location.

- g. **PROVISION ON PERSONAL PROTECTIVE EQUIPMENT.** The workers shall be provided with the appropriate type of PPE as tested and approved by DOLE, at no cost to workers, whenever necessary by reasons of the hazardous work process or environment.

- h. **CONDUCT OF RISK ASSESSMENT.** To effectively deal with potential hazards and unsafe work practices, a risk assessment must be conducted on locations, stunts, special effects, water work, fixed-wing aircraft or helicopters, wild or domestic animals, etc. After identifying and assessing the risks, each potential hazard must be eliminated or controlled.

Risk assessment should be based on the hazards and risks present on the following locations:

1. **BUILDINGS.** Before the conduct of any activity, the Safety Officer and Location Manager must inspect the buildings to identify potential hazards and provide appropriate control measures as necessary.

2. **CITY STREETS.** Before the conduct of any activity, the Location Manager should acquire the necessary permit from the Local Government Unit and other concerned agencies.

3. **WILDERNESS.** The production should hire an experienced guide to help identify potential wilderness hazards (malaria, snake bites, poisonous plants, etc.) and ensure the safety of workers.

4. **WATER AREAS.** Before the conduct of any activity, the Location Manager shall consult the local authorities and weather sources to get information about water conditions (strength of currents, flash-flood hazards, aquatic animals and insects, waste disposal sites, etc.).

When working with water areas and there is a risk of drowning, the worker shall be provided with a personal flotation device or life jacket.

5. **ALL OTHER LOCATIONS.** The protection and safety measures laid in this section shall extend to all production or portion thereof conducted in all other locations.

i. **EMERGENCY PREPAREDNESS AND RESPONSE PLAN.** The OSH Committee must create an emergency preparedness and response plan that is tailored to the location and activity conducted. The contents and procedures of the plan must be explained to all workers.

j. **SANITATION AND PRIVACY PROVISION**

1. **COMFORT AND REST ROOMS**

- i. Adequate, clean, sanitary, PWD-friendly and genderless covered and enclosed toilet facilities for all needs must be provided at all times.
- ii. The number of comfort facilities for a given number of workers shall conform with the requirements of the Department of Health.
- iii. Adequate flush or chemical toilets with hand-washing facilities should be made available for the use of workers (crew/cast and extras) within easy access of their place of work if shoot is on location.

2. **DRESSING ROOMS**

- i. Dressing rooms with privacy and comfort must be provided on location, taking into account the logistical difficulties involved. Sanitary facilities must also be provided.
- ii. There must be separate dressing rooms for workers of each sex and separate dressing rooms for children of each sex.
- iii. Adequate provisions for proper safekeeping of worker's clothing and valuables during work especially for background actors.

3. HOLDING AREAS

- i. A covered and enclosed holding area with adequate air conditioning or ventilation must be provided to all the workers if the shoot is on location or outside the studio.
- ii. A separate covered and enclosed holding area for technical crew, background actors, and stunt people must be provided if the shoot is on location. A seat for each worker is required within the holding area. The number of persons in each holding area must be proportionate to its capacity.
- iii. Holding areas should be properly ventilated with suitable emergency escapes and seating capacity.

5.5 GENERAL SAFE WORK PRACTICES

All workers especially stunt people and equipment shall be properly insured in every audio-visual production. For this purpose, insurance for workers shall only cover for accidents.

- a. **WORKING AT HEIGHTS.** A personal fall protection system should be provided to workers exposed to a fall of six (6) feet or more to the lower rigid structure level or floor/ground.
- b. **CONSTRUCTION-RELATED ACTIVITIES.** Minimum construction safety provisions as applicable shall be observed in all related construction works/activities on the set or location.
- c. **ELECTRICAL SAFETY.** All electrical installations shall be installed by a duly certified electrician from the Technical Education and Skills Development Authority and/or supervised by a Registered Master Electrician or Registered Electrical Engineer or Professional Electrical Engineer.

All other requirements in the installation, operation, use and termination of electrical equipment shall comply with the Philippine Electrical Code.

- d. **EQUIPMENT AND VEHICLE.** All equipment and vehicles used in transporting equipment and/or personnel shall comply with all Department of Transportation (DOTr) requirements. All equipment and vehicles must display a current Safety Inspection sticker that is acceptable to the DOTr. In addition, the equipment and vehicles shall be maintained in good condition.
- e. **ANIMAL HANDLING.** Only designated Performers, Professional Trainers, Handlers shall be allowed to work with animals on productions. Anyone not directly involved in animal handling shall observe a considerable distance. For each large undomesticated animal, there should be two (2) handlers present.
- f. **HAZARDOUS MATERIALS.** The individual having control of, or being in possession of, any hazardous material shall notify the production, or cause

them to be notified, and advise the Producer and Safety and Health Representative of the location, purpose and hazards of the same.

It is the responsibility of the Safety Officer to ensure that hazardous materials are clearly marked and safely stored until use.

Hazardous materials should only be used under the direct supervision of an experienced individual knowledgeable in its effect and potential hazards.

- g. FIREARMS AND WEAPONRY.** Only blank ammunition shall be used when working with firearms. Live ammunition shall not be used in a production. Workers involved in the use of firearms shall be properly trained by a professional. Appropriate PPE shall be provided as necessary.
- h. STUNTS AND SPECIAL EFFECTS.** All stunt performers shall have the necessary qualifications, experience, and expertise to manage the risks associated with performing the stunt. The producer shall ensure that a stunt/special effects coordinator is present at all times during a stunt/special effect. The stunt/special effects coordinator must have the competency relevant to the tasks involved in creating and carrying out the special effect/stunt.

SECTION 6. CONTRACTORS AND SUB-CONTRACTORS. Notwithstanding the provisions of a contract between the production and contractor/sub-contractor, if any, the provisions of the relevant OSH legislation and regulations shall apply. The provisions of DOLE DO No. 174 s. 2017 shall also apply in the Audio-visual Production. Producers shall ensure that the safe systems of work are adhered to in workplaces in accordance with DOLE DO No. 198 s. 2018.

SECTION 7. PROHIBITION ON CABO SYSTEM. Cabo system shall be prohibited in accordance with DOLE DO NO. 174. This refers to a system in which a person or group of persons or to a labor group under the guise of a labor organization, cooperative or an entity, act as labor negotiator and/or supplier of a worker to a production.

SECTION 8. REPORTORIAL REQUIREMENTS. In accordance with the reportorial requirements of the OSH Standards, the producer shall submit to the Regional Offices the required OSH reports, including the notification of shooting location and schedule to the DOLE Regional Office having jurisdiction over the location and to the FDCP.

SECTION 9. APPLICABILITY OF OTHER ISSUANCES. Nothing in this JMC shall repeal any issuances which have more favorable standards and stringent measures issued by DOLE and other regulatory agencies for the achievement of safe and health working conditions of workers.

SECTION 10. COMPLIANCE AND ENFORCEMENT. Compliance with labor standards shall be enforced by the DOLE-Regional Office which has jurisdiction over the workplace in accordance with the provisions of Article 128 of the Labor Code as amended, DOLE DO No. 183 s. 2017 and RA No. 11058 and its Implementing Rules and Regulations.

DOLE shall deputize the FDCP and all relevant government agencies or instrumentality in all activities relative to inspection of all workplaces in the Audio-visual production including set or location to ensure compliance with and enforcement of the provisions of this JMC.

SECTION 11. RIGHT TO SELF-ORGANIZATION AND COLLECTIVE BARGAINING. Workers in the Audio-visual Production shall have the right to form, join or assist in the formation of a labor organization of their own choosing for purpose of collective bargaining and to engage in concerted activities which are not contrary to law.

SECTION 12. CONCILIATION-MEDIATION THROUGH THE SINGLE ENTRY APPROACH (SEnA). All issues involving the engagement of workers in the Audio-visual Production, such as disciplinary measures, suspension and termination, shall be subject to the initial grievance mechanism as established by the FDCP. In unresolved, it shall be elevated to DOLE for the 30-day mandatory conciliation-mediation through the SEnA.

SECTION 13. ANTI-SEXUAL HARRASMENT. Policy and programs on the prevention of sexual harassment in the workplace shall be developed and implemented in conformity with RA No. 7877 and RA 11313. It shall be the duty of the producer and members of the production to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution or settlement of the same. This procedure is without prejudice to the filing of appropriate criminal cases for the prosecution of offender/s in violation of the law.

SECTION 14. PERIODIC REVIEW. The DOLE and FDCP, in consultation with trade unions, industry guilds, labor organizations, and production's representatives shall conduct a periodic review of this JMC. Revisions can be made by the group based on newly issued policies, technological advancement and changes made in the OSH Standards. At a minimum, the review shall be done every three (3) years but it could be done more frequently as the need arises.

SECTION 15. EFFECT ON EXISTING COMPANY POLICY AND CONTRACTS OR COLLECTIVE BARGAINING AGREEMENTS. The minimum benefits reiterated in this JMC shall be without prejudice to any company policy, contract or Collective Bargaining Agreement providing better terms and conditions of engagement.

SECTION 16. PENALTIES. Penalties for non-compliance to safety and health standards shall be dealt in accordance with the provision of RA No. 11058.

All other penalties for non-compliance to the provisions of Section 4 of this JMC shall be imposed by the FDCP in relation to Section 15 of RA No. 9167.

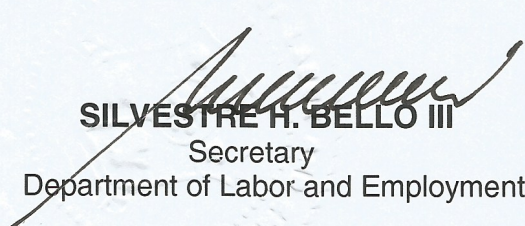
The penalties herein are without prejudice to the filing of appropriate civil and criminal cases for the offender/s.

SECTION 17. SEPARABILITY CLAUSE. If any part, section or provision of this JMC shall be held invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

SECTION 18. REPEALING CLAUSE. All policies, issuances, rules and regulations and agreements inconsistent with this JMC, are hereby repealed or modified accordingly.

SECTION 19. EFFECTIVITY. This Joint Memorandum Circular shall take effect after fifteen (15) days following its complete publication in two (2) national newspapers of general circulation, and its filing of three (3) copies with the Office of the National Administrative Registrar (ONAR), UP Law Center.

Manila, Philippines, February __, 2020.

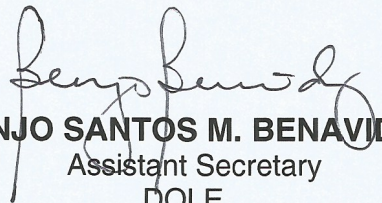


SILVESTRE H. BELLO III
Secretary
Department of Labor and Employment



MARY LIZA B. DIÑO
Chairperson and Chief Executive Officer
Film Development Council of the Philippines

WITNESSES:



BENJO SANTOS M. BENAVIDEZ
Assistant Secretary
DOLE



DAVID D. FABROS
Executive Director
FDOP