

DEPARTMENT CIRCULAR NO. 02

Series of 2017

***GUIDELINES ON THE ISSUANCE OF WORK PERMIT
FOR CHILDREN BELOW 15 YEARS OF AGE ENGAGED
IN PUBLIC ENTERTAINMENT OR INFORMATION***



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



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**GUIDELINES ON THE ISSUANCE OF WORK PERMIT FOR CHILDREN BELOW
15 YEARS OF AGE ENGAGED IN PUBLIC ENTERTAINMENT OR INFORMATION**

This Guidelines aims to guide the Department of Labor and Employment (DOLE) Regional/Provincial/Field Offices on the issuance of Working Child Permit pursuant to Republic Act No. 9231 (*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"*) and Department Order No. 65-04 (*Rules and Regulations Implementing Republic Act No. 9231 Amending R. A. No. 7610, as amended*).

Republic Act No. 9231 provides that children below 15 years of age shall not be employed, except:

- a. When a child works directly under the sole responsibility of his/her parents or legal guardian and where only members of his/her family are employed; or
- b. Where a child's employment or participation in public entertainment or information is essential.

In the above exceptional cases, the employer shall first secure a work permit from the DOLE before engaging the services of the child.

Department Order No. 65-04 defines public entertainment or information as "artistic, literary, and cultural performances for television show, radio program, cinema or film, theater, commercial advertisement, public relations activities or campaigns, print materials, internet, and other media".

1. Coverage of Working Child Permit

1.1 A Working Child Permit is required if a child below 15 years of age:

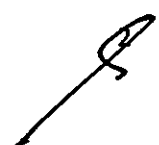
- 1.1.1 will be engaged in public entertainment or information, whether local or overseas, regardless of his/her role in a project, such as lead, supporting, guest, or regular extra. This includes projects which are non-profit, advocacy materials or political advertisements; or
- 1.1.2 is a foreign national and will be engaged in public entertainment or information in the Philippines; or
- 1.1.3 will be featured in a documentary material unless it is a school-related requirement or project; or
- 1.1.4 will be engaged as regular extra or as part of a crowd and is included in the script or storyboard; or

- 1.1.5 has been selected for a project after undergoing auditions, workshops or VTR screenings; or
- 1.1.6 has been selected as semi-finalist in a singing, dance or talent contest for a television show.
- 1.2 A Working Child Permit is not required if a child below 15 years of age:
 - 1.2.1 is a spot extra or is cast outright on the day of filming or taping of a project; or
 - 1.2.2 will join auditions or VTR screenings; or
 - 1.2.3 is part of the audience of a live television show unless the child's participation is expected; or
 - 1.2.4 is picked or chosen as a contestant from the audience of a live television show; or
 - 1.2.5 is a contestant of a singing, dance or talent contest for a television show before being selected as a semi-finalist; or
 - 1.2.6 is a recipient of gift-giving activities in television; or
 - 1.2.7 is a participant in school-related performance such as play, skit, or recital; or
 - 1.2.8 is a participant in sports activities, trainings or workshops aimed at developing the child's talent or skills.

2. Hours of Work of a Working Child

Republic Act No. 9231 provides that a child below 15 years of age may be allowed to work for not more than four (4) hours in any given day and not more than 20 hours a week. Such child is not allowed to work between 8:00 p.m. and 6:00 a.m. of the following day.

- 2.1 The maximum four (4) hours of work per day is inclusive of all projects of a child. Whether a child is engaged in only one (1) project or in several projects at any given day, his/her total work hours shall not exceed four (4) hours a day and not more than 20 hours a week. Night time scenes may be shot during daytime with the use of production facilities that can simulate night time.
- 2.2 Hours of work include: a) all time during which a child is required to be at a prescribed workplace; and b) all time during which a child is suffered or permitted to work. It is inclusive of wardrobe/costume fitting, make-up application, practice or rehearsal while in the workplace, including waiting time. Rest periods of short duration during work hours shall be counted as hours worked.
- 2.3 Sleeping time as well as travel time of a child from his/her residence to the workplace shall not be included as hours worked without prejudice to the application of existing rules on employee's compensation.



- 2.4 When a child's performance is scheduled beyond 8:00 p.m. such as during Awards Night, Christmas Special or New Year's Special, the television network may tape it prior to the live broadcast and play it at the scheduled time. The network concerned shall inform the DOLE Regional/Provincial/Field Office that the child's performance will be taped in advance and will be aired beyond 8:00 p.m.

3. Working Child Permit

3.1. Individual Permit

3.1.1. The Working Child Permit shall be kept by the child's parent or guardian and shall be brought every time the child goes to work.

3.1.2. Each Working Child Permit card can record five (5) projects of the child. It shall not be surrendered to the DOLE after five (5) projects but shall be kept instead by the child's parent or guardian.

3.2. Group Permit

For children engaged as regular extras appearing in a single project and without Working Child Permit yet, the DOLE Regional/Provincial/Field Office will issue a group permit.

4. Validity of Working Child Permit

Section 12 of Department Order No. 65-04 provides that the work permit shall state the period of its validity based on the employment contract or the application for work permit, as the case may be. However, the period of validity shall in no case exceed one (1) year.

4.1 In case there is a need to re-schedule the performance of the child outside the validity period indicated in the Working Child Permit, the employer shall notify in writing the DOLE Regional/Provincial/Field Office which issued the permit at least two (2) days prior to the performance of the work.

4.2 In case there is a need to extend the duration of the child's participation in a project, the employer shall secure another Working Child Permit from the DOLE Regional/Provincial/Field Office for the extended period.

5. Requirements for the Issuance of Work Permit

Section 9 of Department Order No. 65-04 provides for the requirements for the issuance of work permit. In complying with said requirements, the following shall be observed:

5.1 The application for Working Child Permit shall bear the signature of the employer and countersigned by an authorized network representative in the case of television.

5.2 The employment contract of the child shall specify his/her role, the duration (date/s and time schedule) of the child's participation, and the child's salary or compensation, among others. The contract shall also indicate if the child would receive due remuneration for appearances or guestings to promote a product, show or film. Moreover, the contract shall also include provisions stating the employer's compliance to child protection laws.

- 5.3 The medical certificate issued by a licensed physician for the working child shall be valid within one (1) month from the date of issuance. The medical certificate shall contain the full name and signature of the physician and his/her license number.

6. Working Child Permit Application Process

- 6.1 The Working Child Permit application shall be filed by the employer, parent or legal guardian at the DOLE Regional/Provincial/Field Office having jurisdiction over the workplace of the child at least three (3) days prior to the shooting/taping/event.
- 6.2 In case the work will be done in more than one (1) workplace falling under the jurisdiction of more than one (1) DOLE Regional/Provincial/Field Office, the application shall be filed with the DOLE Regional/Provincial/Field Office having jurisdiction over the principal office of the employer.

However, at least two (2) days prior to the performance of the work, the employer and the DOLE Regional/Provincial/Field Office which issued the permit shall inform the DOLE Regional/Provincial/Field Office having jurisdiction over the workplace of the activities to be undertaken involving the child.

- 6.3 In case of succeeding applications, the previously issued Working Child Permit card shall be presented to the DOLE Regional/Provincial/Field Office which shall indicate that a new Working Child Permit card has been issued.

7. Orientation for Parents/Guardian of Working Child

The DOLE Regional/Provincial/Field Office shall conduct orientation on the salient features of Republic Act No. 9231 to the child's parents or guardian and employer, or the child himself or herself as may be appropriate prior to the issuance of Working Child Permit.

8. Role of Parents and Guardians

Parents/guardians shall be allowed to accompany the child during rehearsals, shootings, tapings or performance.

9. Employment of Spot Extras

In case there is a need to engage spot extras, the employer shall file at least two (2) days prior to the shooting or taping a notice with the DOLE Regional/Provincial/Field Office where the work is to be performed that it will undertake activities involving child work. The notice shall state the approximate number of child workers to be employed, the date, place and time the work is to be performed, and an undertaking that the employment shall be in conformity with Republic Act No. 9231 and Department Order No. 65-04. The names of the children engaged as spot extras shall be submitted to the DOLE Regional/Provincial/Field Office immediately after the shooting or taping.

10. Release of Working Child Permit

The DOLE Regional/Provincial/Field Office shall release the Working Child Permit to the parent or legal guardian or employer of the child. It may be released to the child's



guardian or to a representative of the employer provided that they present an authorization letter signed by the child's parent or legal guardian.

11. Loss of Working Child Permit Card

In case of loss of the Working Child Permit card, a new one shall be secured from the appropriate DOLE Regional/Provincial/Field Office. The applicant shall submit a notarized Affidavit of Loss and shall also secure clearance from all DOLE Provincial/Field Offices located within the concerned region, if applicable.

12. Monitoring of Shootings/Tapings/Performances



The DOLE Regional/Provincial/Field Offices shall conduct monitoring of shootings, tapings or performances to validate the information indicated in the Working Child Permit application.

13. Working Child Permit Records

The DOLE Regional/Provincial/Field Office is required to keep photocopy of all Working Child Permits that it has issued. Once the child has reached 15 years of age, the child's records can be disposed already.

This Guidelines shall take effect on 1 January 2018.

For your guidance and compliance.


SILVESTRE H. BELLO III
Secretary
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