

## FILM

The Manitoba film industry is an important economic driver of the Manitoba economy. Due to COVID-19, it, like many industries, had been forced to shutter and cease operations. However, the future remains promising and on May 21, 2020 the film industry in Manitoba received a bit of good news from the Manitoba government and is now poised to re-open. The government of Manitoba has outlined in its *Restoring Safe Services: Manitoba's Pandemic Economic Recovery Roadmap* <https://www.gov.mb.ca/covid19/restoring/approach.html> (the "**Roadmap**") a phased in approach to re-opening "non-essential" businesses and industries. Click here <https://www.pitblado.com/covid-19-and-business-re-opening-posted-may-4-2020> for a more fulsome review of Manitoba's plan to re-open the economy.

The good news for Manitoba's film industry is that based on the details contained in the draft (and I underscore the word "draft") Phase II of The Roadmap is that it indicates that the film industry in Manitoba can resume operations in a limited manner. The date on which film production operations can commence has not yet been confirmed, but it has been stated that commencement will be no earlier than June 1, 2020. Once a start date is announced by the Manitoba government it will be posted on the Manitoba government's website.

In addition, once the start date for film production is confirmed, it will not be business as usual. On May 21, 2020 the prior guidance provided to the film industry to "maintain occupancy and activity levels to allow people to maintain a physical distance of at least two metres, except for brief exchanges" was updated and changed. The updated guidance from the Manitoba government is currently:

*"Film productions may resume operations if they implement measures to ensure that the cast, employees and members of the public are reasonably able to maintain a separation of at least two metres from others, except for brief exchanges. These productions must adhere to all provincial and federal travel restrictions. Guidance on performing a risk assessment for film productions and establishing plans will be posted online as soon as possible."*

As noted in the initial posting on this topic, these restrictions will create challenges for Manitoba films. Some Manitoba producers that I have spoken to have indicated that in some instances, it is not likely to be practical to operate under the potential restrictions that may be implemented. It is critical that the further guidance that the Manitoba government has indicated will be coming strike the right balance between the health and safety of all cast and crew and the practical realities of filming. Not an easy task.

In Manitoba, On Screen Manitoba and The Manitoba Media Production Industry Working Group (the "**MPIWG**") are working with other groups across the country and internationally in order to align Manitoba's standards and protocols with those being developed elsewhere. In addition, as noted, the details released on May 21, 2020 are based on a draft Phase II of the Roadmap. The Manitoba government is seeking feedback on its latest update. Click here [https://engagemb.ca/restoring-safe-services-phase-two/survey\\_tools/rsstfeedback](https://engagemb.ca/restoring-safe-services-phase-two/survey_tools/rsstfeedback) to link to the survey and portal to provide feedback.

The operating guidelines for the Manitoba film industry remain to be determined. As with many items the devil will be in the details. One can perhaps get some insight into what may come by looking to other jurisdictions. Some filming guidelines have been published in Europe. In the United States, Film Florida has recently put out its comprehensive COVID-19 filming guidelines. Florida is not a major player in the filming industry, but it is one of the few United States jurisdictions to publish recommendations on this topic. While the industry awaits the guidelines and recommendations from MPIWG, it is interesting and perhaps instructive to review what Film Florida has published. A summary of some of the key points are below and here <https://filmflorida.org/meetings/next-quarterly-meeting/#more-57> is a link to the entire (six pages!) of Film Florida recommendations:

- Cast and crew to fill out health questionnaires;
- Daily temperature checks of cast and crew;
- Provide appropriate personal protective equipment (PPE), including gloves, masks and protective shields for crew while on set;
- Implement frequent disinfection protocols;
- Implement and provide extra space, equipment and furniture to allow social distancing for all cast and crew;
- Sequester cast and crew in a hotel;
- Limit the crew to essential personnel only;
- Stagger lunch and call times;
- No self-serve buffets for cast and crew;
- Limit touch-up for actors;
- Limit extras;
- Divide up studio backstage space into sections to allow production teams to isolate from each other;
- Utilize plastic chairs (as opposed to wooden chairs) as they are easier to disinfect;
- Limit takes in order to minimize the time cast and crew congregate;
- Consider a temporary clear barrier between actors while establishing marks and positions and only remove those at the last moment;
- No "open calls";
- Label microphones and other items so that only one person consistently uses the tools;
- When possible, castings should be done remotely using virtually technology such as Facetime, Zoom, Skype, etc.;
- When casting families, real families should be used when possible so physical contact is kept within an existing family unit;
- Each department should individually set up the filming area and leave sequentially, so as not to cross contaminate personnel crew; and
- Each person that needs to view a scene should be provided separate monitor distanced appropriately apart.

Producers should expect and plan for delays and increased costs when operations resume. The safety and health of the cast and crew is always the number one priority, and providing a safe work environment that adheres to the applicable Manitoba guidelines should be the focus of every production once the Manitoba film industry re-opens and the filming guidelines are developed and made public.

## MUSIC

As with the film industry in Manitoba, the music industry in Manitoba has been severely impacted by COVID-19. While many have enjoyed and supported the virtual performances of their favorite artists during the pandemic, the enjoyment of live performances of music in performing arts venues remains cancelled in Manitoba. The Roadmap does not include the re-opening of performing arts venues in Phase I or in Phase II. The Roadmap indicates that after Phase I and Phase II have been completed, additional phases will be considered for implementation on a three to four week basis. Manitoba public health officials have indicated that there will be no large gatherings or events until at least September, 2020. As the situation evolves, Manitoba public health officials will make decisions based on evidence available at the time.

Manitoba Film & Music (“**MFM**”) has announced that in order to help meet the needs and of the music industry during the pandemic it is adjusting or updating various recording and tour programs offered by MFM. Click here <https://mbfilmmusic.ca/en/news/entry/349> for a recent MFM update highlighting the strategic changes that MFM has made to its various music programs in the face of COVID-19.

Please do not hesitate to contact your relationship partner or lawyer if you have any questions or if we can be of assistance in guiding you through these new challenges.

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