

The Manitoba film industry is an important economic driver of the Manitoba economy. After a forced hiatus due to COVID-19 filming can now recommence in Manitoba. As I have previously noted, the government of Manitoba has outlined in its Restoring Safe Services: Manitoba's Pandemic Economic Recovery Roadmap (link: <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 (link: <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.

On May 27, 2020 the government of Manitoba released an update to its Roadmap and indicated that film production may resume operations effective June 1, 2020. As part of the update the government of Manitoba released guidelines which should be followed by film production crew and cast while on set and on location and in production offices in Manitoba. The government of Manitoba guidelines can be found here (link: <https://www.gov.mb.ca/covid19/restoring/phase-two.html>) (the "**Provincial Guidelines**"). Some of items contained in the Provincial Guidelines include the following:

- International and domestic travel continues to be restricted. Anyone entering Manitoba must self-isolate for 14 days, with certain exceptions.
 - Practically speaking, this means that productions that are primarily local in nature, from a people and location perspective, will be able to resume first, followed by national productions and then productions with an international element (after all, given that there are no direct flights from many major US cities, take Los Angeles for example, to Winnipeg, few, if any, actors will be willing to self-quarantine in Toronto or Calgary for 14 days and then self-quarantine again for a further 14 days when they do finally arrive in Manitoba).
- As much as possible, offer virtual pre-production and/or virtual rehearsals;
- According to Workplace Safety and Health legislation, employers have a responsibility to provide a safe workplace for their workers. Employers must designate a health and safety representative if they have 10 to 19 workers, and a health and safety committee for a crew of 20 or more workers. Employers, representatives and committees should ensure all workers are following COVID-19 guidance recommendations;
- Individuals must use the self-screening tool daily before reporting on set or on location or in the production office, and must stay home when ill;
- Maintain a single point of entry;
- Ensure cast and crew maintain a minimum 2 metre separation between individuals, except for brief exchanges; and
- Minimize contact with number of individuals involved in the production by creating working cohorts or teams that remain isolated from each other.

On Screen Manitoba and The Manitoba Media Production Industry Working Group (the “**MPIWG**”) have indicated that that Provincial Guidelines should be considered the minimum standards for Manitoba film productions to implement. On Screen Manitoba and the MPIWG have released a more comprehensive and industry specific set of guidelines entitled “The Manitoba Media Production Industry COVID-19 Safety and Health Guide” (the “**Industry Guidelines**”). The Industry Guidelines were drafted by the On Screen Manitoba Producer Committee with input from various local stakeholders including ACTRA Manitoba, the City of Winnipeg Film and Events Office, Film Training Manitoba, DGC Manitoba, IATSE 856, Manitoba Film and Music and the Manitoba Film Liaison. The Industry Guidelines can be found here (link: <https://onscreenmanitoba.com/covid-19-information-resources>). The Industry Guidelines is a living document. It will be updated and amended as production commences in earnest in Manitoba and best practices are shared and as the governments release public health updates policies.

The Industry Guidelines are broken down into various categories and is intended to help those that make up the Manitoba film industry meet the physical distancing, cleaning and hygiene practices required by the government of Manitoba and set out in the Provincial Guidelines to reduce the spread of COVID-19 when they are on set, on location, in a production office in Manitoba. The Industry Guidelines also provide recommendations for a wide range of types and sizes of and includes detailed suggestions for smaller productions (less than 10 people), larger productions (more than 50 people) and for “unscripted” and commercial productions.

The following is a sampling of what is in the Industry Guidelines for Manitoba employers or productions, but in no way should be considered an exhaustive list:

- Manitoba production companies must ensure processes, space and materials are available to facilitate physical distancing, and employees, contractors and visitors must work with employers to ensure physical distancing of at least 2 metres is maintained whenever reasonably possible. When physical distancing cannot be maintained, appropriate steps must be taken to minimize risk; this may include the use of non-medical personal protective equipment.
- Keep the number of people on set or on location or in the production office to a minimum. This may mean organizing people into smaller groups that work together and implementing staggered start times and/or shorter workdays.
- As much as possible, productions should limit the number of face-to-face interactions by facilitating tele-working whenever reasonably possible including holding preproduction and production meetings and rehearsals virtually.
- Productions are encouraged to implement an online platform for all paperwork including deal memos and any production document that can be shared, edited and distributed electronically.
- Employers, employees, contractors and approved guests must not go to work if they are sick, they should stay home and seek medical advice as appropriate.

- Provide multiple hand washing /sanitizing stations in every workspace, near washroom facilities and food and beverage services. This includes at the entrance and exit to all sets, office spaces, trucks, trailers, etc.
- Washrooms should be limited to one person at a time.
- Sharing of food and personal items should not be permitted.
- Productions with less than 10 people working at the same time are encouraged to designate a safety and health representative, who is responsible for ensuring all Provincial Guidelines are being met on set, on location and in production offices in Manitoba.
- Productions with more than 50 people working at the same time are encouraged to hire one person dedicated to communicating and enforcing COVID-19 Safety and Health Protocols.
- Everyone must complete the Shared Health Manitoba Screening Tool each day prior to reporting to work. Productions may wish to implement an additional daily "COVID-19 Questionnaire".

It is the Manitoba production company's or employer's responsibility to ensure the necessary people, cleaning supplies, non-medical personal protective equipment, information and training are in place to meet the Provincial Guidelines. How this looks in practice will vary across productions and companies.

No matter how much effort and resources a Manitoba production company or employer puts in to implement protocols to adhere to the Provincial Guidelines or the Industry Guidelines, the success of those efforts remains with every person who contributes to the film. If the cast, crew, employees, contractors, suppliers and visitors involved in the production do not follow the protocols or take responsibility for their own actions, then the protocols will not matter. At the end of the day, while the responsibility is on the employer or production company to provide the program and tools required, each individual on set on location or in the production office must take ownership of their own actions in order to ensure that the re-opening of the Manitoba film industry is a success.

Ready or not, much of the film industry across the world is watching Manitoba closely as one of the first locations in North America to resume filming. There is an opportunity for Manitoba to showcase its talent, professionalism and to set the bar for other jurisdictions to resume in a safe manner when they are able to do so.

At least 7 prominent Manitoba production companies have taken a leadership position and committed to signing on to implementing the more robust Industry Guidelines in their Manitoba productions. This is a good sign that the film industry in Manitoba appreciates the opportunity in front of it and recognizes the critical responsibility to resume filming in a way that is safe for everyone.

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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