

COVID-19 Return to Work REFERENCE NOTE TO PRODUCERS AND ENGAGERS

As we return to work with the risk of COVID-19 exposure, Productions will be expected to adopt enhanced safety measures. The following document is intended to outline ACTRA's interpretation of Production obligations under our agreements, considering other applicable legislation, guidelines, and public health requirements. Due to the evolving situation with COVID-19, ACTRA Toronto may revise this document as needed.¹

ACTRA Toronto will require Productions to provide their COVID-19 health and safety policy in advance of any performer providing services. Under the *Occupational Health and Safety Act*, Employers and supervisors must take every reasonable precaution to protect workers from workplace hazards (s. 25(2)(h), s. 27(2)(a)). The *Act* requires employers have a policy and program to address workplace hazards, including COVID-19. The *Act* also sets out rights and responsibilities on the workplace parties.

Productions will adhere to the Film and Television Industry Health and Safety During COVID-19 Guideline prepared by *Section 21 Film and Television Health and Safety Advisory Committee* of the Ontario Ministry of Labour, Training and Skills Development. Productions are required to obtain and adhere to all applicable safety guidelines (IPA A2609; NCA 508).

Productions are required to obtain workers compensation insurance coverage or its equivalent and provide proof on request (IPA A524; NCA 1217). Performers shall not be required to waive their rights to being insured and such waivers are considered by ACTRA to be contrary our agreements and not enforceable.

Productions are required to provide appropriate working conditions for Performers and respond to concerns promptly (IPA Appendix 30; NCA Appendix R).

Productions will not engage in reprisal against a performer who refuses a booking or refuses work due to legitimate health and safety concerns. Performers are protected from reprisal when they are enforcing their rights under the collective agreement (IPA A607; NCA 512), the *Occupational Health and Safety Act* (s. 50) and Ontario's *Human Rights Code* (s. 8).

Productions are required to notify ACTRA if a Performer becomes ill or is at risk of COVID-19 exposure from the workplace. Productions are required to notify ACTRA as soon as possible of any accident, incident or injury concerning a Performer and file an injury report within one (1) business day (IPA A521; NCA 1218).

Productions requiring Performers to self-isolate must comply with the fees and terms in ACTRA's agreement. Productions should review the provisions on Bookings, Holds, Holding Calls, Cancellations and Postponements (IPA A8, A18, A19; NCA 422, Section 15). Performers shall not be compensated at rates, terms, or subject to working conditions that are less favourable than ACTRA's agreements (IPA A507; NCA 502).

Production decisions concerning work opportunities and fitness to work should not be based on racism, ageism, ableism or other stereotypes (IPA A502, NCA 511). During the COVID-19 pandemic, workers from vulnerable groups may be subject to increase discrimination and harassment. Productions should continue to cast Performers in roles that reflect the composition of Canadian society (IPA A502, NCA 506).

¹ Disclaimer: This is not a replacement or summary of ACTRA's collective agreement. Productions should refer to the applicable agreement to ensure they are compliant.