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UBCP/ACTRA COVID-19 FAQs

COVID TESTING AND SICK PAY

Since the restarting of our industry, the Union has seen an increase in productions wishing to implement private COVID-19 testing of cast and crew as part of their COVID safety plans. Additionally, some productions will be requiring employees to complete their COVID-19 safety training course.

Such private testing is separate and distinct from public testing conducted by public health and would be administered by a private testing laboratory contracted by the production.

There are various levels of testing being required, the details of which should be included in the employers COVID-19 Safety Plan. Do not hesitate to reach out to the Union Representative for your production should you have any questions.

Can a production require that I be tested for COVID-19?

Yes, a production may require employees to be tested. However, any testing must meet certain legal requirements in British Columbia.

Will there be flexibility with available testing times?

The producer shall endeavor to provide flexible testing times within scheduled testing hours.

The Union has been encouraging productions to provide Performers with a testing window rather than a specific time. If a production is not providing you with flexible testing times to accommodate your schedule, please reach out to the Union Representative.

Can a production require that I be tested prior to being hired or booked?

A Producer may require you to be tested in order to attend an in-person interview, audition, and/or screen test, otherwise you need to be engaged before a producer can require you to undergo a COVID-19 test.

Are all productions testing?

No, however we are seeing an increase in the number of productions testing. US based productions are testing all of their cast and most of the crew. Other productions may choose to limit testing to those cast members that are required to be in close proximity for extended periods of time or involved in intimate scenes such as kissing. Ultimately, it is up to each employer to assess the risks and determine whether testing is appropriate for their production.

How often will I be tested?

Testing protocols may vary from production to production. It could be none, once at the beginning of production, or even daily.

Will I get paid for time spent in testing?

Yes, those required to test on a non-work day will receive a stipend of one hundred dollars (\$100.00) plus insurance and retirement contributions for Background Performers or two-hundred and fifty dollars (250.00) for all other Performers. Such stipend may cover payment for time spent completing COVID-19 training of up to one hour on either the same day of the test or another day.

How will I get paid if I have a wardrobe call and COVID-19 test on the same day?

You will be paid either the stipend as described above or time spent working and undergoing the test, whichever is greater. The one-hour COVID-19 training is not included in the stipend when you work and undergo a test on the same day.

Can the producer require me to take a COVID-19 safety training course?

Yes, they can, if it is not included with your stipend as described above, training is considered a four (4) hour minimum call.

Should my agent be charging commission on the fees I receive for COVID-19 testing?

The general rule of thumb is that agent's commission is based on wages. Wages are defined in the BC Employment Standards Act and include any money paid or payable by an employer for work as well as money that is paid as an incentive and relates to hours of work, production or efficiency.

The definition of wages also specifies payments that are **not** considered to be wages, including: gratuities; gifts or money not related to hours of work, production or efficiency; and personal allowances or expenses.

The following table from the Employment Standards website contains a breakdown of the most common payments in wages or non-wages: <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/forms-resources/igm/esr-part-7-section-38-1>.

Wages	Not Wages
Wages for straight time and overtime	Travel or mileage expenses
Vacation pay	GST
Wages for wardrobe call	Retirement payments*
Wages for travel time	Insurance benefits/payments
Use fees and residuals	Per diems
Meal penalties or meal periods	Wardrobe fees/Clothing allowance/Special items
Audition reader fees	Compensation for specialized items/prop rentals
Improv fees	Late payment penalties
Stunt performance fees	Audition delay fees
Use of television commercials in a program	Audition recall fees
Rest between days	Callback fees

If you have been charged commission on payments that you don't believe should be considered wages, you may file a complaint with Employment Standards for a determination. Please note that BC Employment Standards will not provide an official position on the matter without receiving a complaint.

What happens if I test positive?

You will be required to self-isolate as per the Provincial Health Authority until you are cleared to return to work or, after consultation with the production, until you are cleared to return to that production. Please call 8-1-1 for assistance. You may also be eligible for sick pay. Please refer to the information on sick pay below.

COVID EVENT

If I feel sick, should I go to work?

If you experience [symptoms of COVID-19](#) and/or feel unwell, it is important that you **do not go to work**. Each Production must have a clear policy in place about not coming to work sick. This is key in protecting all workers and limiting the spread of COVID-19. All of us have to do our part to ensure we are not bringing illness into the workplace so that productions can continue and we can all continue to work.

What happens if I become sick or start to feel unwell while at work?

All workers have a responsibility and duty to report to Production right away if they are feeling unwell. If you become ill while at the workplace, Production will have protocols in place to arrange for you to go home and notify the affected parties, including supervisors, potentially affected workers, and your Union. You can use the [BC COVID-19 Self-Assessment Tool](#) to help determine if you require further assessment. More information can be found on the [BC CDC website](#).

If you believe you've had a work-related exposure to COVID-19, please refer to [WorkSafeBC's COVID-19](#) claims FAQs for information on when you should report an illness to WorkSafeBC.

If you are a worker who is submitting a claim for a COVID-19 infection contracted through a work-related exposure, you can submit a claim as you would with any other workplace injury or disease. [See How workers report a workplace injury or disease](#).

If you require assistance with this, please contact UBCP/ACTRA.

What happens if I can't go to work because I have to self-isolate as directed by the Public Health Authorities?

You may qualify for paid sick leave for an "Eligible COVID-19 Event", which includes the following:

- You have tested positive for COVID-19;
- You are exhibiting symptoms of COVID-19;
- The Producer has requested that you isolate because you were in close contact with someone who tested positive or exhibited symptoms;
- A member of your household has tested positive or exhibited symptoms;
- A public official or healthcare provider has requested that you self-isolate due to COVID-19;
- You must provide care for a child or senior, whose childcare or senior care provider ceases operations due to COVID-19; or
- You need to provide for your child, parent or spouse who is subject to federal, provincial or local isolation order related to COVID-19.

Will I qualify for sick pay?

A Performer shall receive temporary sick pay for each day they are absent from work, until they are able to return or to the end of their engagement, which may include the number of days a Performer is reasonably anticipated to work, to a maximum of ten (10) days.

What if I test positive after I've been booked but before my first day of work on the production?

You would still qualify for sick pay. There is no requirement for Performers to work on set before they are eligible for sick pay.

If I test positive, can a Production cancel my booking?

Any cancellation of a Performer's booking due to a positive test would trigger cancellation pay.

How much will I be paid?

Performers shall be paid their contracted daily rate to a maximum of seven hundred-fifty dollars (\$750.00) per day.

What happens if someone on Production tests positive for COVID-19?

Production's COVID-19 Safety Plan will have procedures in place to respond to a COVID-19 exposure. Production is required to notify UBCP/ACTRA of a positive COVID-19 test result or if a Performer is referred to First Aid or receives other medical attention. It is recommended that you contact UBCP/ACTRA right away if you feel that a workplace exposure has happened.

OTHER CONSIDERATIONS

Will I be able to work on multiple productions and move from show to show?

Currently in British Columbia, only workers at long term care facilities are restricted from working at more than one work location. However, while there is no order in place for general industry from the Provincial Health Officer, employers are still expected to control potential risk of transmission.

Some Productions may implement measures aimed at preventing workers from working on multiple productions like hiring some performers for run-of-show, creating “performance teams”, or utilizing weekly contracts or hold options. If you feel you are being asked to restrict your employment options by a production and are not being compensated, please contact UBCP/ACTRA immediately.

Can Production require that I self-quarantine as a condition of work?

Productions may request that you to self-quarantine or isolate; however, they must comply with all the terms and conditions of UBCP/ACTRA’s agreements. Productions cannot require Performers to agree to rates, terms, or working conditions that undermine those in our collective agreement. If you have been restricted from accepting other work without being compensated accordingly, speak with your agent or contact UBCP/ACTRA immediately.

Can Productions ask me to sign a waiver as a condition of employment?

A Producer **cannot** require you to sign a document asking you to assume all the risks associated with the possibility of being infected with COVID-19 at the workplace and waiving the producer of their rights and responsibilities – such a form has no legal effect. The Producer is responsible for the health and safety of their employees, including developing and following a COVID-19 Safety Plan.

If an employee believed that they contracted COVID-19 in their workplace it could lead to a WorkSafeBC claim and not a lawsuit against the Producer. If you are being asked by production to sign such a waiver, please contact UBCP/ACTRA immediately.

Can Productions refuse to hire someone perceived to be in a “high-risk” category for COVID-19?

This would be considered discriminatory and in violation of [B.C.’s Human Rights Code](#) and UBCP/ACTRA’s agreements. It is at the Performer’s discretion whether to accept work based on their level of risk. Employers must accommodate workers who are considered “high-risk”, which includes taking precautions to stop the spread of COVID-19 and being flexible with work arrangements. The only exception may be where a Production could objectively show that an accommodation would be an “undue hardship”, meaning it would create health and safety risks for others or would be inordinately expensive. If you believe you have been subject to discriminatory hiring practices, speak with your agent or contact UBCP/ACTRA.

Can an employer require that I be vaccinated?

Any employer wishing to implement a mandatory vaccination or mandatory vaccination disclosure policy in BC will need to ensure that their policy is in compliance with applicable BC Human Rights and Privacy laws. Each policy would have to be legally vetted and could possibly be challenged under applicable provincial or federal law.

UBCP/ACTRA

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MEMBER OF THE BC FEDERATION OF LABOUR AND THE MOTION PICTURE PRODUCTION INDUSTRY ASSOCIATION OF BC
AFFILIATED WITH THE CANADIAN LABOUR CONGRESS (CLC) AND THE INTERNATIONAL FEDERATION OF ACTORS (FIA)
BRANCH OFFICES IN VANCOUVER, CALGARY, REGINA, WINNIPEG, TORONTO, OTTAWA, MONTREAL, HALIFAX, ST. JOHN'S

British Columbia's Office of the Human Rights Commissioner recently released policy guidelines on a human rights approach to proof of vaccination during the COVID-19 pandemic. Read the policy guidelines [here](#).

What if I already had COVID and continue to test positive, will I be able to work?

Because of the likelihood that a person who has recovered from COVID-19 may still test positive for weeks to months after recovery, some productions are not testing employees for 90 days following verified positive results from a PCR test. Rapid antigen test results are not yet accepted by US Studios for official diagnostic purposes in their Canadian operations.

If a Performer reports having had a positive rapid antigen test, they may still be required to do a PCR test for their return to work. If they test positive at that time of returning to work, they'll likely be asked to quarantine from their production for 5-10 days, regardless of their current state of symptoms or how much time has passed since they report having a positive rapid antigen test.