

## Production/Labor & Employment Town Hall – FAQs

### 1. What is open (or not) for production, and what restrictions are in place?

The decision of where to shoot should factor in location-specific travel restrictions, permit issuance and on-set restrictions. See our document on local filming restrictions for a sampling of popular filming locations, current as of June 16 but subject to changes.

### 2. What are some of the guidelines producers must follow across jurisdictions?

- Personal Protective Equipment requirements such as masks and gloves
- Limited individuals on set (San Francisco, Chicago and Denver have a 10-person limit)
- Maintaining distance and disinfection protocols

For union productions, the [Safe Way Forward guidebook](#) will be also determinative and provide some more stringent requirements including repeated testing.

### 3. What about liability waivers? What's the harm?

Liability waivers for employees are likely unenforceable, but there are current lobbying efforts to shield businesses from employee lawsuits, so it's possible we will see some change in this regard. While it may be tempting to issue a waiver for prophylactic effect, a waiver may increase an employer's liability. For example, OSHA requires employers to take reasonable steps to provide a safe working environment, and a waiver could be evidence that a business failed to take this duty seriously. However, waivers may be enforceable against properly classified independent contractors and vendors who have more bargaining power in their relationship with the business, making it less likely a waiver would violate public policy.

### 4. What type of liability do producers and financiers face in the wake of COVID-19, and how can they minimize risk?

The best way to minimize risk is to be aware of and adhere to all federal, state and local guidelines. Effective workplace training and consistent implementation of safety procedures will also minimize risks of lawsuits. The *New York Times* [reported](#) that only 44 of 2,645 COVID-19-related lawsuits concern workplace safety risks. One of those lawsuits, against McDonald's, alleges that the restaurant created a public nuisance by failing to adequately protect workers. While the restaurant displayed the required posters, employees allege they did not receive any training on personal protective equipment, social distancing or disinfection procedures. So the more managers reinforce the rules, the better off a business will be.

### 5. What happens if an employee tests positive for COVID-19?

Businesses should follow the CDC guidelines for return to work procedures. This includes notifying employees of exposure while maintaining the confidentiality of the sick employee, providing paid sick leave in accordance with the Families First Coronavirus Response Act, state or local paid sick leave laws, to the extent applicable, and establishing a return to work procedure.



CDC guidelines currently allow a return to work when the following criteria are met:

- Three days with no fever (that is three full days without the use of fever-reducing medicine)
- Other symptoms have improved (for example, cough or shortness of breath have improved)
- At least 10 days have passed since symptoms first appeared

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