



# Reed Smith's Guide for Reopening Physical Production of Film, Television and Digital Content

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# Introduction

As many studios and production companies begin to gear up for a return to physical production of film, television and digital content, we must collectively ask: “what is the safest way to re-start production in light of COVID-19’s lingering threat?” We have reviewed numerous recommendations, white papers (including the recent June 1, 2020 white paper issued by the AMPTP in collaboration with various studios, the DGA, SAG-AFTRA and IATSE), and internal guidelines from studios, production companies, guilds, unions, and international and local film and television organizations and this guide is an effort to aggregate certain best practices and guidelines to help you re-start physical production.

## **Local and national regulations**

First and foremost, it should be made clear that local, national and industry specific (guild and union) restrictions and recommendations relating to the COVID-19 pandemic are changing daily. This guide does not constitute exhaustive or medical advice and the recommendations herein will evolve over time. Before and during production, your production team should keep track of international (particularly the World Health Organization), regional, federal, state, and local regulations and should always comply with any government and guild and union issued COVID-19 mandates. Do not hesitate to contact us should you need any help understanding and navigating the requirements of a jurisdiction where you are filming or recording or any guild or union requirements that may be applicable to your production.

## **Risk Assessment**

Each production is different and will have its own unique challenges, and while this guide provides a good outline of considerations and recommendations, you will need to do your own risk assessment when creating COVID-19 policies and procedures for your production so that you are not conflicting with any guild, union or government requirements. The personnel tasked with performing the risk assessment in connection with creating safety guidelines should be duly competent, well trained, and they should regularly review and update the guidelines to ensure they are working effectively for each production.

## **COVID-19 Safety Supervision**

For each production, we strongly recommend setting up a team to supervise and enforce safe working practices. The team would include, at the very least, a dedicated health/COVID-19 supervisor and the heads of each department. Furthermore, budget permitting, the team should also include a board certified infectious disease physician (or an infection preventionist with a certification in infection control), a professionally trained cleaning team (specifically for COVID-19), and a dedicated safety team, by department, to monitor compliance.

Responsibilities of a dedicated health/COVID-19 supervisor should include: (i) reviewing scripts and production schedules with producers, the director and DP team to help implement a safe shooting plan; (ii) creating a budget for COVID-19 safety measures; (iii) creating bespoke COVID-19 guidelines for the production (utilizing advice from a board certified infectious disease physician (or an infection preventionist with a certification in infection control)); (iv) training cast and crew in connection with production’s COVID-19 guidelines; (v) supervising COVID-19 testing and monitoring cast and crew for symptoms; (vi) preparing communal areas, sets, locations, props, wardrobe, and catering for COVID-19 safety compliance; (vii) coordinating, scheduling and supervising cleaning and sanitization efforts; and (viii) ensuring and supervising compliance with COVID-19 safety guidelines and the usage of personal protective equipment such as masks, face shields and gloves (PPE).







# Production Safety Guidelines

As noted above, we strongly recommend creating production safety guidelines prior to commencement of pre-production. We can assist you in drafting the guidelines. These guidelines should include protocols (many of which we will cover in further detail below) such as: (i) sanitation requirements and thresholds so that sets, locations, props, dressing areas, wardrobe, equipment, workstations, production offices, catering and craft services are kept duly disinfected and are as safe as humanly possible; (ii) PPE usage and disinfectant and hand cleaning / sanitizer requirements and parameters; (iii) social distancing requirements; (iv) food service requirements; (v) travel / transportation / accommodation restrictions; and (vi) testing and symptom reporting and response requirements.

In addition to preparing the production safety guidelines, production will need to ensure that all cast and crew are uniformly trained before the first day of principal photography or a recording session. The training should include a thorough review of the safety guidelines, proper usage of PPE, symptom reporting and process, explanation and examples of social distancing, and sanitation requirements/demonstrations (e.g., handwashing (e.g., wash for 20 seconds), not touching your face, cleaning of surfaces, handling of equipment and disposal of waste). The training should also contemplate the needs of specific departments.

**Sanitation / Hygiene / Ventilation** – All communal areas (e.g., sets, production, dressing and eating areas, and transportation vehicles) should be regularly cleaned (at least daily, with some regularly used communal areas, more frequently) throughout production by a dedicated cleaning team (pursuant to a set schedule). Cleaning crews should use appropriate, EPA-registered, disinfectant, following the disinfectant manufacturer's instructions and emphasis should be given to high-touch surface areas.

There should be disinfectant and hand washing stations and materials (e.g., disinfectant soap, hand sanitizers, disinfectant wipes, paper towels (non-touch dispensing, if possible) available at each set and production location (including ensuring transportation vehicles have hand sanitizers). In addition to disinfectant and hand washing stations, hand sanitizers should be readily available (and stocked) at each set and studio area, and all other location and communal areas. Cast and crew should be regularly reminded to wash their hands particularly when: arriving to a production job site; after blowing one's nose, sneezing or coughing; after using the restroom; before and after eating/drinking; after contact with animals; after using shared equipment; after cleaning/disinfecting surfaces or equipment; and other appropriate times depending on the circumstances.

Cast and crew should be told to avoid touching their nose, eyes and mouth when possible.

Signage should be posted prominently at all job sites and washing stations with hygiene instructions, usage of PPE, and guidelines on how to stop the spread of COVID-19.

Proper ventilation measures should be considered for any enclosed areas where cast and crew will congregate (subject to social distancing requirements).

**Equipment, props, make-up, costumes and motion capture wear** -

There should be additional consideration given to keeping equipment, props and wardrobe isolated. For example, certain set dressing teams could dress specific, pre-agreed sets and locations and those sets and locations would then need to be sealed for at least three days to allow viruses on surfaces to die. Lighting teams might be allowed access to set or the studio before other crew. Wardrobe for each cast member could be kept separately from other cast members' wardrobe (and disinfected regularly). All costumes and motion capture gear would need to be laundered more frequently than usual. Each cast member will need a separate dressing facility. Props can be sealed and cleaned before and after use. Make-up and tools should be different for each cast member (and different hair and make-up artists should work on different talent (and keep to the same talent each day)). All equipment, such as cameras and microphones for recording, would need to be fully disinfected before and after use and each actor should ideally have his or her own mic and pack. The safeguarding of hard drives and other related storage devices should be assigned to pre-agreed, limited personnel. Walkies should be assigned to one person and disinfected regularly. Many are relishing the opportunity to create a cellphone-free set or studio which has multiple benefits: it ensures 100% focus from cast and crew, it reduces the risk of any infection spreading through the devices themselves and protects against unauthorized selfies or videos being taken during filming or recording.

**PPE** – PPE masks should be worn by all cast (when not on camera) and crew. Gloves should be worn as an infection prevention measure by makeup, wardrobe, catering, sound technicians, prop and set design personnel. Gloves should be discarded after each use and should never be used twice. With that said, it should be noted that we recommend against universal use of gloves by cast and crew and hand washing/sanitization is proven much more effective in keeping hands free of infectious disease. It is important to stress that PPE usage should also be adhered to when not on set or in the studio.



**Social distancing** – All communal and holding areas should be able to accommodate 6 feet of space between cast (when not on camera) and crew (which means there might be special considerations given to scheduling breaks, meals and shooting so as to potentially provide for staggered usage of communal and holding areas, reducing the number of individuals at any given time). Line markings on the floor could be used as a reminder. The use of entrances, lobbies and elevators will need to be restricted. Physical contact (off camera) such as shaking hands or hugging should be prohibited. It goes without saying that only essential crew should be on set or in the studio at all times and certainly no external visitors should be allowed to visit the production or tour any set or studio. Fixed access points to the set or into the studio could be set up to monitor numbers coming and going (and to require everyone to store their personal belongings in a personalized box that is disinfected). The essential crew should be a fixed team who do not change throughout the shoot or recording session. Lastly, as with PPE usage, it is important to stress that social distancing should also be adhered to when not on set or in the studio.

**Intimate scenes** – It will be important to establish protocols for scenes requiring closeness or intimacy. An appointed intimacy coordinator could liaise with the health/COVID-19 supervisor, talent, director, DP and the producers to ensure the scenes are filmed and managed safely and scheduled strategically and that all consents are obtained. As a baseline, talent could be required to test negative for the virus and be symptom free before intimate scenes. In due course, hopefully, the requirement will be that the talent involved have received a vaccination.

**Minors** – All children on set or in studio will require special attention. The only minors who should be allowed on set are cast members and their time on set should be limited as much as possible. All children should be accompanied by a guardian or crew member when not on camera and when traveling (to/from locations and around the set/studio). When possible avoid hair and makeup for minors and children should have a separate segregated area for schooling and eating (consider mandating food delivery for all minors). Strict social distancing should be enforced among minors on set (i.e., avoid playing or group recreation). Each child's parent, guardian or tutor will need to check that the child follows the production safety guidelines. Production will need to ensure it has PPE tailored for children (understanding that PPE usage is not recommended for children under 2 years).

**Craft Services** – Food items and utensils should be individually wrapped. Special consideration should be given to meal delivery services, so as to prevent the crew and talent from congregating in one area. If meals will be served in one location, as noted above, meal scheduling should factor in social distancing requirements. Buffet and self-serve dining options should be prohibited. Water provision through individualized, reusable water bottles is a good idea. All food vendors should be required to comply with the production's safety guidelines.

**Transportation / Accommodations / Travel** – Clearly air travel should be avoided for now, but, if needed, production might consider budgeting for buying the seat next to the production personnel for added protection. All cast and crew travelling to the production from overseas should be quarantined for two weeks upon arrival. Cast and crew should avoid mass transportation so you may need to arrange crew pickups, a shuttle bus or car pools to/from office, set, locations, hotels etc. There could be dedicated transportation for talent and above the line personnel. In connection with accommodations, rented apartments/houses (isolation accommodations) should be considered in lieu of hotels to avoid interaction with non-production third parties. When crew and talent are not on set, they should refrain from traveling, visiting crowded areas and visiting non-production third parties (particularly those who are vulnerable) during production.

**Health Checks** – No one should be allowed on to set who is showing any symptoms. You should ask all cast and crew to fill out a health questionnaire prior to being engaged and prior to performing services to confirm they have: (i) not tested positive for COVID-19 previously (and if so, they have since tested negative), (ii) not been exposed to anyone who has tested positive (or has been showing symptoms) recently (within 14 days), and (iii) no current symptoms of COVID-19. In addition, you should also perform temperature checks on cast and crew before they enter the set or studio and monitor at least every 12 hours whilst they are working, keeping a record. The Health/COVID-19 supervisor needs to maintain a list of those with pre-existing conditions that might make them particularly susceptible to COVID-19 so that they can be monitored and given extra consideration.

Ideally, budget permitting, each cast and crew member can be (i) tested for COVID-19 shortly before the commencement of production and before they come on set or into the studio each day (e.g., temperature screening), and (ii) quarantined for 2 weeks before the shoot and 2 weeks afterwards (which will be paid as hold days). Those who have been checked could be assigned a color-coded tag signifying that they have been tested and deemed healthy.

All cast and crew should be advised that they will be subject to testing (and the parameters of that testing) prior to commencing services.

Most importantly, all cast and crew should be made aware of the procedure to follow if they're feeling unwell at home (broadly, don't come in until cleared by the production office and health/COVID-19 supervisor) or when on set or in the studio (immediately inform the health/COVID-19 supervisor and leave the premises as soon as possible, attempting isolation until you are able to leave). A response plan for anyone who becomes sick on set or in the studio should be well thought out to ensure isolation from the balance of the cast and crew. Tracing should be performed to establish those with whom an infected cast or crew member came into contact on the production followed by subsequent testing of those potentially infected (and each person who may have been in contact with an infected cast or crew member should be informed immediately). If a doctor is not on set or available in the studio, it would be prudent for production to maintain a list of local medical providers and hospitals whilst on location to ensure it can respond promptly if anyone falls ill. Resources for mental health assistance should be provided to all cast and crew.

Cast and crew should be encouraged to report problems, health concerns, and safety issues and to provide feedback on production's COVID-19 policies and safety guidelines.

The health/COVID-19 supervisor should hold daily meetings with, at the very least, department heads to discuss health-related updates and issues.

**Enforcement** – A production needs to be strict with the enforcement of all of its safety guideline measures. The health/COVID-19 supervisor (together with producers and department heads) will need to ensure continual compliance with the guidelines. Where lives are at stake, the cost of non-compliance by any cast or crew member needs to be exclusion from production until compliance is confirmed.



## Additional Production Considerations

In addition to creating and implementing production safety guidelines, the below is a list of additional considerations in connection with keeping your production safe and the cast and crew healthy.

**Scriptwriting** – COVID-19 now needs to be factored in as early as the scriptwriting stage. Your script will more than ever need to reflect what is possible during filming or recording. For example, you might want to ensure that the characters in your story are limited to a circle of a fixed number of actors. Your script will need to contemplate actors who are able to quarantine for two weeks before starting acting services and only work with each other for the entirety of the principal photography or recording period. You might consider having minimal or no day players in your production and avoiding large crowd scenes or the use of hundreds of extras for example.

**Video Villages** – Consider utilizing additional video villages to provide for additional monitors and remote viewing areas when on set or at location to facilitate physical distancing.

**Using “Pods”** – One idea that has begun to emerge in connection with keeping production safe is the creation of production “pods” whereby the production crew is divided, for example, into three “pods” for physical production consisting of:

- **Pod One (On-Set)** which would contain, for example, all on-set crew as follows: the director, producer, cast, health/COVID supervisor 1, 1st AD, cinematographer, 1st AC, 2nd AC, steadicam, gaffer, key grip, swing, on set art/props, script supervisor, sound mixer, location manager 1, first aid, security, craft service mobile and night security. You would also include any production specific crew such as stunt coordinators and doubles, VFX and SPFX supervisors, tech crews.
- **Pod Two (Base Camp)** which would contain those personnel making up a “base camp”, for example, as follows: health/COVID supervisor 2, costume designer/wardrobe, truck costumer, make-up, hair, cast drivers, security, catering and craft service.
- **Pod Three (Set Design/Prep)** which would be set design prep personnel, for example, as follows: production designer, art director, 2 set dressers, assistant location manager and health/COVID supervisor 3.

All other production office, buyers and post-production staff would work remotely (more on that below).

It might even be possible to segregate the pods further into smaller video villages, as above, i.e., one group of the director, script supervisor and DP only (all 6 feet apart) and one for producers (with fewer chairs, outside if possible and with additional monitors set apart, or better yet, use a streaming application so each person can stream to their own device, to allow for social distancing).

These pods would need to stay as separate from each other as possible to reduce the risk of infection. One suggested pod process goes something like this: (i) step 1: all buyers for the art, wardrobe and production departments etc. begin purchasing the materials needed for pre-production or production; (ii) step 2: once purchased, they will be transferred to a quarantine storage area where they are sanitized and stored for the requisite number of days (current guidance suggests a minimum of three) before being brought onto set, into the studio or any other production work area; (iii) step 3: allocated truck drivers will transport any items from Pod Two (Base Camp) to the production office working remotely and set dressers will deliver their items to Pod Three (Set Design/Prep); and (iv) step 4: designated drivers will pick up/deliver any materials that need to go from Pod Two (Base Camp) to Pod Two (On-Set).

All pods need to interact effectively to minimize the risk of infection. As noted above, art, costumes, equipment, props, set dressings, wardrobe, make-up tools and supplies, and recording equipment will need to be put into separate quarantined storage areas and separate bags for each cast and crew member not just upon purchase, but also upon transfer between pods and after daily use. Drivers will need to be fixed and allocated to one route and a fixed group of cast or crew members. Budget permitting, “understudy” pods of crew should be created so that if one pod succumbs to an infection, another pod of crew can step in and take over – this obviously means using best efforts to avoid having all critical people working at the same time!









**Production Schedule Adjustments** – You will likely have to fix upfront who is going to be working each day without being able to do daily calls to ensure proper supervision. You might also want to stagger teams working so that they only work certain hours of the day or days of the week (again, to avoid one team becoming infected all in one go). Best suggested practice is also to limit shoot days to ten hour days to ensure sufficient time to handle protective /cleaning measures and to make sure crew remain as alert as possible. You might want to film any large crowd scenes later in the schedule (when restrictions begin to be lifted) and film all scenes with sets of cast, in batches, and fill in the gaps later on. As noted above, breaks and lunch hours could be done in multiple sittings. If there is going to be night exterior work then it should be scheduled in blocks.

**Locations** - Locations should be selected in clusters to limit excess travel/transportation/relocation (particularly if using pods). The time period set for a location will need to allow enough cushion to dress and undress the location and seal it up for cleaning before and after shooting. Location moves should be scheduled on weekends or other non-production days to limit the number of people impacted and so that drivers are free to do the moves rather than interact with crew. Location back-ups will also be needed in case one location ends up being shut down due to a COVID-19 outbreak. Ideally, locations would be quarantined for three days prior to a shoot and location owners should be required to remove all personal items before the quarantine process begins. Location related agreements should be signed extra early, those signing should be protected and the agreements may include provisions providing for property owners or residents to be given alternative accommodation or working environments for the duration of filming at the location. Any locations, or studio space, involving the use of swimming pools, lakes or other bodies of water will need a special risk assessment and provision of disinfected snorkeling or diving masks to be used by those in the water as much as possible.

**Extras** – Careful consideration should be given to the number of extras required and any photography whereby there will be a large gathering of cast. A testing measure should be implemented for extras where they are tested (using a rapid test kit) a day prior to their call time and, if negative, they are required to quarantine until their call time the next day. A list of cleared extras should be maintained by the health/ COVID-19 supervisor and extras casting supervisor. Temperature testing should be done prior to call time. Consider an electronic release form for extras to electronically execute prior to reporting to set/the studio. Social distancing enforcement will be most important when dealing with crowded sets. Lastly, budget permitting, human extras could be replaced with CGI extras, particularly in scenes requiring large gatherings of people.

**Stunts, special effects and VFX** – Where there are stunts, special effects and VFX, there will need to be a stunt coordinator, special effects supervisor and assistant, and an on set VFX supervisor for the entirety of the production without changing personnel. These teams will need to be paid for idle days for those days when they are not being used by a production to ensure that they remain quarantined and are not tempted to do other production work resulting in cross-contamination.





**Remote Working** – Remote working now has to be accommodated in every stage of the production process from development to distribution. Remote workers should never physically interact with anyone who is working on set or in studio. Some examples of where remote working can be effective during production are as follows:

- **Pre-Production activity** – Casting and auditions can be done through virtual sessions where possible. If it is not done remotely, casting will need special attention (e.g., actors will need to wait outside in their cars, have digital access to scripts, wear PPE, check-in using their cellphones and have one dedicated casting assistant to sign them all in and out). Certain wardrobe fittings might be done remotely before shooting.
- **Writers' Rooms** – Consider utilizing virtual writer rooms, when possible.
- **Limiting access of crew to set** – You might want to forbid certain crew members from coming to set or into the studio, who might previously have done so prior to the arrival of COVID-19 (e.g., location managers and scouts). These crew members will mostly need to source virtually and work remotely.
- **Production office and crew meetings** – Your production office should work remotely, hosting production meetings and using digital tools for issuing call sheets and all other paper requirements for production. You should ensure that the director and all relevant cast and crew have access to video conferencing software such as Zoom or WebEx for all production meetings.
- **Buyers** – All props, equipment, wardrobe, crew support and other item buyers can work remotely, when possible.
- **Post-production** – All post-production personnel (post-supervisors, editors, assistant editors, music supervisors, composers, delivery coordinators, colorists, sound mixers and titling) should be able to work remotely (if not, post production laboratories will need to be safely cleared, similar to the production safety guidelines set out above).
- **VFX** – A remote VFX supervisor could be hired who can advise a director/cinematographer as to how to set up VFX shots as needed. To reduce the head count in filming, another option is to use CGI people as much as possible rather than using extras.
- **Accounting & Payments** – The filling out and signing of timecards should be done electronically. These days most payments and accounting can be done digitally by direct deposit payments or by wire in respect of vendor payments. You will need to include any additional banking transactional costs in the budget for the production. Any petty cash or other physical pick-up and return of paperwork and the use of any associated office equipment for such purposes will require careful handling. Cost reporting could be done by video conference call whenever possible.
- **Agreements / Releases** – When possible, utilize electronic options for signing documentation (e.g., DocuSign). Production should avoid having agreements, releases, etc. signed in person.





**Data Protection** – If production is going to obtain an increased scope of personal information about cast and crew while it is carrying out its health checks, and to ensure it has all the necessary emergency contact information, there may be data protection legislation implications. Please reach out to us for legal advice in this area as it will also differ depending on where in the world you are producing content.

**Union Requirements** - If your production is a guild / union production, you will need to check that you are complying with any requirements of the applicable guilds and unions (note that each guild and union is preparing its own guidelines, which at the time of print, were not available). However, it should be noted that an Industry-Wide Labor Management Safety Committee Task Force spearheaded by the Alliance of Motion Picture and Television Producers (in collaboration with certain studios, DGA, SAG-AFTRA and IATSE) submitted a white paper on June 1, 2020 regarding proposed health and safety guidelines for motion picture, television and streaming productions for consideration and adoption by governments in connection with the authorization of the safe resumption of physical production.

Until such time that guidelines are adopted or mandated for physical production, SAG-AFTRA, for example, is requiring a production to respond to a safety questionnaire to ensure it is in compliance with their safety requirements before they will clear a production. In addition, SAG-AFTRA will conduct set visits and will be in regular contact with its members to ensure that a production is following through with its cleared safety guidelines.

It's important to note that SAG-AFTRA, in particular, has made it abundantly clear that employers (i.e., the production) and producers remain solely responsible for ensuring the health and safety of all SAG-AFTRA members they employ and that no SAG-AFTRA member is permitted to sign a document releasing the employer from any health and safety responsibility.

All of the guilds and unions have comprehensive COVID-19 resource pages and the safety of their members is clearly their utmost priority. As a producer and if you are signatory with a particular guild or union (or will become one), you should monitor their releases regularly to check that you are in compliance with their requirements. We can provide assistance here that is specific to your production.

**Insurance** – It should be noted that production insurance will likely start excluding coverage for COVID-19 claims, such exclusions and exceptions will likely require a “buy back” premium that will result in higher premiums than pre COVID-19 policies.

**Budget Implications** – Without doubt, all of the above considerations will have an impact on the production budget. Extra provision needs to be made for all additional items including testing, insurance, PPE, thermometers, sanitizers, cleaning equipment and materials, personal make-up kits, extra storage, extra space and facilities and the health/ COVID-19 supervisor's fees.

## Reed Smith is here to help

We hope that this is a helpful tool for you in contemplating how to produce content as locations begin to reopen after COVID-19 related lockdowns across the globe. If you require any specific legal advice or have any questions, please do not hesitate to reach out to us here at Reed Smith LLP.

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