

**Directors, Designers and Choreographers - Coronavirus Briefing****CURRENT AS OF 17:00, 16<sup>th</sup> March 2020**

Equity has produced general advice, which can be found on our website here:  
<https://www.equity.org.uk/news/2020/march/coronavirus-advice-to-equity-members/>

This advice is updated with reference to advice from the government and should be checked on a regular basis.

It is very hard for the union to provide constantly accurate and up-to-date advice with such a fast-moving and largely unprecedented situation. We are currently receiving an incredibly high number of calls, mostly about 'what if' scenarios. It's really important that we prioritise giving advice to individuals directly affected by coronavirus, whether that be because they are isolated, unwell or have had their show closed. This is a really worrying time for all our members, but, like anybody, the union can't answer theoretical questions with authority.

At this time, we are seeking to relay general information about people's entitlements. This briefing, which we will re-issue as things change, should help us advise members about what their rights are, and what's going on.

Please do read this in its entirety, and feel free to pass on to members in full.

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## Advice to individuals

Members should self-isolate based on the most current advice from the government, and if they are especially at risk, they should consider taking advice from NHS 111 or their physician. All members should take steps to not unnecessarily expose themselves to risk - in particular they should be aware that not cancelling unnecessary travel plans to affected areas could have serious implications to any support the union or your agent can negotiate for you.

If you are cancelling plans, entering self-isolation have concerns about health in your workplace you should have an open and honest conversation with the producer or general manager. If this is difficult or you need additional support from the union in doing so, you should contact the union directly.

All advice for individuals should be read alongside the advice for shows - as your individual rights will change if shows close.

### **Keeping yourself safe**

All members should put their health first. They should follow all government advice, but also think what else they might reasonably do.

Members should follow reasonable instructions from their manager to keep workplaces healthy and safe, and be fully aware that not doing so could reasonably result in you being in breach of contract.

It is wise in this period to take note of the government's guidance on 'social distancing', such as refraining from going to areas where you are in close contact with people. If possible to walk part of your work journey, use the best ventilated transport possible, and routes which involve the fewest interchanges.

Communicating the steps you're taking to keep yourself safe, preferably by email or Whatsapp/text to your company/general manager or producer contact is really important.

### **Self-Isolation when you display no symptoms**

Self-isolation is an important step to take if so advised, both for your own health, but critically that of your colleagues, family, friends, and the population at large.

If you are self-isolating with no symptoms, you are in a contractual limbo which the union will take up on a case-by-case basis. It is the union's position that no member should disproportionately lose out because they have taken this socially responsible step, but we cannot guarantee that full pay will be paid.

It will very much depend on the producer, the show, and the steps you have personally taken to minimise the likelihood of having to self-isolate.

If producers are not paying your agreed pay or seek to terminate your contract you should contact your agent or the union for further advice, which will be treated as a priority.

### **Absence when you display symptoms**

If you're displaying symptoms of COVID-19, and you are unable to commence or complete the services required you should receive the following;

West End (Equity/SOLT Agreement) – up to and including the next 1/3<sup>rd</sup> of your fee due, plus any expenses incurred

Subsidised and Commercial Theatre (Equity/UK Theatre Agreement) – a proportion of your fee as appropriate to those services delivered to the date of illness (up to 1/3<sup>rd</sup>), in addition to the 1/3<sup>rd</sup> initial payment made at contract.

For ITC contracts get in touch with Charlotte Bence [cbence@equity.org.uk](mailto:cbence@equity.org.uk)

Non-Equity contracts vary wildly so there is no guarantee that there is an entitlement at all, but contact Jamie Briers [jbriers@equity.org.uk](mailto:jbriers@equity.org.uk).

If your contract states that an entitlement is 'in line with' an Equity agreement, please Jamie Briers [jbriers@equity.org.uk](mailto:jbriers@equity.org.uk)

For further advice on financial support please visit the following link;

<https://www.equity.org.uk/news/2020/march/coronavirus-briefing-financial-support/>

## **What happens if a production I am working on is cancelled or suspended?**

This advice is for Equity contracts only.

### **In what circumstances might productions be cancelled?**

Shows can close for many reasons, but they can be broadly grouped into two areas: those which are reasonably within the producer's control to manage, and those which are not.

Reasons within the producer's control include poor ticket sales in normal circumstances, the need to cover a small number of parts/positions and so on.

Reasons outside the producer's control include: the government shutting all public gatherings, a particular theatre being closed because of an outbreak, a substantial number of artists in self-isolation and so on. These are often called force majeure.

Members' rights change depending on whether the reasons for a closure are within the manager's control or not.

### **Your rights when a production is cancelled for reasons a producer can control**

You may be entitled to partial payment of fees and reimbursement of expenses under the Failure to Produce clauses under the relevant agreement. Send your contract through to Jamie Briers [jbriers@equity.org.uk](mailto:jbriers@equity.org.uk) for further advice.

### **Your rights when a production is cancelled for reasons a producer cannot control: 'Force Majeure' & 'Frustration'**

It is important to note that this only comes into play when the producer is suffering a financial loss. If they suffer no loss - most likely because they are insured - payment would still be due as normal. However, from our conversations with producers this seems highly improbable in any sector even when covered by an Equity Agreement.

A contract does not have to provide, as a minimum, any payment in the event of force majeure. This is because the contract has been frustrated – that is to say conditions beyond anyone's control mean that it may have to be ended. This is the basic legal position that affects lots of working people across different sectors.

If producers do choose to end the contract (i.e. stop paying you) then you are free to seek other work. However, some producers may seek to postpone your engagement. If members need advice on what to do in this situation they you should contact Jamie Briers [jbriers@equity.org.uk](mailto:jbriers@equity.org.uk) for some advice.

If your contract contains a provision for royalties, they will cease for the period of time the production is suspended.

If your contract states that your rights are in line with an Equity agreement, please contact your Equity office and we can provide you with advice relating to that agreement.

### **How can we stay best informed?**

Keep in touch with your Union. As things change we will keep you posted and at a time of high demand for the Union's advice we are prioritising individual queries from those members who might not have access to a Deputy, such as Directors and Designers, to ensure you have the most up to date information.

### **What else is Equity doing?**

Equity is working with other trade unions, the TUC, management associations and our parliamentary grouping to make sure that the government hears the voice of workers in our industry.

We are lobbying the government to provide additional financial support to workers and the industry in this difficult time. As a key part of the modern UK economy and society, the entertainment industry must be supported and not overlooked.

Please keep looking at our website and social media for updates on these campaigns and how you might help get our voice heard at this time of a global issue.