

# Actsafes Fact Sheet #15

## WORKSAFEBC INSURANCE COVERAGE FOR MOTION PICTURE PRODUCTIONS

This fact sheet has been created to help employers (i.e., production companies) ensure that their employees and service providers are covered by some form of WorkSafeBC insurance, to protect the production against liability if an accident happens.

Please note that Actsafes is providing this factsheet as a general guideline only. While the information provided explains the basics of insurance coverage, individual cases may require additional clarification from WorkSafeBC. Productions should contact the WorkSafeBC Employer Service Centre (see "Resources") as necessary to discuss their specific circumstances.

### Background

Historically, British Columbia's motion picture and television industry operated under the assumption that all of a production company's service providers were included in WorkSafeBC coverage if the production paid workers' compensation premiums for those individuals. However, certain service providers, typically those that employ and pay their own employees, are not considered employees of a production and are not included in the production's basic coverage.

To address industry concerns about liability, WorkSafeBC has implemented an extended coverage option for unionized productions. Non-union productions should ensure that all service providers who are not considered employees have a WorkSafeBC account in good standing if they wish to avoid liability issues.

### Who is eligible for extended coverage?

Extended coverage is available to motion picture and television productions that have signed a master or collective agreement between producers and unions at the time coverage is requested. In other words, if you employ union workers, you can apply for extended coverage to cover workers and service providers on the production. The specifics of who is and who is not subject to coverage under an extended coverage policy are described in the box, which excerpts the WorkSafeBC policy regarding extended coverage on film productions.

### How to apply for extended coverage

Production companies that are working with a collective agreement and are registered with WorkSafeBC can apply for extended coverage. Fill out Form 1800MPEX and submit it to WorkSafeBC (see "Resources" below). WorkSafeBC will then make a decision on whether extended coverage is granted.

*Note: If your company is not already registered, go to [WorkSafeBC.com](http://WorkSafeBC.com) and click "Insurance."*

### Excerpt from WorkSafeBC policy regarding extended coverage on film productions

#### (c) Who is included under extended coverage?

Unless excluded under (d) of this Item, the following individuals are subject to coverage under an extended coverage application:

- Principals of limited companies;
- Independent operators;
- Employers (partners and proprietors that are individuals); and
- Employers that meet the criteria set out in Item AP1-2-1, Exemptions from Coverage.

#### (d) Who is excluded from extended coverage?

The following individuals are not subject to coverage under an extended coverage application:

- Any worker already covered by the production firm or by another employer.
- Registered employers and independent operators with personal optional protection in good standing during the period of requested extended coverage.
- Volunteers and learners on practicum or work assignments. If a production firm wishes to cover volunteers and learners, the production firm is required to submit a separate request for inclusion to the Board in accordance with Item AP1-3-1, Extending Application of the Act.

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#### Coverage for non-union productions

Extended coverage does not apply to productions that have not signed a collective agreement. On non-union productions, employees will be covered under the production's regular WorkSafeBC insurance, as long as the production is registered with WorkSafeBC and up-to-date on its premiums.

However, service providers who are not considered employees (including independent operators and limited companies) will not be covered. Productions should confirm that these entities have their own coverage, i.e., a WorkSafeBC account in good standing. On a non-union production, service providers who are not eligible for WorkSafeBC coverage may not be able to make a WorkSafeBC claim in the event of an accident — they may, however, have the ability to sue the production instead.

#### How to confirm WorkSafeBC registration

A production can confirm that service providers are registered with WorkSafeBC by obtaining clearance letters for those service providers who may not be considered employees of the production. A clearance letter will tell you whether or not an independent operator has a WorkSafeBC account in good standing. It's fast and easy to get a clearance letter from WorkSafeBC.com (see "Resources" below).

#### Other important information

- Even with extended coverage, production companies are still required to fulfill their responsibilities as employers under the *Workers' Compensation Act* and the *Occupational Health and Safety Regulation*.
- Productions need to inform cast and crew about extended coverage, as well as their rights and obligations regarding insurance coverage. There is a sample informational circular (approved by WorkSafeBC) that you can distribute to your cast and crew in start packages (see "Resources" below).
- WorkSafeBC can cancel extended coverage if a production doesn't allow WorkSafeBC to inspect a worksite or records, or the production fails to comply with an order or direction from WorkSafeBC.

#### Resources

- WorkSafeBC Policy AP1-2-4, Extended Coverage for Motion Picture and Television Productions [www.worksafebc.com/regulation\\_and\\_policy/policy\\_decision/board\\_decisions/2012/Nov/default.asp](http://www.worksafebc.com/regulation_and_policy/policy_decision/board_decisions/2012/Nov/default.asp)
- Form 1800MPEX (extended coverage application) [www.worksafebc.com/forms/assets/PDF/1800MPEX.pdf](http://www.worksafebc.com/forms/assets/PDF/1800MPEX.pdf)
- "Get a clearance letter" (WorkSafeBC online application) [www.worksafebc.com/insurance/managing\\_your\\_account/clearance\\_letters/default.asp](http://www.worksafebc.com/insurance/managing_your_account/clearance_letters/default.asp)
- WorkSafeBC Employer Service Centre, 604 244-6181 in the Lower Mainland or 1 888 922-2768 (621-SAFE) toll-free in Canada.

#### Do your service providers need to register?

Service providers who own business entities that employ themselves or others should seek a determination from WorkSafeBC that will tell them whether or not they need to register with WorkSafeBC.

Generally speaking, personal service corporations are considered employees of a production and are not required to register with WorkSafeBC. Such service providers will need to get a determination from WorkSafeBC that they are in fact a personal service corporation.

Service providers can determine whether or not they need to register with WorkSafeBC by contacting the Employer Service Centre (see Resources).

Note: Service providers still have an obligation to register for their own coverage, even when they are covered under a production's extended coverage. Employers and corporations who do not register with WorkSafeBC as required may be assessed fines and back premiums.