

SAFE FILM

Bezpečný film

**AN INTRODUCTION TO THE ISSUE
THE TWELVE RULES FOR SAFE FILMING**

**AUDIOVISUAL PRODUCERS' ASSOCIATION
EUROPEAN INSTITUTE FOR HEALTH AND SAFETY IN THE FILM INDUSTRY
TECHNICAL UNIVERSITY OF OSTRAVA - FACULTY OF SAFETY ENGINEERING**

APA INTRODUCTORY REMARKS

During the Covid-19 pandemic of 2020 and 2021, not only did audiovisual productions have to adapt to stricter hygiene measures and create their own self-regulatory rules to protect themselves from contagion to keep filming going, but occupational safety during filming also came under closer scrutiny. The Association of Audiovisual Producers, together with the European Institute of Health and Safety in the Film Industry, commissioned this document to offer insight into the overall issue of occupational safety. It provides producers and their executive producers or production managers with a brief overview of the legal obligations and guidance on how to apply these rules specifically to filming in the form of best practice.

Closer examination of this issue was inspired not only the pandemic and the many questions from our members about the context of legal relations in the workplace - the film set - between individual crew members and the related responsibilities, as well as the initiative of CEPI (European Producers Association) and the European Commission, which have developed rules for workplace safety in the audiovisual sector based on European legislation using the OiRA application. Unfortunately, while exploring the possibilities of implementing this application in the Czech audiovisual environment, we encountered a barrier at the governmental level. The Ministry of Labor and Social Affairs, which is responsible for the OiRA project, has terminated it and will not implement further applications for new sectors under this project. We decided, therefore, to present at least a brief introduction to the issue and twelve essential tools.

The European Institute of Health and Safety in the Film Industry developed this “Safe Film” white paper in cooperation with the Faculty of Safety Engineering of the Technical University of Ostrava. It is based on the practical knowledge of the author and his colleagues gained through the implementation of workplace safety on film projects shot in the Czech Republic, scientific activities within the framework of doctoral studies at the Faculty of Safety Engineering of the Technical University of Ostrava, and activities within the projects of the European Institute of Health and Safety in the Film Industry, z.ú.

Magdaléna Králová

APA Executive Director

INTRODUCTION

Filming an audiovisual work is an activity that, by its very nature, places high demands on the cognitive functions of all crew members. It is a high-risk activity, even when it does not contain any action or otherwise seemingly dangerous scenes.

Like all commercial industries, the production of audiovisual works is subject to legal obligations and regulations on occupational health and safety. The basis for this legislation is harmonized EU legal regulations, and in the Czech Republic, the specific laws are Act No. 262/2006, as amended, the Labor Code, and Act No. 309/2006, as amended, on ensuring other conditions of occupational safety and health, as amended.

The Czech Republic has introduced the professional qualification of “person professionally competent to prevent risks” (hereinafter referred to as an OHS specialist). A person may also carry out activities on the film set under the supervision of an OHS specialist.

This general document applies to all types of productions regardless of the size or type of project (advertising, film, TV, documentary, etc.).

RESPONSIBILITY

The responsibility for workplace safety on the set rests with the shoot supervisor and the producer, both in terms of compliance with legal standards and on a criminal law level if injury, death, or property damage occurs on the set. According to §148 of Czech Act No. 40/2009 Coll., the Criminal Code, anyone who negligently harms another by violating duties arising from their employment or profession, or who negligently causes bodily harm to at least two persons by grossly violating the Environmental Protection Act or laws on occupational safety, transport, or hygiene, is liable to imprisonment for one to three years.



WHY HAVE A QUALIFIED RISK PREVENTION PERSON ON SET?

“They’ve got your back.” While they are not responsible for any accidents, they will help you manage risks, provide expert answers to any questions, handle documentation, obtain and process documentation from suppliers, and actively oversee the filming process, communicate with departments, conduct safety meetings, and act preventively in accordance with the filmmaking workflow. In case something goes wrong, they will help you minimize the damage.

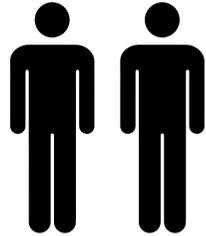
OBLIGATIONS TO COMPLY WITH OCCUPATIONAL SAFETY

OBLIGATIONS RELATING TO OCCUPATIONAL SAFETY, IN PARTICULAR IDENTIFYING RISKS AND TAKING MEASURES TO ELIMINATE OR MINIMIZE THEM, APPLY TO ALL PRODUCTIONS, REGARDLESS OF THE SIZE OF THE CREW. IN THIS RESPECT, THE PRODUCTION COMPANY IS VIEWED AS AN EMPLOYER, AND ACCORDING TO ACT NO. 309/2006, AS AMENDED, IF IT HAS A CREW OF:



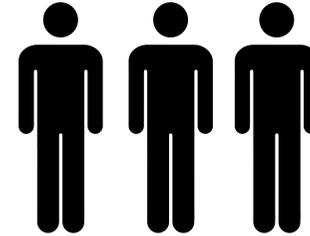
0-25
PEOPLE

the risk prevention tasks can be carried out by the production manager or a person authorized by them



26-500
PEOPLE

the risk prevention tasks may be carried out by the production manager or person appointed by them, provided it is a person with a professional risk prevention qualification



500 & MORE
PEOPLE

the crew must always have an OSH specialist - a person with a professional risk prevention qualification

BASED ON EXPERIENCE FROM SHOOTING FOREIGN PROJECTS, DUE TO THE PRODUCTION MANAGER'S WORKLOAD AND THE SPECIFICS OF THE SHOOTING, WE RECOMMEND USING A PROFESSIONALLY QUALIFIED PERSON DEPENDING ON THE SPECIFIC PROJECT. THEREFORE, IT IS ALWAYS NECESSARY TO FOLLOW A RISK ASSESSMENT PROCEDURE AND SET FORTH TECHNICAL AND ORGANIZATIONAL MEASURES ON THIS BASIS.

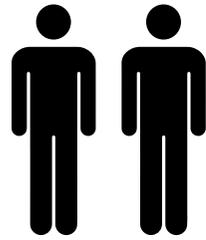
BEST PRACTICE

BASED ON THE EXPERIENCE FROM REAL PROJECTS, THE FOLLOWING DIVISION HAS PROVEN TO BE USEFUL FOR AV PRODUCTIONS:



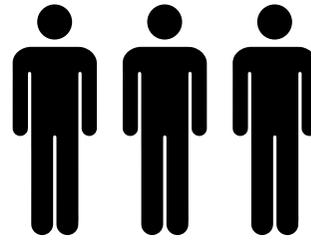
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a production manager without professional qualifications in consultation with an external OSH specialist



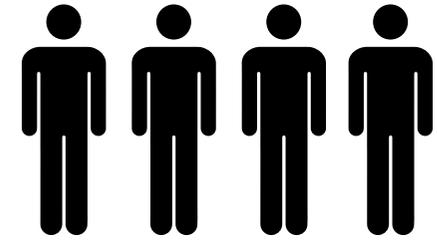
26-50
PEOPLE

a production manager with a professional qualification in risk prevention, or a trained production assistant who will take over the OSH tasks under the supervision of the filming supervisor (who has a professional qualification in risk prevention)



51-100
PEOPLE

the crew should include a person professionally competent in risk prevention, dedicated to this activity only



101 & MORE
PEOPLE

it is advisable to have a risk prevention person assigned to each crew and an OHS supervisor who acts as a department head and comprehensively coordinates covid-19 occupational safety and health issues

THE USE OF PROFESSIONALLY QUALIFIED PEOPLE SHOULD ALWAYS BE CONSIDERED REGARDLESS OF THE SIZE OF THE CREW.

THE TWELVE RULES FOR A SAFE FILM

1

SUPPLIER RISK ANALYSIS according to §101 to §108 of the Labor Code, if more than one employer operates at the workplace (film shoot), all of them are obliged to inform each other in writing of any risks; based on §13 of Act No. 309/2006, as amended, this **obligation also applies to all self-employed persons**.

BEST PRACTICE: A face-to-face meeting is advisable when first requesting a risk analysis. It is also possible to bring in an OHS specialist to explain what you need and in what form to subcontractors. They can assist subcontractors with drafting. Require suppliers to keep risk analyses up to date and stress that they must include subcontractors.

2

DEVELOPING A WORKPLACE (LOCATION) RISK ANALYSIS in a filming context, the workplace is the location or studio. As all participants in the shoot need to be familiar with each other's risks, the producer develops a risk analysis of the workplace in the context of the activities that will take place on it. This analysis must be made available to all suppliers. This step begins with technical inspections, where it is necessary to collect data (the basis for the risk analysis). For locations in poorer technical condition, consider conducting static assessments or inviting other experts according to the risk.

BEST PRACTICE: A lot of information can get lost during the tech recce, so it is advisable to make an audiovisual recording of the recce. It is essential to update the risk analysis when activities or shooting conditions change.

3

OHS TRAINING OF ALL PRODUCTION DEPARTMENTS in particular, familiarization with risks and measures. All departments must undergo training before filming begins. Training can be carried out as part of a project-wide production meeting. For larger projects, individual production departments can have separate training sessions.

BEST PRACTICE: It is advisable to combine the training with other relevant information (such as on covid-19 measures), where changes can be made based on feedback from individual departments. Organize a meeting with all department heads to discuss risks and precautions, train them, have them sign attendance sheets, and arrange for them to train their subordinates and supply you with signed attendance sheets. Provide them with the necessary supporting documents. During training, potential complications are often encountered that would otherwise be dealt with on set. This reduces the risk of additional costs.

THE TWELVE RULES FOR A SAFE FILM

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FAMILIARIZATION OF THE STAFF WITH THE RISKS this is done both in the form of handing over the risk analysis to the location manager(s) and preparing checklists for each activity and location. The risk analysis and daily checklist must be attached to the call sheet. The daily checklist summarizes the suppliers' risk analyses related to the activities and equipment on the set that day for specific scenes being shot.

BEST PRACTICE: Always attach a risk analysis to the call sheet. In addition to the production risk analysis, an analysis of relevant suppliers should be included if they will be involved in the project on a given day.

5

SAFETY MEETING a safety meeting needs to be conducted every shooting day before work commences summarizing the most significant risks and notifying the crew of adjustments to risk reduction measures if there is a change, for example, due to weather.

BEST PRACTICE: Preparation is essential - **the ideal meeting length is max. 5 minutes** and is usually led by an assistant director and an OHS specialist. During the safety meeting, the assistant director should also make a brief statement to the stuntmen and SFX if they are due to perform that day. It is advisable to include a safety meeting call directly in the location call sheet.

6

SHOOT SUPERVISION is a crucial part of prevention. It is essential to note whether two activities are taking place simultaneously that may affect each other and cause an accident. At the same time, compliance with risk analysis measures must be monitored. The person supervising workplace safety during filming has the task of systematically searching for risks to the life and health of employees (crew members) based on the provisions of Section 102 of the Labor Code and other regulations relating to occupational safety and health.

THE TWELVE RULES FOR A SAFE FILM

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NEAR-MISS REPORT The second essential prevention tool is near-miss monitoring. These are situations where something doesn't go as it should, but only through sheer luck or precautions no one has been injured or damage caused. Based on the near-miss report, measures are then developed to prevent a recurrence.

NOTE: A near-miss incident does not necessarily mean that someone has done something wrong, but rather that someone followed a certain measure correctly and that no harm has occurred as a result. This is also essential information for production.

BEST PRACTICE: Whenever a near-miss incident occurs, always compare the report with the risk analysis and update it if necessary.

8

ACCIDENT REPORT when an accident occurs, it is essential to gather as much information as possible about what happened, written statements from witnesses, and other vital facts to help the investigation. Accident reports can serve as the foundation for legal solutions. If any crew member is an employee, an entry must be made in the accident book or an injury report written up. This obligation arises from Section 105 of the Labor Code and Government Regulation No. 201/2010, as amended, on the method of recording, reporting, and sending accident reports.

BEST PRACTICE: When an injury or accident occurs, first aid should be carried out immediately to prevent the situation from worsening. It is then advisable to reach out to occupational safety experts to help you resolve the situation with legal representatives.

9

MENTAL HEALTH AND PREVENTION psychological well-being, respect between crew members, fatigue prevention, and safety breaks have a very significant positive impact on the efficiency of the shoot, but also the accident rate and accident risk levels. It is also an area that substantially affects the risk of additional costs and the associated economics from an effectiveness point of view. Safety breaks due to psychological and visual stress are regulated by Government Regulation No. 361/2007, as amended, setting forth the conditions for occupational health protection.

BEST PRACTICE: When conducting a risk analysis, it is also advisable to analyze the risks associated with psychological stress and implement appropriate measures.

THE TWELVE RULES FOR A SAFE FILM

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RECORD KEEPING all risk analyses, reports, training attendance sheets, accident books (for employees), etc., should be archived in paper form and stored so that they are available in the event of an accident or inspection. An integral part of the safety documentation is the accompanying and operational documentation of technical equipment: inspection records and technical equipment checks, and records of the qualifications of people in charge of maintenance and inspection of technical equipment. In the event of an inspection, accident, or injury, the labor inspectorate, police, or insurance company will require them.

BEST PRACTICE: It is a good idea to have a binder that the OHS specialist keeps with them. If the production does not have a specialist, the producer should keep it. The OHS specialist also supervises the documentation and authorization of people operating technical equipment.

11

TRANSLATION OF DOCUMENTS INTO ANOTHER LANGUAGE if foreign actors or crew members are involved in the filming, all training and risk analyses must be in both Czech and English or the language of the foreign crew members. The obligation to communicate risks in the native language is based on §106(1) of the Labor Code, which states that the employee is entitled to the securing of his occupational safety and health, to receive the information on the risks which his work entails, and information on the preventative (protective) measures taken against such risks. The information must be understandable for the employee – in this case, the word “understandable” means “in their native language”.

BEST PRACTICE: During safety meetings, it is most effective for foreign crews when the assistant director conducts the meeting in English and the OHS specialist repeats the information in Czech.

12

ON-SET PARAMEDIC based on a risk analysis of the actions to be realized, the necessary level of medical support for the filming must be selected. “Level of support” means the number of ambulances and their staff qualifications (whether only paramedics, medics, or also a surgeon or anesthesiologist are present). This obligation is based on §102(6) of the Labor Code, which states that the employer is obliged to provide and determine, according to the type of activity and size of the workplace, the necessary number of employees to organize the provision of first aid and to ensure that emergency medical services are called.

BEST PRACTICE: The determination of the level of medical support should be based on the risk analysis of the stuntmen and the OHS specialist.

WHAT WE CAN GAIN BY FOLLOWING THE PRINCIPLES OF SAFE FILMING

- **A RESTFUL NIGHT'S SLEEP.**
- **REDUCED RISK OF FILM STOPPAGE DUE TO HEALTH ISSUES OR PROPERTY DAMAGE.**
- **INCREASED EFFICIENCY AND POSITIVE IMPACT ON AVOIDING ADDITIONAL COSTS.**
- **COMPLIANCE WITH ALL LEGAL OBLIGATIONS.**
- **IF AN ACCIDENT OCCURS, PROPER DOCUMENTATION PLAYS A CRUCIAL ROLE IN ALL ASPECTS OF LIABILITY AND CAN IMPACT THE INSURANCE COMPANY CLAIMS AND ANY INSURANCE DISCOUNTS.**
- **PERCEPTION OF THE CZECH REPUBLIC AS A SAFE PLACE FOR FILMING IN THE EYES OF FOREIGN STUDIOS.**

WHAT ARE THE COSTS

The cost of ensuring safety at work always depends on the size of the crew, the nature of the shoot, the number of locations, and the level of service the production receives from suppliers. It is always up to the producer to evaluate the benefits and additional costs associated with this service.

It is possible to combine the use of trained production team staff with an external consultant for specific locations or scenes, or hire an OHS specialist for the entire duration of the shoot, where the specialist maintains all documentation, conducts safety meetings, oversees compliance with established rules, and actively contributes to prevention and workflow efficiency.

The European Institute of Health and Safety in the Film Industry is currently negotiating with insurance companies for significant insurance discounts (up to 30% discount is being discussed) for projects with occupational safety issues in order - a "safe film" label.

In general, the cost of occupational safety, which means the OHS specialist and authorized documentation, runs in the thousands of Czech crowns per filming day, depending on the scope of services of individual suppliers and their level of implementation of the filmmaking workflow within the OHS services.

MYTHS & FACTS



ALL THE CONTRACTORS ARE TRADESMEN ON MY SHOOT, AND EVERYONE IS RESPONSIBLE FOR THEMSELVES, SO IF I DON'T HAVE EMPLOYEES, THERE'S NO NEED TO WORRY ABOUT WORKPLACE SAFETY.

WE DON'T HAVE ACTION SCENES OR STUNTMEN, THERE'S NO DANGER, SO I DON'T NEED TO DEAL WITH WORKPLACE SAFETY.

THE PRODUCER IS BRINGING ITS OWN SAFETY PERSON FROM ABROAD; THERE'S NO NEED TO HAVE A LOCAL ONE ON TOP OF THAT.



ACCORDING TO §13 OF ACT NO. 309/2006, AS AMENDED, ALL OSH OBLIGATIONS ALSO APPLY TO SOLE TRADERS (SELF-EMPLOYED PERSONS) WITHOUT EMPLOYEES, I.E., A CREW COMPOSED ENTIRELY OF SOLE TRADERS.

THE BIGGEST RISKS ARE THOSE THAT ARE UNEXPECTED. THERE IS CURRENTLY NO LAW STATING THAT THE SPECIALIST SHOULD ONLY BE PRESENT FOR DANGEROUS SCENES. COMPLIANCE WITH WORKPLACE SAFETY RULES IS ALWAYS ESSENTIAL.

CZECH LEGISLATION CLEARLY DEFINES THE OSH QUALIFICATION STANDARDS. IF A FOREIGN SPECIALIST DOES NOT HAVE A CZECH CERTIFICATE OF PROFESSIONAL COMPETENCE TO PERFORM OSH RISK PREVENTION TASKS, THE AUTHORITIES CONSIDER THEM UNFIT TO PERFORM THIS FUNCTION. THE OHS SPECIALIST MUST ALSO BE ABLE TO PREPARE DOCUMENTATION PER CZECH LEGISLATION IN THE CZECH LANGUAGE AND PRESENT THE RISKS TO THE STAFF IN CZECH.

CONCLUSION

As the legislation in the Czech Republic and worldwide gradually changes and develops, the requirements for occupational safety are becoming more and more demanding, a trend that will likely continue. Based on our own experience from foreign projects filmed in the Czech Republic, we have enough data and experience to demonstrate that workplace safety is not just an “annoying extra cost” but can be fully compatible with the filmmaking workflow when implemented correctly and have a significant positive impact not only financially (in terms of efficiency and reducing the risk of additional costs), but also on any insurance claims.

Economic benefits and a sensitive approach to the filmmaking workflow are key priorities of the Safe Film project.

THE SAFE FILM PROJECT

The European Institute for Health and Safety in the Film Industry, in cooperation with the Faculty of Safety Engineering of the Technical University of Ostrava, is putting together a related project called Safe Film, the aim of which is to train OSH specialists at various levels, whether it is the training of a production manager or production assistant who will be in charge of managing documentation within smaller crews, or the training of OSH specialists on the issues of AV production. The Safe Film Project plans to offer lectures and a series of webinars and provide specific tools for creating risk analysis and more.

This is a living document - we will continue to revise it as legislation changes and newer and more effective tools for risk management in AV production come along.

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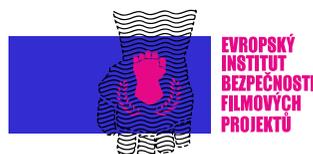
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EXPERT CONSULTATIONS AND CORRECTIONS

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