

May 25, 2021

Premier Doug Ford
Queen's Park
Main Legislative Building
Toronto, ON M7A 1A1

RE: Towards an Effective and Safe Reopening plan for Music and Performing Arts

Dear Premier Ford,

Ontario's musicians and performing artists have spent almost all of 2021 locked out of venues large and small—bars, clubs, theatres, concert halls, and stadiums—unable even to stream or record for a digital audience. They are excited to get back to work, and bring joy to their audiences and fans through live streaming, drive-in concerts, and eventually, in-person shows.

This letter is *yet another* urgent plea for regulatory fairness and action. The continuation of restrictions that prevent musicians and performing artists from using their venues to safely rehearse, record, and live stream threatens the survival of a large part of Ontario's cultural infrastructure.

To complement the announcement of the *Roadmap to Reopen*, the artists and arts groups that we represent are now hoping for clear and science-based rules and regulations that will get them back to work quickly and safely. Unfortunately, *Roadmap to Reopen* simply does not deliver.

Currently, *Roadmap to Reopen* could mean an Ontario where:

- Ontarians have to wait at least another six weeks to watch their favourite musicians and performing artists stream or record from professional venues;
- Ontarians will see an even more accelerated contraction of the sector, as small businesses, companies, organizations, artists, and workers cease operations and activities permanently;
- Ontarians who are vaccinated will not have events to go to in the late summer and fall, because presenters, promoters, and venues can't plan without knowing capacity limits; and
- Artists and shows that involve singers, wind and/or brass musicians may have to continue investing in expensive plexiglass barriers, despite evidence that barriers don't work. At the same time, the regulations do not focus on proven measures, such as instrument and face masking in addition to social distancing, and artists and shows face significant barriers to accessing other proven measures like rapid testing.

To fix *Roadmap to Reopen* and to ensure that Ontario's musicians, performing artists, and workers aren't left in the dark while their colleagues in other jurisdictions are safely back to work, we respectfully ask that you take the following actions:

1. Allow concert venues and theatres to reopen for live streaming or recording without an audience as soon as the Stay-at-Home order ends

Starting with the lifting of the Stay-at-Home order on June 2, Ontario's artists and technicians should be allowed to do what they do best: use our province's venues to make art, capture it digitally, and share it with home-bound Ontarians. By creating and sharing fresh and relevant online content in safe, controlled conditions, we can help keep people safe at home, *and* promote the vaccination campaign.

However, under the reopening plan announced on May 20, artists and crew will not be able to enter a theatre, club, or concert hall to rehearse, record, and earn sorely-needed income until Step Two, which would start on July 5 at the earliest.

Under the current regulations, artists and technicians are able to work in commercial sound recording studios and on film and TV sets, yet concert venues and theatres are off-limits. Premier, we ask you, as well as your Public Health colleagues, to acknowledge that safely rehearsing, streaming, and recording from professional venues is possible. In fact, a music live stream will have significantly fewer crew on set than a film production, and concert halls and theatres are large spaces that facilitate social distancing and large air volumes. Professionals in Ontario's live music and performance industries have worked tirelessly to leverage science and data to make these highly-controlled workplaces safe, and these efforts should be reflected in the regulations.

2. Consult with the sector directly and in a timely way to establish capacity limits in steps two and three of the reopening plan so that venues and presenters can plan, hire artists and staff, and start selling tickets

Not-for-profit and commercial venues alike have identified the need for an adequate planning runway. Different sub-sectors have different needs, but as an example, a major performing arts company needs a minimum of 5 months between announcing its season and opening its doors to audiences. We require clarity sooner rather than later.

We also need audience capacity limits that reflect our sector's exceptional ability to adhere to strict public safety measures, as well as our financial realities. Our venues have developed and tested rigorous health and safety plans, and are well-positioned to welcome the public back.

Consistent with other economic sectors in Ontario (notably, retail stores and religious services) *and* in other jurisdictions around the world, we ask that performing arts venue capacity limits should be based on a percentage of capacity, and that this percentage be reviewed regularly.

3. Focus on *proven* ways to keep artists and workers safe

We now know that droplets and aerosols both contribute to COVID-19 transmission¹, and that the greatest risk has been posed by situations where aerosol transmission is unchecked². The requirement for plexiglass barriers reflect an understanding of risk that focuses only on droplet transmission: to quote a recent study from the University of Colorado Boulder on safety measures for singers and performers on wind and brass instruments, “We do not recommend plexiglass partitions or barriers as they have been shown to not protect against aerosol exposure.”³

One measure that does work is regular workplace testing. Ontario is now providing small and medium-sized businesses with free rapid testing kits, but only to businesses that are currently allowed to be open. Your government has said that the reason Film and TV productions have continued throughout all of 2021 is because of their testing regimes, but even now with widespread rollout of free rapid testing to businesses, musicians and performing artists are left out. Commercial pharmacy chains are currently the only way for venues and presenters in many areas of Ontario, including Toronto and Brampton, to access affordable rapid tests.

Throughout the pandemic, Ontario’s globally-recognized artists have reminded us of the importance of human connection, generosity, and creativity. ‘First hit, hardest hit, and last back’ does not have to be our destiny. It is a painful and brutal reality that our industries have tried to manage by adapting and innovating, pivoting to live streaming and drive-in concerts. We have always recognized—and supported—how hard your government has worked to try to make the right decisions. However, the new framework is punitive and discriminatory.

We write today to ask for your leadership in allowing a return to our province’s stages safely and soon, in a phased-in and progressive manner.



Erin Benjamin,
President & CEO



Katherine Carleton,
Executive Director



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CC: Dr. David Williams, Chief Medical Officer of Health
Lisa MacLeod, Minister of Heritage, Sport, Tourism and Culture Industries
Christine Elliott, Deputy Premier and Minister of Health

References:

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3. Stockman, T., Zhu, S., Kimar, A., Wang, L., Patel, S., Weaver, J., Spede, M., Milton, D., Hertzberg, J., Toohey, D., Vance, M., Srebric, J., Miller, S. (2021). *Measurements and Simulations of Aerosol Released while Singing and Playing Wind Instruments.* <https://scholar.colorado.edu/concern/articles/hq37vp75r>