

22-6-20.

Ar ddydd Gwener 19 Mehefin cyhoeddodd Prif Weinidog Cymru gamau pellach i lacio’r cyfyngiadau yng Nghymru. Yn ogystal, cyhoeddwyd canllawiau lefel uchel ar gyfer sefydliadau sy’n gweithredu yn y diwydiannau creadigol yng Nghymru. Mae’r canllawiau ar gael ar wefan Llywodraeth Cymru:

<https://llyw.cymru/y-diwydiannau-creadigol-canllawiau-ar-gyfer-dychwelyd-yn-raddol>

Mae swyddogion S4C hefyd yn parhau i ddysgu ac addasu wrth i'r sefyllfa esblygu.  Mae llacio cyfyngiadau yn raddol ynghyd â chanllawiau esblygol y diwydiant wedi golygu bod rhai mathau o gynyrchiadau wedi parhau ac eraill wedi ail-gydio yn y gwaith cynhyrchu yng Nghymru, gan gymryd i ystyriaeth unrhyw reoliadau pellhau corfforol sydd mewn bodolaeth.  Dros yr wythnosau diwethaf, rydym wedi dysgu beth yw’r heriau sy’n wynebu’r gwahanol gynyrchiadau, gan gynnwys darllediadau byw sy’n cael eu ffilmio yn yr awyr agored, ynghyd â'r mesurau sydd eu hangen i ailddechrau ffilmio opera sebon.  Mae gwersi hefyd i’w dysgu gan sefydliadau megis yr Uwch Gynghrair a chynghreiriau pêl-droed eraill, sydd wedi gorfod cryfhau eu systemau hylendid, cadw cofnod manwl ynghyd â darparu offer amddiffyn priodol lle bo hynny’n bosibl ac yn ymarferol.

Mae sicrhau fod y prosesau, y systemau a’r gwaith papur angenrheidiol, ynghyd â’r angen i bawb sy’n gysylltiedig ag unrhyw gynhyrchiad gymryd cyfrifoldeb personol am iechyd eu hunain, yn parhau i fod yn hanfodol.  Mae hyn yn golygu bod yn rhaid i unrhyw un sy’n dangos symptomau (yn ogystal â'u teulu agos), ddilyn cynllun hunan-ynysu Llywodraeth Cymru ar unwaith <<https://llyw.cymru/hunanynysu-canllawiau-aros-gartref-i-aelwydydd-coronafeirws-posibl-covid-19>>, a gwneud cais am brawf Coronafeirws.  Gallai peidio â dilyn y canllawiau hyn arwain at ganlyniadau sylweddol i iechyd a diogelwch aelodau eraill o’r cast a'r criw.  Gallai mesurau diogelwch ychwanegol eu cyflwyno, gan gynnwys profi tymheredd castiau a chriw perthnasol, a chredwn y byddai hyn yn rhywbeth rhesymol i’w ystyried i rai cynyrchiadau, yn ddibynnol ar eu hasesiad risg.

Mae’n bwysig nodi nid yw’r canllawiau hyn yn disodli unrhyw rwymedigaethau cyfreithiol sy’n gysylltiedig ag iechyd a diogelwch, cyflogaeth neu gydraddoldeb, ac mae’n bwysig bod busnesau / cyflogwyr yn parhau i gydymffurfio â’r rhwymedigaethau gan gynnwys y rheini sy’n ymwneud ag unigolion â nodweddion gwarchodedig. Canllawiau anstatudol ydynt ac ni ddylid ystyried ychwaith fod modd dibynnu arnynt yn lle cyngor cyfreithiol. Dylai cyflogwyr a gweithwyr cyflogedig ystyried ceisio cyngor o’r fath os bydd angen.

Dyma grynodeb o rai o’r pwyntiau mwyaf perthnasol ar gyfer y sector deledu:

Ceir parhau i ffilmio yng Nghymru ar yr amod y cydymffurfir yn llawn â chyfraith Cymru wrth wneud hynny. Dylid hefyd ddilyn dogfennau priodol Llywodraeth Cymru sy’n ymdrin â COVID-19. Mae hyn yn cynnwys rhwymedigaeth gyfreithiol a [**chanllawiau ar gymryd pob cam rhesymol i gadw pellter corfforol yn y gweithle**](https://llyw.cymru/cymryd-pob-cam-rhesymol-i-gynnal-pellter-corfforol-yn-y-gweithle), cydymffurfio â chanllawiau perthnasol y diwydiant ar gyfer cynyrchiadau â phresenoldeb corfforol a chael unrhyw ganiatâd sydd ei angen oddi wrth yr awdurdod lleol a / neu berchenogion y tir lle byddai’r ffilmio’n digwydd.

Os na ellir gwneud gwaith ffilmio yn unol â’r canllawiau, dylid trafod hynny gyda’r Comisiynydd perthnasol yn S4C yn y lle cyntaf, cyn cysylltu â Cymru Creadigol am fwy o gyngor.

### Statws gweithiwr allweddol (hanfodol)

Mae gweithiwr allweddol neu weithiwr hanfodol yn weithiwr y bernir ei fod yn darparu gwasanaethau hanfodol neu y mae ei waith yn hanfodol i’r ymateb i COVID-19.

Yng nghyd-destun newyddiadurwyr a’r cyfryngau darlledu, y gweithwyr allweddol (hanfodol) yw – newyddiadurwyr a darlledwyr sy’n ymdrin â choronafeirws neu sy’n darparu darlledu gwasanaeth cyhoeddus.

### Teithio

Mae cyfraith Cymru yn darparu ichi gael gweithio o gartref os nad yw’n rhesymol ymarferol ichi deithio at ddibenion gwaith. Dylai’r pellter y mae angen ichi deithio at ddibenion gwaith fod yn hanfodol i’r gwaith hwnnw a dylid gwneud cyn lleied ohono â phosibl, ond wedi dweud hynny, nid oes unrhyw derfyn pendant ar y pellter.

### Llety

O dan gyfraith Cymru, caiff busnesau llety gwyliau agor at unrhyw ddiben os gofynnir iddynt wneud hynny gan Weinidogion Cymru neu gan awdurdod lleol. Gweler [**Nodyn Cyfarwyddyd Llywodraeth Cymru i Berchenogion Llety Gwyliau**](https://llyw.cymru/canllawiau-i-berchnogion-llety-gwyliau-coronafeirws): Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) 2020. Mae’r canllawiau hyn yn rhagweld at ba ddibenion y gallai ceisiadau gael eu gwneud, gan gynnwys darparu llety ar gyfer gweithwyr allweddol.

Fel arfer, awdurdodau lleol sy’n gwneud penderfyniadau ar ailagor llety gwyliau at ddibenion penodol. Er hynny, mae Llywodraeth Cymru yn disgwyl cysondeb yn hyn o beth ar draws Cymru, gan gydnabod bod angen cadw’r ddysgl yn wastad rhwng amcanion economaidd ac amcanion iechyd a diogelwch.

### Cadw pellter corfforol yn y gweithle

O dan gyfraith Cymru, mae gofyn cymryd pob cam rhesymol i gadw pellter corfforol (aros 2m ar wahân) wrth weithio. Mae [**canllawiau**](https://llyw.cymru/cymryd-pob-cam-rhesymol-i-gynnal-pellter-corfforol-yn-y-gweithle) Llywodraeth Cymru ar y gofyniad hwn yn cydnabod ‘nad oes modd cadw pellter cymdeithasol mewn rhai amgylcheddau gweithio’.

Yn achos cynyrchiadau drama, mae hynny’n golygu bod yn rhaid cymryd pob cam rhesymol i sicrhau bod pellter corfforol yn cael ei gadw pryd bynnag y bo modd, e.e.  llai o griw, newid y drefn, defnyddio technoleg a newid y plot. Er hynny, caiff gwaith barhau er bod rhai sefyllfaoedd lle na ellir cadw pellter corfforol, e.e. gwallt a cholur, golygfeydd allweddol sy’n hanfodol i integriti’r plot. Os oes modd, dylid cyflwyno camau eraill i liniaru’r risgiau sy’n gysylltiedig â bod yn agos yn gorfforol, e.e. rhagor o gamau hylendid a darparu cyflenwadau digonol o gynhyrchion hylendid (peiriannau sebon awtomatig, tywelion papur yn lle tywelion cotwm, hylif diheintio dwylo etc), defnyddio cyfarpar diogelu personol (e.e. [**gorchuddion wyneb**](https://llyw.cymru/gorchuddion-wyneb-cwestiynau-cyffredin)) pan fo modd gwneud hynny ac os yw’n ymarferol, cynnal profion ar y cast a’r criw perthnasol, lleihau cymaint â phosibl ar yr amser a dreulir heb gadw pellter corfforol. Mae Cymru Greadigol yn argymell y dylid cadw cofnod o bob cam rhesymol sydd wedi cael ei ystyried a’i gymryd.

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corona@s4c.cymru

On Friday 19 June the First Minister announced further steps to unlock Wales. In addition, high-level guidance for organisations operating in the creative industries in Wales was published.

<https://gov.wales/creative-industries-guidance-phased-return-html>

In S4C we also continue to learn and adapt as the situation evolves. The gradual easing of restrictions along with evolving industry guidance means that different types of productions can and have resumed while complying with the physical distancing duty in place in Wales. Over recent weeks, we have learnt from the issues and challenges being faced by a variety of productions, including live outside broadcasts and the measures needed to resume soap opera filming. The resumption of the Premier and other football leagues also provides us with important learning including the need for increased hygiene measures, record keeping and the use of personal protective equipment where possible and practical to do so.

Ensuring the necessary processes, systems and paperwork are in place continues to be critical as does the need for anyone working on a production to take personal responsibility for their own health. This means that it is imperative for anyone who feels unwell and displays symptoms of Coronavirus to immediately self-isolate (as well as their household), and [**follow the Welsh Government’s self-isolation guidelines, and apply for a Coronavirus test**](https://gov.wales/self-isolation-stay-home-guidance-households-possible-coronavirus). Not following these guidelines could have significant consequences for the health and safety of other cast and crew members and endanger the whole production. An additional safety measure could include the temperature testing of relevant cast and crew and we believe that this would be a sensible precaution for some productions dependent on their risk assessment.

The high-level guidance for organisations operating in the creative industries in Wales is available on the Welsh Government website:

<https://gov.wales/creative-industries-guidance-phased-return-html>

It’s important to note that this guidance does not supersede any legal obligations relating to health and safety, employment or equalities, and it is important that businesses / employers continue to comply with existing obligations including those relating to individuals with protected characteristics. This is non-statutory guidance and should not be considered a substitute for legal advice, which employers and employees should consider obtaining where necessary.

Here is a summary of some of the most relevant points for the television sector:

Filming can continue in Wales providing there is full compliance with Welsh law. Appropriate Welsh Government COVID-related guidance documents  should also be followed.  This includes a legal obligation and [**guidance on taking all reasonable measures to maintain physical distancing in the workplace**](https://gov.wales/taking-all-reasonable-measures-maintain-physical-distancing-workplace), compliance with relevant industry guidelines for physical production and receipt of any permissions needed from the local authority and / or land owners in which filming would take place.

Any filming that cannot be done in accordance with guidance should be discussed with Creative Wales in the first instance.

### Key (critical) worker status

A key worker or critical worker is a worker who is considered to provide an essential service or whose work is critical to the Covid-19 response. In the context of journalists and broadcast media, key (critical) workers are journalists and broadcasters covering coronavirus or providing public service broadcasting.

### Travel

Welsh law provides that if it is not reasonably practicable for you to work from home you can travel for work. The distance you need to travel for work should be essential to that work and minimised as much as possible, however, there is no definite limit on the distance.

### ****Accommodation****

Under Welsh law holiday accommodation businesses can open for any purpose if requested to do soby the Welsh Ministers or a local authority. Please see the Welsh Government [**guidance note to holiday accommodation owners**](https://gov.wales/guidance-holiday-accommodation-owners-coronavirus): the Health Protection (Coronavirus Restrictions) (Wales) (Amendment ) Regulations 2020.The guidance anticipates the purposes for which requests could be made which includes accommodating key workers.

Decisions on reopening holiday accommodation for specific purposes are generally made by local authorities. However, the Welsh Government expects a consistent application across Wales, recognising the need to balance economic and health and safety objectives.

### Physical distancing

Welsh law requires all reasonable measures to be taken to maintain physical distancing (staying 2m apart) while working. Welsh Government [**guidance**](https://gov.wales/taking-all-reasonable-measures-maintain-physical-distancing-workplace) on this requirement acknowledges that ‘there are working environments where physical distancing is not possible – and in consequence there may be circumstances where few or even no reasonable measures can be taken.

This means that for a drama production all reasonable measures must be taken to ensure physical distancing wherever possible e.g. smaller crew, changes to layout, use of technology and plot changes. However, work can continue despite there being some situations where physical distancing cannot be maintained e.g. hair and make-up, key scenes essential to integrity of the plot. If possible other measures should be introduced to mitigate risks associated with close physical presence e.g. increased hygiene measures and provision of adequate supplies of hygiene products (automatic soap dispensers, paper tissues instead of towels, hand sanitisers etc.), use of personal protective equipment where possible and practical to do so (e.g. [**face coverings**](https://gov.wales/face-coverings-frequently-asked-questions)), testing of relevant cast and crew, minimising the time spent where physical distance cannot be maintained. Creative Wales recommend that a record be kept of all reasonable measures that have been considered and taken.

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