

#SafelyBackToWork Guidance on Covid-19 related occupational health & safety protocols to be applied to agency workers

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The private employment services industry plays a key role in mitigating the effects of the COVID-19 crisis throughout the world. In many countries, workers assigned by agency work companies have been and still are at the frontline, providing essential work, for example, in the health care sector, in food retail and in logistics.

The safety and wellbeing of agency workers is of the utmost importance to World Employment Confederation (WEC) Members. In order to highlight the importance of health and safety measures and share best practices, WEC members launched the #SafelyBackToWork Alliance in April 2020. The initiative currently operates in 25 countries around the world. In conjunction with the initiative, WEC Members continue to follow the respective Government recommendations in all the countries they operate in.

Private employment services companies are, as employers of the agency workers, upholding the highest standards of occupational health and safety, ensuring that the agency workers can provide their services under the safest possible working conditions at the clients' / user companies' premises. The care extends both to the physical as well as the psychological conditions agency workers should encounter, recognizing that wellbeing support is a key pillar in the fight against the effects of the Pandemic.

By principle, WEC Members expect that the same equal standards and practices apply to agency work personnel as to the clients' / user companies' personnel.

And by principle, WEC Members fully respect patient confidentiality and the privacy of staff and agency workers with regards to their personal health choices.

As the Pandemic evolves and the learnings on the effects of the crisis unfold, the World Employment Confederation sets out the following Guidance and calls for all client companies, governments and public authorities to align with its elements:

1. On basic protective measures / public health interventions:

Across the world, the use and application of basic protective measures such as social distancing, mask wearing, hand washing, the use of disinfectants and constant ventilation of the work premises remain an absolute must to ensure the protection of agency workers. Agency workers must be provided the same level of care and safety that the employees of client / agency work user companies receive.

2. On Testing:

WEC Members support the use of PCR (polymerase chain reaction) tests whenever the authorities require it, including in the workplace.

WEC Members follow the developments of governments closely with regards to applying Rapid Antigen Tests (RATs), self-nasal corona tests or saliva corona tests in the workplace.

In some countries, WEC Members carry out temperature tests before staff or agency workers enter the workplace as part of local measures put in place to ensure the safety and wellbeing of all present workers.

While testing is ultimately an individual choice, we require that tests are made available to agency workers in every premise where a client / user company may apply the test to its workforce.

We believe that tests such as RATs can help stop the spread of COVID-19 and can be used as a measure to bring workers back to the workplace. There are already thousands of agency workers being tested regularly by clients of WEC Members before entering the clients' premises – be it factories, warehouses, hospitals or other facilities.

We acknowledge and support all measures that include the consultation of workers, and specifically agency workers and agencies, in the provision of tests at clients / agency work user companies.

3. On Vaccines:

WEC Members follow the developments of governments closely with regards to rolling out the vaccination of the population, and specifically of the workforce. While the choice of taking a vaccine is ultimately an individual one, we require that vaccines are made available to agency workers in every premise where a client / agency work user company may apply the vaccine to its workforce.

We believe that vaccines will be one of the paths to stop the spread of COVID-19 and can be used as a measure to bring workers back to the workplace. Per se WEC Members will not enforce a mandatory vaccination policy. WEC Members are in consultation with clients / agency work user companies that look to introduce mandatory vaccines on their facilities and will ensure that the same conditions apply to the agency workers than to the entire company's workforce.

We acknowledge and support all measures that include the consultation of workers, and specifically agency workers and agencies, in the provision of vaccines at clients / agency work user companies.

WEC supports the vaccines literacy initiative CONVINC¹ launched by the USCIB and the IOE in July 2020 and joins the global communication and education initiative to promote COVID-19 vaccine acceptance among private sector employers and employees, with a focus on agency workers. Research shows that businesses are a trusted source of information and are well-suited to engage and educate workers with messages that encourage acceptance of COVID-19 vaccines and to advance vaccine literacy.

Regarding the Vaccination Passport: it is too early today to judge the benefits of the vaccination passport as only a few countries have announced the support of its implementation. WEC Members are closely monitoring the situation and will continue to follow the respective government recommendations in all the countries they operate in. As stated, WEC Members fully respect patient confidentiality and the privacy of staff and agency workers with regards to holding a vaccine passport or not.

4. On Tracing:

WEC supports measures aimed at contact tracing by the respective authorities around the world. WEC Members recognize that chains of transmission can be broken more quickly, helping to contain the virus, if contact tracing is applied.

With that said, no agency worker can be obliged to use contact tracing measures.

The data gathered in the process of contact tracing falls under data privacy regulation provisions and cannot be used against the agency worker.

¹ For more on CONVINC: <https://www.uscib.org/global-business-coalition-launched-to-advocate-workforce-use-of-new-covid-19-vaccines-pending-availability/>

Guidance specific to the Health Care Sector² and the Elderly Care Sector:

Without exception, measures applied by hospitals and health care and elderly care facilities to the facilities' own employees must also be applied to agencies' personnel.

This should apply to the basic protection measures, to testing as well as to vaccines.

To WEC, health care and elderly care workers supplied by staffing agencies clearly qualify as "health care personnel" as well as "elderly care personnel" eligible for testing, vaccination and / or other immunization measures prescribed by the health care sector client.

Health care personnel is to include any persons serving in health care settings who have the potential for direct or indirect exposure to patients or infectious materials, including nurses, nursing assistants, home health personnel, physicians, technicians, and therapists. "Health care settings" refers to any place where health care is delivered, including hospitals, nursing homes, outpatient facilities, and other sites. The same applies to elderly care personnel. "Elderly care settings" refer to any place where elderly care is delivered, including elderly homes, ambulant care, assisted living and other sites.

In addition, non-clinical agency workers in a health care and elderly care setting should also have parity with their permanent staff equivalents. Non-clinical personnel include receptionists and administrators in a hospital setting, porters and caterers.

² The guidance of the CDC (Center for Disease Control and Prevention) issued specific to the United States provides further clarification: <https://www.cdc.gov/vaccines/covid-19/categories-essential-workers.html>: *Workers (...) are categorized based on the primary industry of their workplace. Some workplaces include workers employed by a mix of employers that fall under different industry categories (...). For workers employed by contract firms or temporary help agencies, the staffing agency and the host employer are joint employers and, therefore, both are responsible for providing and maintaining a safe work environment. Workers should be considered for vaccination prioritization according to the primary industry activities at the site(s) where they work, even if the industry category of their actual employer does not fall within these lists. If offering on-site vaccination to employees, **host employers should consider offering vaccination to temporary and/or contracted employees.***

*This is further emphasized in the FAQs document: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/essentialworker/workplace-vaccination-program.html>: If you plan to offer vaccination at your workplace, **consider providing vaccination to all people working at the workplace, regardless of their status as a contract or temporary employee.** What is most important is to encourage everyone at the work site to be vaccinated, no matter what their work arrangement is. If you do not plan to or are unable to offer work site vaccination, consider providing information to those at the workplace about how to explore options for vaccination in the community.*