

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

November 2021

The private employment services industry plays a key role in mitigating the effects of the COVID-19 crisis throughout the world and in supporting the paths to economic recovery. 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 in relation to protective measures, vaccination and testing policies to agency workers 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 updated Guidance and calls for all client companies, governments and public authorities to align with its elements:

1. 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 vaccination campaigns have ramped up since Summer of 2021 in many countries WEC members operate in, WEC members will not enforce a mandatory vaccination policy except where required by law or regulation. WEC members do encourage the vaccination of agency workers and at the same time respect the choice and fundamental rights to physical integrity of agency workers to get vaccinated or not, in line with local requirements and regulations.

WEC members require clients/user companies to adhere to data protection laws and regulations at all times.

Where a client / agency work user company may apply the vaccine to its workforce, WEC members require that vaccines are made available to agency workers in every premise.

WEC members recognize the necessity of client / user companies to require proofs of vaccination - or tests - in order to welcome their employees and agency workers in their premises if it is legally allowed in the relevant jurisdiction, relevant to the job and consistent with business necessity. In that line, WEC members support the Vaccination Passport in all jurisdictions that have introduced it.

WEC Members are in consultation with clients / agency work user companies on the possibility to introduce, in so far as legally allowed in the relevant jurisdiction, mandatory vaccines on their facilities and will ensure that the same conditions apply to the agency workers as to the entire client's / user company's workforce.

In countries where vaccinations are free, WEC members request that the same conditions regarding the compensation of the time required to get the vaccine during working hours apply to agency workers as to the Client / user companies' personnel. WEC members encourage clients / user companies to ensure agency workers have paid time off for COVID-19 *vaccine reasons*. WEC Members encourage client / user companies to pay agency workers their usual rate of pay if they are off sick with vaccine side effects.

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 CONVINCENCE¹ launched by the USCIB and the IOE in July 2020 and joins the global communication and education initiative in relation to availability of COVID-19 vaccine 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

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

educate workers with messages that support understanding of COVID-19 vaccines and to advance vaccine literacy.

2. On Testing:

WEC Members support the use of PCR (polymerase chain reaction) tests, Rapid Antigen Tests (RATs), self-nasal corona tests or saliva corona tests whenever the authorities require it, including in the workplace.

Where legally allowed under local legislation, WEC Members support clients/user companies to 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.

When considering the cost of COVID-19 testing, WEC members request that the same conditions apply to agency workers as to the client's / user companies' personnel. If regular employment-related testing isn't covered and free testing isn't feasible, WEC members strongly encourage clients / user companies to pay for testing, including for their agency workers.

If testing is done on the premises of the client / user company, the latter must ensure that the same equal standards and practices apply to the agency workers as to the clients' / user companies' personnel and that the applicable local data protection laws and regulations are at all times complied with.

WEC members encourage clients / user companies to ensure agency workers have paid time off for COVID-19 *testing reasons*. WEC Members encourage client / user companies to pay agency workers their usual rate of pay if they are off sick with testing side effects.

Data protection laws and regulations as well as the patient confidentiality and the privacy of staff and agency workers must be respected at all times. Should the agency worker test positive, WEC members require that the same conditions apply to agency workers as to the client's / user companies' personnel.

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 basic protective measures / public health interventions:

Across the world, the use and application of basic protective measures which may include 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. One must be aware that the applicable rules and regulations, as well as cultural, market and public perceptions vary from country to country, and even sector to sector, and are subject to regular change.

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.

Data gathered in the process of contact tracing falls under data protection laws and regulations and may only be used in accordance with said laws and regulations.

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.***