



REC

Recruitment
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Confederation

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Coronavirus health and safety guide for recruiters

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1 COVID-19 - can my business reopen yet?

On Monday 11 May 2020, the government announced that the UK will slowly be coming out of lockdown to help businesses return to the workplace safely and securely. With some restrictions being lifted, secure guidelines have been published covering 14 workplace settings which can now be reopened:

- [Construction and other outdoor work](#)
- [Factories, plants and warehouses](#)
- [Other people's homes](#)
- [Labs and research facilities](#)
- [Offices and contact centres](#)
- [Restaurants offering takeaway or delivery](#)
- [Shops and branches](#)
- [Close contact services \(hairdressing, barbershops, spas etc.\)](#)
- [Performing arts](#)
- [Grassroots sport and gym/leisure facilities](#)
- [Heritage locations](#)
- [Hotels and other guest accommodation](#)
- [The visitor economy](#)
- [Vehicles.](#)

2 COVID-19 - health and safety considerations for your business

2.1 Working from home

Offices can now re-open, including recruitment businesses but the government have advised employers not to if homeworking is still feasible. Working from home will help to reduce the risk of infection for employees who may have to use public transport to travel to and from work. You should regularly check in with your employees who are working from home, and those on furlough, both for their well-being but also so that they remain in contact with their colleagues.

If it is not possible for your employees to work from home, the government have stated that employees should go into the office.

2.1.1 Clinically extremely vulnerable person

You should consult with your employees who need to come into the office but cannot do so for a particular reason. This might include people who are classed as, '*clinically, extremely vulnerable*' and have received a government letter telling them to shield for a minimum of 12 weeks. Guidance on the people who must shield is available on the Public Health Authority website in [England](#), [Scotland](#) or [Wales](#). If you have employees who fall into this category, it would be prudent to sort out with them a homeworking arrangement of some kind, offer an alternative role, or temporarily change their working patterns.

2.1.2 Clinically vulnerable person

You should also consider homeworking for persons who are deemed to be a [clinically vulnerable person](#), but who may not have received a letter telling them to stay at home and shield. They are also a high-risk group and government guidelines strongly advises them to stay at home as much as possible. If it is not possible for a clinically vulnerable person to work from home, then the safest available on-site roles enabling them to maintain social guidelines (2m, or 1m if 2m is not viable) should be offered to them.

You will also need to ensure that employees who have symptoms of COVID-19 or who live with someone who has symptoms are staying at home and self-isolating in line with [government guidance](#) - including the governments [test and trace service](#). If eligible, you will also need to ensure that they receive statutory sick pay or contractual sick pay (if applicable). For further information, please see the REC guide, '[Statutory Sick Pay related to Coronavirus](#)'.

Until it is safe for employees to return to the office, you could use the [Coronavirus Job Retention Scheme](#) to furlough your employees if it isn't possible to work from home. The last day to have submitted a claim for putting any new employees on the scheme ended on 10 June 2020. The government made changes to the scheme on 10 July 2020, and the REC have produced guidance on the [Coronavirus Job Retention Scheme](#) which covers these changes, alongside some frequently asked REC member questions. The changes were also covered in the [June 2020 legal bitesize](#).

2.2 Returning to work premises

You must ensure that you properly assess and manage the risks of COVID-19 before re-opening your premises to your employees and visitors. This is because you are legally obliged to protect your employees and visitors from any risks which may compromise their health and safety. Failing to complete a risk assessment which factors in COVID-19, or failing to put adequate measures in place to manage the risk of COVID-19, could amount to a breach of health and safety law. Serious breaches or a failure to comply with enforcing authorities such as the [Health and Safety Executive](#), can amount to a criminal offence, which can be punishable by way of serious fines, and even imprisonment (up to 2 years).

It's advisable to consult with your employees, directly or via an elected health and safety representative, and consult with recognised trade unions, if applicable. This is to ascertain the best practicable steps to take to ensure that your employees can work safely in the office. The government advise that you also:

- *develop communication and training materials prior to returning to the site, especially around new procedures for arrival at work.*
- *provide clear, consistent and regular communication to improve understanding and consistency of ways working.*
- *engage with workers through existing communication routes and worker representatives to explain and agree any changes in working arrangements.*

Although it is not a legal requirement to do so, the government expect you to publish the results of your risk assessment on your website - particularly if your business has 50 or more employees. They have created a notice which they advise should be displayed at your premises. Please see a copy of the ['Staying COVID-19 Secure in 2020' notice](#) on the government website.

2.3 Cleaning your premises

In accordance with government guidance, before you reopen your premises you should ensure that it has already been thoroughly cleaned and ready for use. Your ventilator systems should be checked and adjusted if necessary and windows and doors should be opened to increase ventilation. Hand sanitiser; and plenty of it; should also be readily available.

To minimise the potential spread of COVID-19 at your premises, you should also ensure that the premises are regularly cleaned both daily and weekly. This includes regular usage of cleaning products to clean work stations between different occupants, surfaces, shared equipment/objects, doorknobs. The government encourage you to use signs and posters to build awareness of correct handwashing techniques, including frequent handwashing and cleaning guidance when using the restrooms – as well as maintaining social distancing. Hand sanitiser should be regularly used by the entire workforce whilst on the premises.

More waste facilities, rubbish disposals and drying facilities are also encouraged. It is also advised that you regularly remove waste from your premises, clear desks and ensure that employees take their belongings with them at the end of the day.

If you have changing rooms or showers or lockers on site, the government recommend that you set out clear use and cleaning guidance available as well as cleaning facilities – whilst ensuring social distancing is maintained.

Contamination and transmission could also enter the premises through regular touching and contact with vehicles on site. To reduce potential spread, the government advise that there should be:

- *Cleaning procedures for goods and merchandise entering the site*
- *Cleaning procedures for vehicles*
- *More handwashing and more handwashing facilities for workers handling goods and merchandise and hand sanitiser when if handwashing facilities aren't practical*
- *Regular cleaning of vehicles that workers may take home*
- *Restriction of non-business deliveries, i.e. personal deliveries to your employees.*

2.4 Apply the two-metre social distancing rule

You must take all reasonably practicable steps to ensure that social distancing measures are in place for employees working at your premises, including at entrances, exists, in meeting rooms etc. At the time of writing, the government recommend that a two-metre distance should be maintained between all employees where possible, or a one-metre distance with risk mitigation where two-metres is not feasible. To achieve this, the government advise that you consider:

- *Staggering employee start times*
- *Creating one-way walk-throughs with markings*
- *Opening more entrance and exists; and/or*
- *Creating seating layouts in break rooms.*
- *Using remote working tools to avoid in-person meetings*
- *Avoiding the use of hot desks and spaces where possible.*

If it is difficult to maintain a 2-metre distance, (or a one-metre distance with risk mitigation), due to a particular activity, it may be prudent to discontinue the activity if the business can operate without it. If this is not possible, the government advise that you lessen the risks by:

- *Using screens or barriers to separate people from each other*
- *Using back-to-back or side-to-side working where possible*
- *Reducing the number of people each person has contact with by using 'fixed trams or partnering'*
- *Using floor tape or paint to mark areas to help people comply with social distancing*
- *Keeping the activity time involved as short as possible*
- *Further increasing the frequency of hand washing and surface cleaning.*

Increased handwashing should be the norm for all employees, particularly when arriving at the work premises. You should ensure that all of your employees comply with this to mitigate risk.

When moving around the premises, social distancing should also be maintained where possible. The government advised that you:

- *Reduce movement by discouraging non-essential trips within buildings and sites, e.g. restricted access to some areas, encouraging the use of telephones or other electronic devices, where permitted, and cleaning them between us.*
- *Reducing job and location rotation*
- *Reducing maximum occupancy for lifts, providing hand sanitiser for the operation of lifts, and encouraging the use of stairs wherever possible*
- *Making sure that people with disabilities are able to access lifts*
- *Managing the use of high traffic areas including corridors and lifts turnstiles*

2.4.1 Workplace communications

Steps should also be taken to avoid your employees from needing to raise their voices unnecessarily whilst in the workplace. Though not exhaustive, the government advise that you do this by refraining from playing loud music or broadcasts which make normal conversations difficult - and in turn can encourage shouting. This has been advised because of the potential increased risk of aerosol transmission. Further guidance on this will be published by the government in due course.

2.4.2 NHS Test and Trace

The government advise that you help to assist with the Test and Trace service. You can do this by recording your employees work/shift patterns for 21 days, and assist the NHS Test and Trace by sharing the data if they request for it.

For further information, please see the [Check what data you need to collect and how it should be managed guidance](#) on the government website.

2.4.3 Equality in the workplace

In accordance with the Equality Act 2010 (please see the: [Equality Act 2010 section](#) in our legal guide), you have a duty to ensure that you do not discriminate against employees who have a protected characteristic under the Act. Accordingly, with measures in place to mitigate the risks of COVID-19, you will need to consider the particular needs of different groups to prevent discrimination in the workplace. To help you do this, the government advise that you:

- *Consider the particular circumstances of those with protected characteristics*
- *Communicate appropriately with workers whose protected characteristic might either expose them to a different degree of risk, or might make any measures you are considering implementing inappropriate or challenging for them*

- *Consider whether you need to put in place any particular measures or adjustments to take account of your duties under the Equality Act 2010*
- *Make reasonable adjustments to avoid disabled workers being put at disadvantage, and assessing the health and safety risks for new or expectant mothers*
- *Ensure that the steps you take do not have an unjustifiable negative impact on some groups compared to others, for example those with caring responsibilities or those with religious commitments.*

2.5 Use of Personal Protective Equipment (PPE) and face coverings

2.5.1 PPE

Continual usage of existing PPE to protect employees against risks which are not related to the coronavirus is advised. The government state however that additional PPE used for the purposes of managing COVID-19 is not beneficial in the workplace - unless in a clinical setting or for roles where it is deemed necessary by the relevant Public Health Authority in England, Scotland or Wales. Greater emphasis is placed on proper social distancing measures, increased hygiene and reduced contact.

If additional PPE does become a requirement, you are obliged to provide properly fitted PPE to employees for free. (For PPE for temps on a contract for services, please see paragraph 4.1.2 below).

2.5.2 Face coverings

Government guidance states that there is growing evidence that wearing a face covering in an enclosed space can help to protect individuals and those around them from COVID-19. Face coverings have also become mandatory in certain settings. For further information, please see: [Face coverings: when to wear one and how to make your own](#) on the government website.

Face coverings could therefore be beneficial in the workplace, if an employee has caught COVID-19 but has not yet developed symptoms. Additionally, if social distancing is not possible due to confined spaces, a face covering which covers the mouth and nose can be worn by other employees. The government have however stressed, that face coverings should not be used as a substitute for the other more effective ways of managing workplace risks.

If your employees do choose to wear one, you should support them by telling them to avoid touching their faces, to continue washing their hands regularly for at least 20 seconds, use hand sanitiser, change face coverings and/or wash them daily - whilst maintaining social distancing where possible. Additionally, you should provide extra non-recycling bins for your employees and visitors for the disposal of single use face coverings. Please see [Coronavirus \(COVID-19\): disposing of waste](#) for further information.

Do bear in mind, that face coverings in the workplace may make communication difficult for employees who rely on lip reading, facial expressions and clear sound.

2.6 Managing third party visits to the premises

It is advised that you minimise the number of visitors coming to your office -particularly if it is not mandatory for you to see them in person. The government advise that you control this by following the recommended steps which are:

- *Asking visitors to wear face coverings where required to do so by law*
- *Encouraging visits via remote connection/working where this is an option*
- *Explaining site guidance on social distancing and hygiene to visitors on or before arrival*
- *Limiting the number of visitors at any one time*
- *Limiting visitor times to a specific time window and restricting access to required visitors only*
- *Determining if schedules for essential services and contractor visits can be revised to reduce interaction and overlap between people, i.e. carrying services at night*
- *Maintaining a record of all visitors, if this is practical; and*
- *Revising visitor arrangements to ensure social distancing and hygiene.*

The guidance is particularly relevant to your existing candidates and new candidates who register with you. You should utilise online communication, interviewing with your candidates etc. as much as possible. (Please see “Supplying candidates to your clients” on page 8.)

2.7 Outbreaks in the Workplace

In light of government guidance, to further mitigate the risks of COVID-19 and prevent an outbreak in the workplace, you should ensure that any employees who begin exhibiting COVID-19 related symptoms onsite, i.e. a new and persistent cough, a high temperature and a loss of taste and smell, are sent home as soon as possible, and are told to self-isolate in line with government guidance. This measure should also be taken for employees who live in the same household as a person who is exhibiting COVID-19 related symptoms.

In line with your risk assessments, you should also have an up to date plan to cover a COVID-19 outbreak. The government advise that you nominate a single point of contact where possible, who should lead on contacting local Public Health teams. Should there be more than one COVID-19 incident at your workplace, you will need to contact your local PHE health protection team to report the suspected outbreak.

If your local PHE health protection team affirms an outbreak, they will ask you to record details of the employees who are symptomatic, and will ask you to assist with identifying contacts. It is important for your employment records to be up to date. Information about the outbreak management process will be given to you to help you put control measures in place, strengthen prevention messages and assist with communications to your employees.

For further information on the above and for additional information, please see the government’s [guidance for people who work in or run offices, contact centres and similar indoor environments](#).

You may also find the Health and Safety Executive’s guide, [‘Working safely during the coronavirus outbreak’](#), useful.

3 Supplying candidates to your clients

3.1 Before you supply

Your current legal obligations when supplying a temporary worker to your client remain unchanged. You are still required under the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (Conduct Regulations), to obtain certain health and safety information before you supply candidates to your clients. You must:

- Ensure that you've asked all reasonably practicable questions to ensure that neither the worker nor the client are put at a detriment if your worker works for your client in the position in question.
- Ensure that you ask your client for information about and any risks to health or safety known to them and what steps they have taken to prevent or control such risks. You must provide this information to your temporary workers when you offer them the assignment.
- Obtain information regarding training which they consider as necessary, or required by law, or any professional for a worker to possess, in order to work in the position.
- Your client might provide training/induction for workers when on site but government guidance states that any COVID-19 training/preventative measures should be developed and given to employees prior to a return, so get a copy and give it to your candidates so they can understand the COVID-19 safety procedures before they start.

The government have advised that you greatly minimise the number of visitors coming to your office – particularly if it is not mandatory for you to see them in person. This includes your existing candidates and new candidates who register with you.

3.2 Right to work checks

On the 30 March 2020, the government announced that right to work checks have been changed temporarily due to COVID -19. The temporary changes mean that:

- *Checks can now be carried out over video calls*
- *Job applicants and existing workers can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals*
- *Employers should use the [Employer Checking Service](#) if a prospective or existing employee cannot provide any of the accepted documents.*

The above changes will help you carry out the requisite right to work checks without your candidates having to show you the originals in person thereby minimising face to face interviews /meetings and unnecessary visits.

For further guidance, please see the: [Coronavirus \(COVID-19\): right to work checks guidance](#) on the Gov website.

3.3 If a candidate has to come into your office

If it does become necessary for a candidate to visit your premises, you should notify your candidates ahead of time that if they:

- Have Coronavirus symptoms; or
- Live with someone who has coronavirus symptoms

they should not attend any interviews/meetings in person and should follow government guidance to self-isolate.

If it is okay for your candidate to visit your premises, then in accordance with government guidelines, you should:

- *Explain site guidance on social distancing and hygiene to them on or before arrival;*
- *Limit the number of candidates at any one time;*
- *Limit candidate times to a specific time window and restrict access to required candidates only;*
- *Determine if schedules for essential services and contractor visits can be revised to reduce interaction and overlap between people, i.e. carrying services at night*
- *Maintain a record of all candidates, if this is practical;*
- *Revise candidate arrangements to ensure social distancing and hygiene;*
- *Establish host responsibilities relating to COVID-19 and provide any necessary training for people who act as hosts for your candidates;*
- *Review entry and exit routes for candidates to minimise contact with other people; and*
- *Coordinate and work collaboratively with landlords and other tenants in multi-tenant sites, i.e. shared working spaces.*

3.4 Risk limitation

After the registration/interview stage, ensure that you advise your candidates to notify you, or ask them whether they are exhibiting [COVID-19 related symptoms](#) before considering them for any roles. The government have advised that no matter how mild COVID-19 related symptoms are - self-isolation is required. If this is the case for any of your candidates, they cannot work and instead need to self-isolate in line with government guidance. For existing candidates, the same approach should be taken before putting them forward for any roles with your clients.

4 During supply - working with your clients when your candidates are on assignment.

Your client will bear much of the responsibility for your workers' health and safety whilst they are on their site. However, there is a joint responsibility between you and your client under the Management of Health and Safety at Work Regulations 1999 - you will still need to regularly liaise with your client to review and rectify any identifiable risks, as well as co-operate with each other to ensure that the health and safety of your temporary workers is adequately protected.

Remember that temporary workers also have a duty to assess any risks that may compromise their own health and safety whilst on the client's site so they should be safeguarding their own health and safety.

4.1 Do I have to supply PPE to temporary workers because of COVID-19?

The Personal Protective Equipment at Work Regulations 1992 (the PPE Regulations) state that workers must have suitable PPE whenever they may be exposed to a health and safety risk whilst at work.

To recap, PPE includes:

- Safety shoes/boots
- High visibility jackets
- Overalls or a laboratory coat
- Protective gloves
- Safety helmets, safety harnesses
- Eye protectors
- Clothing designed to protect against adverse weather conditions; and
- Face masks.

Please note: this is not an exhaustive list.

4.1.1 For employed agency workers

In accordance with the PPE Regulations, if you are supplying temporary workers on a contract of employment (that is, where they are an employee) to your client, you will be their employer responsible for ensuring that suitable PPE is provided to them. You will also be responsible for paying for the PPE, in accordance with your obligations under the Health and Safety at Work etc Act 1974. Ensure that you obtain the required information from your client regarding the exact PPE needed for the role.

4.1.2 Agency workers on a contract for services

Providing PPE for a temporary worker on a contract for services is a bit of a grey area. This is because the PPE Regulations recognise only two categories of persons – employees on a contract of employment and self-employed people – those not on a contract of employment. The worker category that most agency workers on a contract for services would fall into would fall into the self-employed category.

The PPE Regulations state that a self-employed person should ensure that they provide themselves with suitable PPE if they may be exposed to a risk of his/her health or safety at work, except in cases where such risks are adequately controlled by other means which are equally or more effective.

Temporary workers on a contract for services are not employees, and would therefore fall under the "self-employed" provision under the 1974 Act. However, sometimes a person's employment status can be unclear or open to challenge. In addition, provisions in the Conduct Regulations mean that a joint approach should be taken by employment business and their clients to manage the health and safety of agency workers.

If PPE is required for a role, you are obligated to provide the necessary PPE to your temporary workers or arrange for it to be provided e.g. by your client.

You should in the first instance liaise and agree with your client as to who will be providing and paying for the PPE, prior to an assignment. If you purchase PPE for your workers, you may wish to agree with your client that the cost of it will be added to your client's invoice bill. Alternatively, your client may agree to provide the PPE.

The Health and Safety Executive (HSE) guidance refers to the obligations placed upon clients and agencies to protect temporary workers and the need for both parties to work together.

The HSE guidance is reproduced below:

[Health and Safety Executive - public sector information published by the Health and Safety Executive and licensed under the Open Government Licence](#)

Guidance for Users and Suppliers of Agency/Temporary workers

In many cases the employment business will be the employer of the temporary worker, since it retains ultimate control over their services.

In practice, the day-to-day responsibility for health and safety during the assignment will lie with the end user. It will be in the best position to manage the health and safety of the temporary worker as it will direct the worker's activities and control the premises where that work takes place. The end user must ensure the safety of its temporary workers, as it does that of its own employees.

The employment agency and the employment business however, must take reasonable steps to identify any known risks concerning health and safety and satisfy itself that the end user has taken steps to prevent or control the known risks. This must be done before the work starts and must include obtaining the following information from the end user:

- *what the worker will be required to do and any health and safety risks, including what steps the end user has taken to prevent or control such risks;*
- *what experience, training and qualifications are necessary for the job.*

Co-operation and communication between all those involved in using and supplying temporary workers is key to protecting their health and safety. Continuing to do so throughout the period of the assignment, including with the workers themselves, will help ensure that responsibilities are clear. It is important to agree who does what and not assume the 'other side' will take responsibility. This will mean working together to ensure you:

- *provide the temporary worker with information on any risks of the work before the work starts, including the control measures in place and any health surveillance required;*
- *make workers aware of and check they have the necessary occupational qualifications or skills required to do the job safely before they start work;*
- *deliver adequate and sufficient information, instruction and training to enable temporary workers to work safely. Health and safety training should take place during working hours and at no cost to the temporary worker, making sure they understand it;*

- *provide protective equipment, at no cost to the temporary worker, agreeing arrangements for supplying and maintaining it;*
- *ensure temporary workers know how to raise any health and safety concerns in the workplace.*

If the end user provides the necessary information to the employment business, the employment business must pass it on to the worker. The employment business should not send the temporary worker to a job unless they are satisfied their health and safety will be protected.

All those involved should carry out their work in such a way as to ensure the temporary worker is not exposed to health and safety risks. This may mean obtaining appropriate assurance from others in the supply/user chain, or it may mean taking responsibility to ensure the temporary worker is protected at work.



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