

## COVID-19

### Additional health & safety questions for hirers and temporary workers

Version 1
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#### Why we have created this document

In light of COVID 19, now more than ever, employers must protect the health and safety of all their staff. Agencies who supply temporary workers must also ensure that they know how hirers will reduce the risks that their workers might face when working for those hirers.

To assist you, on page 3 we list a number of questions that you can send to the hirer (in addition to the health and safety questions you already ask). There also are questions you can ask the worker before you supply them to your hirer.

You must ensure that you do not supply workers to hirers if there are any risks to the hirer, its staff or any other person during an assignment.

#### A reminder of your obligations

##### General health and safety law

Under the Management of Health & Safety at Work Regulations 1999 (the MHSWR), employment businesses and hirers, have a joint legal responsibility to protect the health and safety of all staff including temporary workers.

Hirers must carry out an assessment of the health and safety risks associated with their business in order to identify any measures necessary to control those risks. As it is a joint responsibility, the employment business, must ensure that the hirer carries out a risk assessment which is suitable for their business and the hirer's various sites before the temporary worker is supplied. There must be close liaison and co-operation between the hirer and the employment business so that the health and safety of temporary workers is adequately protected throughout the assignment.

To assist employers, businesses and their staff, the government has created 8 ['Working safely during coronavirus'](#) guides covering different types of work environments. There is different guidance for [educational and childcare settings](#) and [public transport operators](#). Due to the changes from 1<sup>st</sup> August 2020 in relation to reopening office premises, the government has a separate [office-working guide](#). Employers must adapt their existing health and safety risk assessments to reflect government's guidance and to suit their business and working environment. For more information, please visit the [HSE website](#).

## The Equality Act 2010

Employment businesses, hirers and employers should be mindful of the needs of different groups of individuals with a protected characteristic under the Equality Act such as age, sex, pregnancy, disability, race or ethnicity. Whether or not you supply a worker for a role should not be based on the worker having a protected characteristic unless the decision can be objectively justified. There are additional responsibilities for disabled workers and those who are new or expectant mothers. The [REC legal guide](#) has specific advice for agencies on the Equality Act.

## The Conduct Regulations

Under the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (Conduct Regulations), employment agencies and employment businesses have certain obligations to safeguard a work-seeker's health and safety.

- Regulation 18 - employment agencies and employment businesses may not introduce or supply a worker unless they obtain sufficient information from the hirer about any risks to health and safety known to the hirer and what steps the hirer has taken to prevent or control those risks.
- Regulation 19 – employment agencies or employment businesses must not introduce or supply a work-seeker to a hirer unless it has obtained confirmation that the work-seeker is willing to work in the position.
- Regulation 20 - an employment agency or employment business must ensure that it would not be detrimental to the interests of the hirer or the worker for the placement to go ahead.
- Regulation 21 - the health and safety information must be given to the worker when offering the position (before the start of the assignment) and must be confirmed in writing (in paper form or electronic means) within three working days after the date when the position was offered.

## How to use this document

You can add the answers that you get to the questions below, to the assignment details form you give the worker before the assignment starts. **You do not have to use these questions as there is no legal obligation to do so, and you can amend them to suit the nature of the role.** If you use the questions, you must consider the responses carefully and if the information you receive is not satisfactory, the worker should not be supplied for the assignment.

## Additional support

In this document we include a number of hyperlinks to external guidance. REC has also created a detailed [Coronavirus Health & Safety guide for recruiters](#). Members can also access support from REC's business partner, [Croner](#) - which has a dedicated health and safety team.

REC guides have been prepared exclusively for REC Corporate Members.  
You must not distribute these guides to third parties.

## Questions for hirers before the assignment commences

1. Have you carried out a COVID 19 risk assessment? How will the worker get access to a copy of the risk assessment?
2. What steps have you taken to minimise any risks identified in that assessment?
3. Are there any additional cleaning, handwashing and hygiene procedures the workers need to be aware of whilst on the assignment?
4. What are the social distancing measures in place with regards to 2metres apart, or 1metre with risk mitigation where 2metres is not viable?
5. Does the role require Personal Protective Equipment such as safety helmets, gloves, eye protection, high visibility clothing, safety footwear, safety harnesses or facial masks for protection? If yes, will you provide them?
6. Do you provide training/induction for workers on preventative measures for all staff before the assignment starts?
7. Is there anything else the worker must be aware of before the assignment starts?
8. Are there suitable measures to control an outbreak of COVID 19?
9. How does a worker report any concerns?

## Questions for workers before the assignment commences

1. Have you contracted COVID 19?
2. Do you have symptoms of COVID 19?
3. Do you live with someone that has contracted COVID 19?
4. Do you live with someone that has symptoms of COVID 19?
5. Have you been advised by the NHS test and trace service to self-isolate?
6. Have you received a notification letter or text message from your GP or hospital to [shield](#) as you have been identified as someone with high risk of developing complications from COVID 19 infections?
7. Have you taken any trips outside of the UK since 25 February 2020? If yes, where required, did you [self-isolate](#) for the period specified by the government?
8. Are you willing to work in the assignment?