

## Client and agency health and safety guidance for agency workers

Clients and agencies have joint and individual responsibilities for the health and safety of agency workers. Agencies and clients must comply with health and safety legislation but agencies also have specific obligations under recruitment legislation. This is particularly relevant in light of COVID-19 in relation to the measures that organisations must now put in place to protect staff and visitors.

The Health and Safety Executive's guidance for clients using agency workers and employment businesses supplying agency workers is replicated on page two of this factsheet.

### What do agencies have to do before they supply an agency worker?

- They must obtain information from clients about any risks to health or safety known to the client and what steps the client has taken to prevent or control such risks. Health and safety legislation mirrors this and requires clients to provide the same information to the agency. The agency must share this information with the agency worker when they are offered the assignment.
- Agencies must make suitable enquires of their clients to ensure that it will not be detrimental for the agency worker (or the client) for the agency to be supplied to do the particular work.

### Risk assessments

Where you have carried out a risk assessment for your own staff, you should share it with the agency if the provisions impact agency workers. Information about measures in place on your site to manage COVID-19 risks should be shared with agencies so that they can pass it onto their agency workers.

Organisations are expected to publish their COVID-19 risk assessment on their websites - particularly if your business has 50 or more employees. The government have created a, [staying COVID-19 Secure in 2020 notice](#), that they'd like displayed at your premises.

### Personal Protective Equipment (PPE)

Workers must have PPE whenever they may be exposed to a health and safety risk at work. If PPE is required, clients must confirm this to the agency. Agency workers should not undertake any roles that require PPE if it is not provided.

Employers must provide PPE to their employees and self-employed workers must provide their own PPE. Agency workers are sometimes 'employees' or 'workers', a category which is not specifically addressed in health and safety legislation. But in practice, if the agency worker requires PPE and this is not made available, the agency worker cannot undertake the assignment. Agencies and clients should work together to ensure that PPE is made available to agency workers.

Please read the government's [guidance to help employers, employees and the self-employed understand how to work safely during the coronavirus pandemic](#) for further COVID-19 health and safety information.

## Health and Safety Executive

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### **“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.*

Access the full guidance on the [HSE website](#).