

Employment trade body calls for clarity on vaccination certificates for workers

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The Association of Professional Staffing Companies (APSCo) has called for clear and detailed guidance on the safe reopening of offices that includes the needs of flexible workers in its response to calls for evidence for a Covid vaccination certificate as employers gear up for a return to work.

As Tania Bowers, Legal Counsel and Head of Public Policy at APSCo, explained, staffing companies are facing challenges regarding the safe and legal return to the office for their own staff as well as a continued lack of clarity when it comes to where agency and temporary workers sit in the scope of Covid safety requirements:

“Staffing companies are facing challenges as they consider a return to their own offices, with many still unclear about the appropriate actions they should take to reopen locations, with some facing no choice but to take legal advice on the right to insist on a vaccination certificate. While our advice to members is to wait for further guidance, once the Government has decided on any policy, it is APSCo’s view that it must then seek to legislate and provide clear and detailed guidance to occupiers, employers, and landlords. Given the equality, privacy, and economic issues at stake this is not a matter for business discretion. It is APSCo’s view that certification is only workable in limited high-risk environments, over discrete periods of time and the diversity, privacy and practical risks must be fully understood and mitigated.

“Many of our members are also responsible for a large cohort of temporary workers, contractors and independent professionals working on client sites, who are not under the staffing company’s authority or control which creates a significant challenge that we have asked the Government to address. There have been issues over responsibility for the health and safety over agency workers over the last year – particularly across the education and social work sectors – including access to PPE, testing and vaccinations. Our largest members have told us that many large clients, particularly in the public sector, have absorbed their agency worker workforce into their programmes for testing and PPE, however this is by no means across the board and relying on individual businesses to make their own decisions is not a feasible plan.

“It is our view that Government guidance for agency workers and the broader gig economy workforce is too often a footnote, or worse, an afterthought post lobbying from groups such as APSCo. There is an urgent requirement for the Health and Safety Executive to take a much more proactive role in advising the recruitment sector and all users of flexible labour, the self-employed and the gig economy, in terms of leadership, policy and guidance. Agency workers and contractors benefit from having a relationship with a recruitment firm which has statutory responsibilities under the Employment Agencies Act 1973 and the Conduct of Employment Agencies and Employment Businesses Regulations 2003, but regulations on health and safety are not detailed. Any plan on the post Covid economy, including a Covid Status Certification Scheme, must put the needs of all workers, including flexible staff and independent professionals, in scope, not simply traditional employees.”

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