

Risk Alert

Staffing Firms Face Unique Post-Pandemic Challenges

At least one-quarter of the U.S. economy has suddenly gone idle amid the COVID-19 pandemic, an analysis conducted for The Wall Street Journal shows. Apart from those deemed “essential” workplaces across the country have shuttered. Hit especially hard are the staffing firms, some of the first employers to feel the impact of the furloughs and layoffs. We believe these same firms will soon benefit from increased demand for workers as the economy recovers.

Prepare, Prevent and Respond

States are beginning to re-open businesses and staffing firms must be ready to meet the demands of the post pandemic workplace - and meet them *safely*. The Occupational Health and Safety Administration (OSHA) and the Centers for Disease Control and Prevention (CDC) have published guidance for employers to help them prepare, prevent and respond to the safety and health challenges of infectious diseases in the workplace.

Prepare: Post-Pandemic Start-Up Plan

Regardless of whether a business is planning to restart, ramp-up, or is already fully operational, they must have a plan to address the increased need for workplace safety. This plan need not be overly complex, it can be incorporated into an organization’s broader emergency response or safety plans. At a minimum it should address:

1. A post-pandemic start-up team
2. Complying with regulatory requirements and OSHA guidance
3. Prevention controls and personal protective equipment (PPE)
4. Hiring for safety considerations
5. Isolation and social distancing protocols
6. Housekeeping and disinfection procedures
7. Return to work and ongoing safety and health training

Understanding that the staffing firm does not have direct control over the client worksite, OSHA maintains that they still have a responsibility to understand what illness exposures and controls are in place at the worksites where they place temporary workers. Staffing firms have a duty to inquire, understand, and prepare workers to perform their duties as safely as possible. Communicating, and partnering with host employers to ensure a safe, healthy start-up or production ramp-up is imperative.

- Establish clear new-hire orientation and training responsibilities with clients
- Conduct thorough and meaningful worksite evaluations with infectious disease hazards and controls in mind
- Be prepared to work proactively with the host employer, advocate for your worker’s safety and respond effectively to exposure incidents when they occur.
- Staffing firms have an opportunity to partner with their clients in start-up planning, hiring for safety, infection prevention protocols and incident response.

Prevent – Engineering and Administrative Controls

With no vaccine or widespread drug therapy, employers are implementing engineering and administrative controls to ensure worker safety. Staffing professionals should have, at a minimum, a basic understanding of these controls, and how to apply them in various work settings.



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Engineering controls – these may include changing the work process, the tools, equipment or materials, installing physical barriers and screens, updating HVAC systems and air filtering equipment – these options are available, but can be challenging and costly to implement.

Administrative controls – changing the worker or the way people work, behave, and their perception of risk. These controls provide the most options for staffing firms and host employers and represent many of the “current practices” that we are seeing employers implementing. These include:

1. Handwashing, and personal hygiene – signage, policies and facilities to encourage proper hand hygiene
2. Health screening – pre-shift symptom surveys, temperature checks, and “active surveillance”
3. Stay-at-Home policies – and communications to encourage sick workers to stay at home
4. Frequent cleaning and disinfection protocols- tissue and trash management, the use of EPA approved cleaners to disinfect common areas, shared tools/equipment, and hard surfaces
5. Onsite safety monitoring – regular audits and observations to ensure that social distancing and other safe work practices are being used
6. Employee training – on the company illness prevention plan, infectious disease facts, personal protective equipment, illness and incident reporting, safe work practices, etc.
7. Flex hours/staggered shifts and breaks, work from home (WFH) – are changes employers can make to separate workers, create breaks and social distancing

Personal Protective Equipment - PPE is considered the last line of defense from health and safety hazards and is used primarily when other engineering and administrative controls are not effective or impractical. Generally considered the be the least desirable hazard control, PPE relies on an employer to provide the appropriate PPE and for an employee to properly use it.

Respond

Be prepared to respond to injury and illness claims and partner with host employers to ensure that prompt, thorough incident investigations and reports are completed. Have a process in place for coordinating appropriate isolation, medical treatment, and return to work. There will still be questions regarding work relatedness, medical leaves, and absence management. State and insurance carrier mandates on coverages and compensability may also vary so it will be important to communicate effectively on a case by case basis with carriers, clients and employees.



Host Employers and Staffing Firms Have Important Roles

Both host employers and staffing firms have important roles in complying with workplace health and safety requirements and they *share* responsibility for ensuring worker safety and health. A key concept is that staffing firms and their clients have a joint responsibility to identify the workplace hazards they are in a position to *prevent and correct*, and in what manner they are able to comply with OSHA standards and guidance.

Additional Resources

- https://www.osha.gov/temp_workers/
- <https://www.osha.gov/SLTC/covid-19/controlprevention.html>
- <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- <https://www.aon.com/event-response/coronavirus.aspx>

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