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Temporary agency work sector

Requirements to be met by client companies and temporary employment agencies

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Temporary agency work sector

Requirements to be met by client companies and temporary employment agencies

Changes from the previous edition (January 2017):

This edition represents a comprehensive update from the January 2017 edition with regard to its legal references. The previous section covering provisions applicable to the deployment of temporary agency workers has been integrated into the “Basic principles of safety and health” section. Further topics relevant to the deployment of temporary agency workers have also been added. These include the requirements of the German Maternity Protection Act (MuSchG) and action to be taken in response to foreseeable disruptions to operation (e.g. of machinery and equipment).

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1 What is the purpose of this rule?

What is a DGUV Rule?

This DGUV Rule supports you by describing occupational safety and health measures tailored to your sector. For this reason, it is also termed a “sectoral rule”. DGUV Rules are drawn up by experts, including those at the German Social Accident Insurance. These experts are familiar with the day-to-day conditions in companies within your sector, and with the hazards these conditions present to the safety and health of workers.

DGUV Rules assist you in applying German state OSH regulations, DGUV accident prevention regulations, standards and a range of binding statutory requirements in practice. They also contain a wealth of practical tips and information on occupational safety and on effectively safeguarding the health of workers in your company. As a business operator, you may select alternative solutions to those in DGUV Rules; they must, however, assure at least the same level of safety.

For whom is this DGUV Rule intended?

This DGUV Rule is addressed in the first instance to you, in your capacity as the operator of a business: either a temporary employment agency, or a client company deploying temporary agency workers. In either case, you are responsible for the safety and health of the workers concerned. Owing to the rule’s high practical relevance, further parties concerned with occupational safety and health within your company, such as your staff/works council and OSH professionals, occupational physicians and safety delegates, are also likely to find it helpful. Managers in operations, human resources and personnel recruitment (e.g. in purchasing) in client companies and branch managers and personnel schedulers in temporary employment agencies will find this document a valuable source of information for the safe and healthy deployment of temporary agency workers.

This DGUV Rule provides specific assistance in shaping the processes required for the safety and health of temporary agency workers. It covers the most important prevention measures by which the statutory safety objectives can be met in your company and for your workforce.

The rule’s structure enables you to identify with ease your specific tasks regarding the safety and health of temporary agency workers, whether as a temporary employment agency or a client company, and regardless of your sector.

Use these symbols for guidance:

 Client company

 Temporary employment agency

2 Basic principles of safety and health

Supervisory tasks of OSH professionals and occupational physicians, provision of instruction, conducting of risk assessments, arrangements for first-aid: integrate these measures for assuring your workers' safety and health systematically into your company's structures and processes. In doing so, you create a sound basis for safe and healthy working conditions.

Applicable legislation

- Arbeitsschutzgesetz (ArbSchG) – Act on the Implementation of Measures of Occupational Safety and Health to Encourage Improvements in the Safety and Health Protection of Workers at Work (ArbSchG eng.)
- Arbeitssicherheitsgesetz (ASiG) – Act on Occupational Physicians, Safety Engineers and Other Occupational Safety Specialists (ASiG eng.)
- Jugendarbeitsschutzgesetz (JArbSchG) – German Child Labour Act
- Mutterschutzgesetz (MuSchG) – Act on the Protection of Mothers at Work, in Training and at University (Maternity Protection Act) (MuSchG eng.)
- Sozialgesetzbuch Neuntes Buch (SGB IX) – German Social Code, Volume 9 (reintegration and participation of persons with disabilities)
- Arbeitsstättenverordnung (ArbStättV) – Ordinance on Workplaces (ArbStättV eng.)
- Betriebssicherheitsverordnung (BetrSichV) – German Ordinance on industrial safety and health
- Gefahrstoffverordnung (GefStoffV) – German Ordinance on hazardous substances
- PSA-Benutzungsverordnung (PSA-BV) – German Ordinance on the use of personal protective equipment
- Verordnung zur arbeitsmedizinischen Vorsorge (ArbMedVV) – Ordinance on Preventive Occupational Health Care (ArbMedVV eng.)
- DGUV Vorschrift 1 „Grundsätze der Prävention" – DGUV Regulation 1 „Principles of Prevention" DGUV Vorschrift 1, eng
- DGUV Vorschrift 2 „Betriebsärzte und Fachkräfte für Arbeitssicherheit" – DGUV Regulation 2 Occupational physicians and OSH professionals DGUV Vorschrift 2 eng.
- „Prüfungen von Arbeitsmitteln und überwachungsbedürftigen Anlagen" (Technische Regel für Betriebssicherheit, TRBS 1201) – "Testing of work equipment and equipment requiring supervision"
- „Zur Prüfung befähigte Personen" (TRBS 1203) – Qualified Persons
- „Barrierefreie Gestaltung von Arbeitsstätten" (Technische Regel für Arbeitsstätten, ASR V3a.2) – Technical rules for workplaces (accessible design of workplaces)
- „Sicherheits- und Gesundheitsschutzkennzeichnung" (ASR A1.3) – Technical rules for workplaces (safety and health signage)
- „Maßnahmen gegen Brände" (ASR A2.2) – Technical rules for workplaces (fire prevention measures)
- „Fluchtwege und Notausgänge" (ASR A2.3) – Technical rules for workplaces (escape routes and emergency exits)
- „Erste-Hilfe-Räume, Mittel und Einrichtungen zur Ersten Hilfe" (ASR A4.3) – Technical rules for workplaces (areas, equipment and facilities for first aid)

Applicable legislation for the deployment of temporary agency workers

- Arbeitnehmerüberlassungsgesetz (AÜG) – Act on Temporary Agency Work (AÜG eng.)
- Betriebsverfassungsgesetz (BetrVG) – Works Constitution Act (BetrVG eng.)
- Arbeitsmedizinische Empfehlung „Zeitarbeit", BMAS, 2014 – Occupational medical recommendations regarding temporary agency workers

Further information

- DGUV Information 204-022 „Erste Hilfe im Betrieb“ – (First aid in companies)
- DGUV Information 205-023 „Brandschutzhelfer“ – (Fire safety assistants)
- DGUV Information 211-042 „Sicherheitsbeauftragte“ – (OSH professionals)
- DGUV Information 250-010 „Eignungsbeurteilungen in der betrieblichen Praxis“ – (Fitness assessments in companies)

As a business operator in Germany, you bear legal responsibility under the ArbSchG for the safety and health of your company's workers. There are other good reasons, however, for devoting attention to occupational safety and health in your company. For example, not only are people working in a safe and healthy environment ill less often and for shorter periods, they also more committed and motivated. Furthermore, investments in safety and health have been shown to yield a financial return for companies.

The German Social Accident Insurance supports you in implementing occupational safety and health in your company. The first step is to implement basic prevention measures. These are described on the following pages. They constitute a sound basis for well-organized occupational safety and health and set the course for further important prevention measures in your company.

Applicable to the deployment of temporary agency workers:

Temporary employment agencies and client companies both have statutory obligations to ensure the safety and health of the temporary agency workers. These obligations can have a significant bearing on important aspects of the companies' occupational safety and health organization, such as supervision by the OSH professional and occupational physician, and first aid.

Responsibility and assignment of tasks

Responsibility for your workers' safety and health lies with you, the business operator. You must therefore organize work in your company in such a way that hazards to life and health are avoided wherever possible and the stress upon your workers does not exceed the limits of their personal performance.

You may assign this task in writing to other reliable and skilled persons within your company; you are, however, obliged to check regularly that these persons are performing their duties. If necessary, set out measures for improvement. Following an occupational accident or the incidence of an occupational disease, the causes must be determined immediately and the occupational safety and health measures adapted.

The works council has full rights of co-determination in occupational safety and health issues, except where the issue concerned is governed conclusively by a law or regulation.

Applicable to client companies:

If you deploy temporary agency workers, you are responsible for their safety under the German Temporary Employment Act to exactly the same extent as for your own employees: you must ensure that the temporary agency workers only perform activities for which they are sufficiently qualified, in which risks to life and health are avoided, the workload does not exceed their capacity, and the activity does not lead to work-related health impairments.

Where you delegate occupational safety and health tasks to reliable and competent persons in your company, this delegation of duties also applies with regard to the temporary agency workers deployed. For example, if you assign a foreman/forewoman the task of providing safety and health instruction to persons working on an installation, this obligation also applies to the instruction of the temporary agency workers deployed. To ensure that temporary agency workers are deployed safely, all persons involved in the worker assignment process must have the necessary knowledge of occupational safety and health. For example, persons requesting temporary agency workers must be able to coordinate the occupational safety and health aspects of the deployments with the temporary employment agency.

Inform your works council or employees' representative body of your plans to deploy temporary agency workers, so that tasks required under the German Works Council Constitution Act can be carried out.

Applicable to temporary employment agencies:

If you run a temporary employment agency, you are an employer. You continue to be responsible for the safety of your workers when they are working at the client company. You are therefore responsible for selecting suitable workers for the specific deployment and organizing the process of their assignment such that they work only at workplaces where a risk to life and health is avoided, the workload is within their capabilities, and the activity does not lead to work-related health impairments.

At your temporary employment agency, expertise in occupational safety and health in the relevant areas of deployment is required, above all, for staff responsible for recruiting the temporary agency workers and scheduling them for the various deployments (HR decision-makers and personnel schedulers). These staff are responsible for the occupational safety and health of your workers. Expertise is required here in determining and assessing occupational safety and health measures. Your accident insurance institution runs seminars specially geared to this target group.

Supervision by occupational physicians and OSH professionals

Support in setting up safe and healthy workplaces is available from the OSH professionals and occupational physicians, and from your accident insurance institution. DGUV Regulation 2 sets out the scale of supervision by OSH professionals and occupational physicians that you must ensure.

Applicable to client companies:

When determining the supervision model and its scope, you must consider the temporary agency workers in the same way as your own staff. Basic supervision provides you in the first instance with advice on making workplaces safe and healthy, irrespective of whether your own staff or temporary agency workers will be working at them. Company-specific supervision further provides you with advice on the internal process of temporary agency worker assignment at your company. This concerns, for example, the selection of temporary employment agencies, drafting of contracts, instruction of temporary agency workers, preventive occupational medical care, and organization of the internal flow of information associated with worker assignment.

Applicable to temporary employment agencies:

When determining the supervision model and its scope, you must consider the temporary agency workers in the same way as your own staff. When providing advice, the occupational physicians and OSH professionals take account of the occupational safety and health aspects of the worker assignment process. For this purpose, they also visit the workplaces in the client company, in order to provide specific advice to the HR decision-makers and personnel schedulers.

Best practice

Tip: supervision is facilitated by regular communication between occupational physicians and OSH professionals in the client companies on the one hand and the temporary employment agencies on the other.

Safety delegates

Should your company employ more than 20 people, you are also required to appoint safety delegates. Safety delegates are employees of your company who support you in improving occupational safety and health. They do so on a voluntary basis, parallel to their main functions within the company. Their function involves, for example, ensuring that safeguards and protective equipment are in place, and drawing their colleagues' attention to behaviour that is dangerous or presents a health risk. In the process, they provide you with reliable suggestions for improving occupational safety and health.

Applicable to client companies:

When determining the required number of safety delegates, you must also take the temporary agency workers in your company into account. If you deploy a large number of temporary agency workers, it may be advantageous for safety delegates to be appointed from among them.

Inform your safety delegates that their duties also apply to temporary agency workers. This particularly includes:

- Looking after new temporary agency workers
- Ensuring that protective equipment, including personal protective equipment, is used correctly
- Ensuring that machines and working materials are used safely
- Ensuring, in particular, that that internal company safety and health regulations are also observed

Inform the temporary employment agency of safety delegates in the areas in which temporary agency workers are employed.

Always include the feedback from the safety delegates in your communication with the temporary employment agency.



Applicable to temporary employment agencies:

Agree with the client company for safety delegates to be appointed in the areas where your workers are working. If you assign larger groups of workers (e.g. for on-site projects), appointing safety delegates of your own from among your workers is advantageous. Agree this with the client company. If your temporary employment agency has over 20 employees in total, appoint safety delegates of your own for the personnel that are not assigned to temporary work in other companies.



Skills in occupational safety and health

For occupational safety and health measures to be effective, sound knowledge is required. Ensure, therefore, that all persons in your company who are tasked with ensuring safe and healthy workplaces and work processes possess the necessary skills. Provide the persons concerned with opportunities for initial and further training. The German Social Accident Insurance Institutions and their umbrella association, the DGUV, provide a wide range of suitable seminars and initial and further training measures.



Assessment and documentation of working conditions (risk assessment)

Protecting people against hazards to their safety and health at the workplace is possible only if the hazards arising are known. One of the most important tasks is therefore assessment of the working conditions, i.e. the risk assessment. The purpose of a risk assessment is to determine possible hazards to the safety and health of your workers at each workplace within your company, and to set out measures for eliminating these hazards. Consider both the physical and mental stresses upon workers in this assessment. Observe statutory limitations of and prohibitions upon employment, such as those applicable to young people and pregnant and nursing women, particularly with regard to heavy physical work and work involving hazardous and biological substances. Hazards must be eliminated or mitigated at source in the first instance. Where this is not (entirely) possible, you must take protective measures in accordance with the T-O-P principle. This means that you must first determine and implement technical (T), then organizational (O) and only then personal (P) measures. By documenting the risk assessment you have performed, you not only meet your statutory obligation to do so, but also create a summary of the occupational safety and health measures taken in your company. This enables developments to be understood and the efficacy of measures to be demonstrated.



Road safety

Compared to other accidents, road traffic accidents are more likely to result in serious and fatal injuries. Take every opportunity to improve road safety, whether in daily commutes to work, university, school or daycare centres, business journeys, or complex transportation tasks. Children and young people are safer on the roads if you practise correct road behaviour with them. Set an example, for example by procuring vehicles with high-quality safety features, providing instruction in use of these features and preventing dangerous practices (e.g. reversing with restricted visibility). Make it clear that you do not tolerate negligent behaviour, such as impairing visibility in vehicles with stickers, banners or other items. Demand accountability by ensuring that a discussion is held of each work-related traffic accident.

Occupational medical measures

Occupational medical prevention activity is an indispensable element of occupational safety and health within your company. It includes involving the occupational physician in the risk assessment, providing general occupational medical advice, and conducting preventive occupational medical care, including the provision of corresponding advice to workers on a one-to-one basis. Should preventive occupational medical care reveal a need for specific OSH measures to be taken, you must initiate these measures for the workers concerned.

Applicable to the deployment of temporary agency workers:

Should the risk assessment show that preventive occupational medical care (mandatory or optional) and/or a fitness assessment is required, you must specify in the safety and health agreement:

- What preventive occupational medical care measures are required
- What form of fitness assessment is to be performed
- Whether these measures are to be conducted by the client company's occupational physician, or that of the temporary employment agency

Mandatory preventive occupational medical care must be conducted before commencement of the hazardous activity. Likewise, optional measures for preventive occupational medical care must be offered before the hazardous activity begins. Take the lead time of these measures into account.

The client company and the temporary employment agency exchange information on conducting preventive occupational medical care and fitness assessments, in observance of data protection and confidentiality requirements.

The client company and the temporary employment agency agree upon who is to provide optional preventive occupational medical care for the temporary agency workers.

Applicable to client companies:

Preventive care that is closely related to activities at the client company is carried out primarily by the client company's occupational physician, owing to their familiarity with the activities concerned. The same applies to fitness assessments.

Applicable to temporary employment agencies:

Occupational physicians at the temporary employment agency also carry out preventive occupational medical care for temporary agency workers. For this purpose, they must possess the required knowledge of the workplace conditions. As the employer, you maintain a file of preventive occupational medical care activities, including a record of when and for what reasons they were performed. At the end of the employment relationship, you provide the worker with a copy of this file.

Instruction

Your workers are able to work safely and without risk to their health only if they have been informed of the hazards at their workplaces, and of their duties. Ensure that your workers are familiar with the necessary measures and company rules, and that they receive appropriate instruction that enables them to perform their work safely. This instruction also takes the form of company procedures. It is therefore important that, wherever possible, your workers receive instruction directly at their workplaces. You may provide this instruction yourself, or assign the task to a reliable and skilled person. If you deploy workers from temporary employment agencies, you must provide them with the same instruction you provide to your own staff. The occupational physician and/or OSH professional can support you in this task. Instruction must be provided at least once a year, and its provision must be documented. Young people must receive instruction at intervals of six months. In addition, you must arrange for your workers to receive instruction:

- Before beginning a task
- When they are assigned to a different task
- When changes occur in their area of activity and in the working processes

Hazardous work

Some tasks in your company are particularly dangerous for your workers. Ensure in such cases that responsibility for supervising the work lies with a reliable person who is familiar with it. If a person is tasked with performing dangerous work alone, you have a duty to put suitable technical or organizational protective measures in place, such as inspection patrols by a second person, systems for

calling in by telephone/radio at agreed times, or personal alarm systems. The accident insurance institution responsible for your company will be pleased to advise you.



Access to rules and regulations

Make all relevant state rules and regulations and DGUV accident prevention regulations available at a suitable location and accessible to all persons in your company. Besides ensuring that your workers are informed of the necessary prevention measures, this shows them that you take occupational safety and health seriously. Your accident insurance institution is available to answer any questions you may have concerning the rules and regulations.



Personal protective equipment

If technical and organizational measures are not sufficient to rule out hazards to your workers, you are obliged, as the business operator, to provide them with personal protective equipment (PPE) free of charge. When procuring PPE, ensure that it bears the CE mark. What forms of PPE are suitable for what particular working conditions and workers is determined by the risk assessment. You are required to consult the workers before making the PPE available.

For the objective of protection to be attained, workers must use the PPE in accordance with the instructions for its use and in observance of its service life and limitations on wear periods; they must check the proper condition of the PPE regularly; and they must report any observed defects in it to you immediately. The instruction provided to workers must include correct use of the PPE. By organizing appropriate measures for maintenance, repair and replacement and by correct storage, you ensure that personal protective equipment remains in a functional and hygienically flawless condition throughout its service life.

Where PPE is used in your company to provide protection against potentially fatal hazards or risks of permanent harm to health (e.g. PPE against falls from a height, respiratory protection), further measures must be observed. For example, instruction in the correct use of the PPE concerned must include practical exercises. Further measures may include planning and proper performance of rescue measures, inspection of the equipment by skilled persons, and drafting of special instruction procedures.

You can use signs indicating mandatory safety and health measures to inform your workers of the workplaces at which PPE must be used.



Applicable to client companies:

No one is more familiar than you with the workplaces in your company: you know what PPE is required at which workplaces. Agree with the temporary employment agency what PPE you intend to provide yourself for the temporary agency workers and what PPE should be provided by the temporary employment agency. Provide the temporary employment agency with all the information required for procurement of the specified PPE to ensure that the temporary agency workers enjoy the same level of protection as your permanent staff.



Applicable to temporary employment agencies:

If you have agreed with the client company that you will provide your workers with certain PPE yourself, obtain from the client company the necessary information on the protective properties required of this PPE. Specify in the joint safety and health agreement (see annex) who is to provide what PPE for the deployment. Should workers encounter difficulties with the protective equipment provided, they may contact the occupational physicians at the client company and the temporary employment agency for assistance.



Best practice

The following procedure and classification have proved effective in practice for the provision of PPE:

Client company:

- PPE in the form of consumables (e.g. earplugs, protective gloves)
- PPE against falls from a height (rescue measures are taken into account)
- PPE against particular climatic, electrical, chemical or biological hazards (e.g. protective overalls, protective gloves, protective clothing, foot protection and respiratory protection)
- Special PPE that can be procured more easily by the client company (e.g. forearm protection for glasswork)

Temporary employment agency:
- Simple foot protection, e.g. safety footwear of categories S1-S3, depending on the use case
- Industrial hard hats
- Gloves for protection against mechanical hazards
- Simple protective eyewear (safety glasses) for protection against mechanical hazards

PPE for protection against fatal hazards and permanent harm to health (PPE category III) should primarily be provided by the client company, since it is the party familiar with the hazards concerned, and the required instruction and exercises can generally be carried out only on site. If the temporary employment agency possesses the knowledge and resources for selection, testing and maintenance of such PPE, it may also provide it on a case-by-case basis. Examples of such PPE are respiratory protective equipment and PPE for protection against falls from a height.

Labelling of safe products

Since 1995, all machines and numerous other products have been subject to Europe-wide regulations governing placing on the market. The manufacturer or distributor must document compliance with these regulations at the time of sale by applying a CE mark and issuing a declaration of conformity. The manufacturer or distributor may also have the products tested by independent bodies. Test marks such as the GS mark or DGUV test mark indicate that the product has passed a safety test.

Fire safety and emergency measures

You and your workers must be able to act quickly and purposefully in the event of an emergency. The safety and health of workers at work therefore also includes organizing company fire safety and preparing for other emergency measures, such as orderly evacuation of your work premises. For this reason, have as many workers as possible trained as fire safety assistants; training of at least five percent of your workforce is recommended. Appointing an employee as a fire safety officer is also advisable, and pays off in the event of an emergency. In order for fires to be fought effectively when they arise, you must furnish your premises with suitable fire extinguishing equipment such as portable fire extinguishers, and familiarize all employees with its use by providing regular instruction.

First aid

Organizing first aid in your company is one of your basic duties. First aid extends to all measures required in the event of accidents, acute illnesses, poisoning and other emergencies before the arrival of the emergency services or a doctor. Examples of these measures are: safeguarding the accident site, moving accident victims out of acute danger, alerting emergency services, taking immediate lifesaving measures, and providing support for affected individuals. The basic requirement for first-aid materials is covered by the “small” and “large” first-aid kits to DIN 13157 and DIN 13169 respectively. Hazards specific to the company may necessitate supplementary materials.

Your company must have a sufficient number of first-aiders. The required number depends upon the number of workers in your company. Any worker may assume this task, provided they have completed initial training in first aid and regular refresher courses every two years. The course fees are paid by the German Social Accident Insurance Institutions. You must also ensure that first-aiders are present in sufficient numbers during shift work and holiday periods.

How many first aiders?	
Between 2 and 20 insured individuals on site	One first aider
Over 20 insured individuals on site	
a) In administrative and commercial companies	5%
b) In other companies	10%

Applicable to client companies:

Take the number of temporary agency workers into account when determining the required number of first-aiders and first-aid facilities and measures. If you deploy temporary agency workers in large numbers, possibly from several temporary employment agencies, you can involve the temporary employment agencies in the first-

aid provision at your company. Record the agreements in this area within the safety and health agreement. Make all designated first-aiders known to all workers.

Applicable to temporary employment agencies:

Agree with the client company that it will ensure provision of these first-aid facilities and measures, including a sufficient number of first-aiders. Where temporary agency workers are deployed in large numbers at the client company and the necessary first aid is not ensured on an adequate scale, you must contribute to providing the required number of first-aiders and the necessary first-aid material. Keep a record of agreements in this area in the safety and health agreement.

Company paramedics in large companies and on construction sites

The company paramedic provides enhanced first aid and thus contributes to provision of seamless care to injured or ill persons.

Where over 1,500 workers are normally present at a company location or over 100 workers on a construction site, they must include at least one company paramedic on standby. Keep shift work, holiday periods and the potential sickness absence rate in mind when calculating the required number of company paramedics.

Occupational safety and health committee

If your company has over 20 employees, you are obliged to form a safety and health committee. This committee has the purpose of facilitating dialogue and cooperation between all departments involved in organizing safety and health within the company.

The make-up of the committee is defined by law and includes:

- The employer and/or a person authorized by them
- Two members of the works/staff council
- An OSH professional
- A occupational physician
- An appropriate number of safety delegates

This list can of course be expanded to include further decision-makers and internal or external specialists as required.

The safety and health committee meets at least four times a year to discuss strategies, innovations, events and specific issues relating to safety and health at work. This includes, for example, analysis of the incidence and severity of accidents, interpretation of risk assessments and coordination of measures to improve workplace safety and health. Changes within the company, such as the use of new types of personal protective equipment and the introduction of new work processes, work equipment or substances, may also be topics of discussion for the safety and health committee.

Regular checks of work equipment

Damaged work equipment may cause accidents. The work equipment used in your company must therefore be inspected regularly, and also tested where required by the type. Before an item of work equipment is used, it must be inspected visually and checked, where appropriate by a function check, for evident faults that can be detected swiftly in this way. Besides these checks, you must ensure that regular tests are performed at appropriate intervals. How these checks and tests are to be performed, by whom and at what intervals, is described in the TRBS 1201 and TRBS 1203 technical rules for industrial safety and health (refer to the “Applicable legislation” information box). When only a single shift is worked, a test interval of one year has proved suitable for many items of work equipment. The results of the tests must be retained at least until the next test is performed.

Planning and procurement

Considering the topic of safety and health from the outset in all company processes is a worthwhile strategy. Giving consideration to your workers’ safety and health beginning at the planning of work premises and installations and when procuring work equipment and materials saves you from having to make improvements, which may be expensive, at a later stage.

Accessibility

Design your company's work rooms such that they are accessible to disabled persons. Accessibility measures benefit the entire workforce, not just employees with disabilities. For example, paths and aisles of adequate width, locating sanitary fittings, light switches and door handles within easy reach, and non-slip floor coverings can reduce the risk of accidents and considerably reduce impairing stress and strain.

Corporate integration management

If a worker in your company has been unfit to work for more than six weeks (cumulatively or consecutively) in the previous 12 months, you are obliged to offer them a corporate integration management measure. The purpose of this measure is to overcome periods of incapacity for work, prevent further periods of incapacity for work and ensure long-term employability. The worker's acceptance of the corporate integration management measure is voluntary. The aim of the corporate integration management procedure is to determine how employment can be organized in a way that is conducive to good health. The person entitled to the corporate integration management measure and you, the employer, must both be involved in the procedure. You can find detailed information on this measure in DGUV Information 206-031 "Betriebliches Eingliederungsmanagement" – DGUV Informative publication 206-031 (corporate integration management).

Workplace health

Health is the most important factor determining whether your workers remain fit for and capable of work through to the statutory retirement age. Timely measures for reducing work-related impairing physical and mental stresses have a double dividend: for workers themselves, and for the company. These measures include making workplaces safe and healthy, and corporate integration management. Reinforcing health-conscious behaviour among your workers and creating working conditions conducive to good health also has a positive impact. Consider that your workers themselves often know best what affects them adversely at work. For this reason, involve them when considering measures for improvement. This also motivates them.

Applicable to client companies:

Take temporary agency workers into account when assessing working conditions and their potential impact on safety and health. If you offer health promotion measures as part of a health management programme, it is advantageous to inform the temporary employment agency of these activities. As required by Section 13 b of the Arbeitnehmerüberlassungsgesetz (AÜG) – Act on Temporary Agency Work, enable temporary agency workers to participate in these measures under the same conditions as comparable employees in your company.

Applicable to temporary employment agencies:

Through company health management, you can help your workers to retain their fitness for employment. Temporary agency workers frequently switch activities. This is accompanied by changes in work tasks, work organization, the working environment, superiors and colleagues. These changes impose burdens that temporary agency workers must cope with.

Personnel schedulers can influence these factors as part of the worker assignment process and thus contribute to temporary agency workers remaining healthy. Use suitable informational and motivational events to help both your personnel schedulers and the temporary agency workers themselves to identify and point out areas requiring action, from which you can then derive suitable measures to promote health.

Ask the client company about company health management activities. As a manager, signal your willingness to get involved, so that you and your workers can also benefit from the advantages of company health management. If you notice health problems among your workers resulting from an activity, approach the client company to analyse the situation and develop solutions together with them and the workers.



External companies, suppliers and deployment of workers on other company sites

Do personnel from external companies and suppliers access your company premises? If so, this may also give rise to particular hazards. Make the necessary arrangements and ensure that these persons are also familiar with your company's workplace safety arrangements, and that they observe them.

Further information

- Database of regulations, rules and informative publications of the German Social Accident Insurance: www.dguv.de/publikationen
- Competence network of the Expert committees for prevention www.dguv.de (webcode: d36139)
- Biological and hazardous substances database of the German Social Accident Insurance (GESTIS): www.dguv.de (webcode: d3380)
- German Occupational Health and Safety Act (ArbSchG) and ordinances, partly in English: www.gesetze-im-internet.de
- Technical rules under the occupational health and safety ordinances: www.baua.de

3 Steps in the worker assignment process: measures for safety and health

The following pages provide a summary of the key process steps in the assignment process for temporary agency workers. The information is divided into sections addressing the client company and the temporary employment agency. It helps you to fulfil your responsibility for the safety and health of the temporary agency workers.



Regardless of whether you are the manager of the temporary employment agency or the client company: as the business operator, you bear responsibility for the safety and health of the temporary agency workers. Temporary employment agencies and client companies each have their own tasks in the deployment of temporary agency workers, and must coordinate these tasks closely. The results of this coordination are incorporated into the contract for the supply of workers, which includes the safety and health agreement (see annex). This ensures that both parties are aware of their respective safety and health responsibilities, and fulfil them.

For a worker assignment to be successful for both parties and for the temporary agency workers themselves, all necessary steps must be carefully prepared and taken during the worker assignment process. The important aspects of this are described below for the temporary employment agency and the client company.

Do you have any questions about safety and health at work? If so, contact the experts at the accident insurance institution responsible for your company. As a member company, you will receive comprehensive advice and a wealth of information on safety and health at work.


Client company
Temporary employment agency
Clarifying and coordinating the deployment conditions
Preparing workers for their deployments
Instructing workers
Deploying workers

3.1 Clarifying and coordinating the deployment conditions

3.1.1 Activity and skills

Before the temporary agency workers are deployed, a number of aspects must be clarified. Communication between all parties involved is crucial for ensuring that the deployment is safe and healthy, and thus successful.

Adequate coordination between the parties to the worker assignment can reduce risks to the temporary agency workers presented by the activities. Finally, the results of this coordination are recorded in a safety and health agreement between the client company and the temporary employment agency. Should further deployments at the same workplaces take place at a later date, the results from the previous deployments can be used to reduce the coordination overhead.



§ Applicable legislation

Cooperation between multiple employers

- § 8 Arbeitsschutzgesetz (ArbSchG) – Act on the Implementation of Measures of Occupational Safety and Health to Encourage Improvements in the Safety and Health Protection of Workers at Work (ArbSchG eng.)
- § 11 (6) Arbeitnehmerüberlassungsgesetz (AÜG) – Act on Temporary Agency Work (AÜG eng.)
- § 6 DGUV Vorschrift 1 „Grundsätze der Prävention“ – DGUV Regulation 1 (principles of prevention) DGUV Vorschrift 1, eng

Activity and skills

- § 12 Arbeitnehmerüberlassungsgesetz (AÜG) – Act on Temporary Agency Work (AÜG eng.)

Accidents involving temporary agency workers can be avoided if HR decision-makers at the temporary employment agency are fully aware of the activities to be performed by these workers, and misunderstandings regarding the required skills and suitability are therefore completely avoided.



Client company

As the operator of client company, you must first determine the activities for which you wish to deploy temporary agency workers. Describe the individual activities sufficiently specifically to make them clear to all parties involved. For example:

Positive:

- ✓ Operation of eccentric presses with reference to the instructions and parts list
- ✓ Setup of the presses
- ✓ Performance of quality checks
- ✓ Maintenance of machinery in accordance with briefing

Negative:

- ✗ Operation of machinery

Also consider the secondary activities required (e.g. “operating an overhead crane“ for temporary agency workers who are to carry out material transport themselves) and underlying conditions (e.g. 3-shift working).

Activities not usually forming part of the job profile, and also particular underlying conditions, may constitute particular aspects of the activity that you must specify in the contract for the supply of workers.

Describe the skills required for the intended activities. Also consider the necessary experience you expect from temporary agency workers. For example:

- Industrial and technical training in the metalworking sector
- Knowledge of machine and system operation in the metalworking sector
- Expertise as a fitter
- Expertise in quality control
- Experience in the maintenance of machines

The more precisely you describe your requirements to the temporary employment agency, the more suitable the selected temporary agency workers will be for the workplaces intended for them.

If those making the request to the temporary employment agency (e.g. HR department, purchasing department) are not sufficiently familiar with the activities and required skills, you must ensure that this information is provided by the party in the company from whom the request originates (e.g. department managers). The "internal determination of requirements" serves as a good basis for this purpose (see annex).

Ensure that the requirements you have described are included in the contract for the supply of workers, which is usually drawn up by the temporary employment agency.



Temporary employment agency

As a temporary employment agency, you ensure that the client company receives exactly the workers it needs. To achieve this, make use of the information you receive from the client company. Record this information on the order confirmation form (see annex).

For positions that are to be filled by you for the first time, obtain a detailed picture of the activities and the skills required for them by visiting the workplaces concerned. The resulting picture of the workplace and the working environment extends beyond a mere description of the activity; it is the first step in your assessment of working conditions.

Compare the information from the client company regarding the activity and required skills with the skills and suitability of the temporary agency workers.

You determine the competence of your future workers at the recruitment stage. Competence includes skills, experience, expertise and suitability for the intended activities. Workers may be assigned only if their competences correspond to those required for the activity. For deployments that are to be carried out by workers who have already been recruited, check before the deployment that they possess the required competences.

3.1.2 Identifying hazards and stresses and agreeing on protective measures

The client company and the temporary employment agency are responsible in equal measure for the safety and health of the temporary agency workers. Both the client company and the temporary employment agency must therefore carry out an assessment of the working conditions (risk assessment) to ensure that temporary agency workers are deployed at workplaces that are safe. Assessment of the working conditions forms the basis for the protective measures that are to be agreed between the temporary employment agency and the client company.

Applicable legislation

- § 11 (6) Arbeitnehmerüberlassungsgesetz (AÜG) – Act on Temporary Agency Work (AÜG eng.)
- §§ 5, 6 Arbeitsschutzgesetz (ArbSchG) – Act on the Implementation of Measures of Occupational Safety and Health to Encourage Improvements in the Safety and Health Protection of Workers at Work (ArbSchG eng.)
- §§ 9-14 Mutterschutzgesetz (MuSchG) – Act on the Protection of Mothers at Work, in Training and at University (Maternity Protection Act) (MuSchG eng.)
- § 3 Betriebssicherheitsverordnung (BetrSichV) – German Ordinance on industrial safety and health
- § 6 Gefahrstoffverordnung (GefStoffV) – German Ordinance on hazardous substances
- TRGS 400 Technische Regel für Gefahrstoffe „Gefährdungsbeurteilung für Tätigkeiten mit Gefahrstoffen“ – Technical Rule for hazardous substances (risk assessments for activities involving hazardous substances)
- TRGS 410 Technische Regel für Gefahrstoffe „Expositionsverzeichnis bei Gefährdung gegenüber krebserzeugenden oder keimzellmutagenen Gefahrstoffen der Kategorien 1A oder 1B“ – Technical Rule for hazardous substances (record of hazardous exposure to category 1A or 1B carcinogens or germ cell mutagens)

Client company

Temporary agency workers are treated in the same way as permanent staff under German occupational safety and health legislation and are integrated into the client company’s organization of operations. As the business operator of the client company, you must therefore conduct risk assessments for the workplaces of temporary agency workers in the same way as for your own employees.

Accidents often occur during clearing of operational faults. Also include in the risk assessment how foreseeable malfunctions and hazards stemming from fault clearance (e.g. clearance of material jams) are to be dealt with.

Take the required occupational safety and health measures revealed by the risk assessment. Reach agreement with the temporary employment agency on implementation of personal safety and health measures, such as personal protective equipment and preventive occupational medical care. If the preventive occupational medical care is carried out by the temporary employment agency’s occupational physician, provide the necessary information on the workplace and hazards in good time before the start of the deployment.

Do not forget to document all the necessary steps of the risk assessment.

In order to coordinate safe and healthy deployment with the temporary employment agency, provide it with the documentation of the risk assessment, or at least make use of it during coordination with the temporary employment agency, i.e. enable the latter at least to inspect the risk assessment. The temporary employment agency forms a picture of the hazards and stresses faced by temporary agency workers in your company. It takes note of the measures you have already taken and agrees any further necessary measures with you. Allow the temporary employment agency to inspect the workplaces at which work is to take place before the temporary agency workers begin working there.

If personal data is collected during the deployment of temporary agency workers, for example during hazardous substance measurements, archive this data in the same way as the data for your own employees. In the event of exposure to category 1A or 1B carcinogens or germ cell mutagens, pass the data from your exposure register to

the temporary employment agency at the end of the assignment at the latest.

During assessment of the working conditions of your workers' activities in accordance with the Arbeitsschutzgesetz (ArbSchG) – Act on the Implementation of Measures of Occupational Safety and Health to Encourage Improvements in the Safety and Health Protection of Workers at Work (risk assessment), you have evaluated the form, scale and duration of the potential hazards to a pregnant or breastfeeding woman (see also Sections 10-12 of the MuSchG). From the results of the risk assessment, you have determined whether:

- the workplaces are presumed suitable for pregnant or breastfeeding women without further protective measures;
- the workplaces are presumed suitable for pregnant or breastfeeding women following changes to the working arrangements; or
- the workplaces are not suitable for activities to be performed there by pregnant or breastfeeding women.

The results of the risk assessment and its conclusions with regard to maternity protection (mandatory documentation in accordance with Section 14 of the Mutterschutzgesetz (MuSchG) – Act on the Protection of Mothers at Work, in Training and at University (Maternity Protection Act) constitute important information for the temporary employment agency, which can use them to meet its obligations under the MuSchG.

Temporary employment agency

Your employees trust that they will be deployed only at safe workplaces. As part of your duty of care, you ensure that they are protected against risks to life and health.

Even if you do not implement any technical or organizational measures of your own for the safety of your workers at workplaces at the client company, the occupational safety and health legislation still places obligations upon you as an employer. It is your decision whether to assign your workers to the client company for the specified activity under the given conditions.

Under the Arbeitnehmerüberlassungsgesetz (AÜG) – Act on Temporary Agency Work, the activities of temporary agency workers at the client company are subject to the public law provisions of occupational safety and health legislation applicable to the client company. The employer's obligations under this legislation apply both to the client company and to you as the operator of temporary employment agency. You too must therefore perform a risk assessment of your workers' activities.

You must ensure that the necessary occupational safety and health measures are taken during the deployment, and document that they have been taken. Furthermore, you must ensure that temporary agency workers are able to perform their activities at the client company without endangering their lives or their health.

As operator of the temporary employment agency, you obtain information on the work task, workplace and working conditions before assigning a temporary agency worker. In addition to the information on the activity itself and the skills required for it, you also acquaint yourself with the hazards associated with the activity, and with the protective measures that are required and have been taken by the client company. Also determine whether additional measures are required when pregnant or breastfeeding women are deployed. Coordinate these measures with the client company, and document them. Deployment of pregnant or breastfeeding women is not permissible where this would be deemed irresponsible in the sense of the German Maternity Protection Act under the conditions concerned and adequate protective measures cannot be taken. Only if this information is available to you at the temporary employment agency will you be able to agree any occupational safety and health measures that are still necessary with the client company.

Request the client company's risk assessment. Check, usually as part of a workplace inspection, what relevant hazards are present and whether the measures taken are sufficient. If the measures taken are not sufficient, agree further necessary measures with the client company. In the second step, determine for yourself that the identified hazards and measures are listed in the client company's documentation of the risk assessment. Finally, determine whether your workers can be deployed safely.

Should the risk assessment be made available to you only temporarily for inspection, transfer the hazards and measures described in it that are applicable to the temporary agency workers' activities to your own documentation.

Should you consider the client company's risk assessment not to be plausible, or should the client company fail to provide it, conduct the risk assessment yourself in cooperation with the client company and document that this has been done. For this purpose:

- Identify the hazards posed for the workers
- Determine the technical and organizational measures that have already been taken by the client company
- Evaluate whether these measures are adequate

Should you be unsure whether the measures taken by the client company are sufficient to counter the identified hazards, seek the advice of your occupational physician and occupational safety and health professional. Should further occupational safety and health measures to be taken by the client company still be required, record them in the documentation.

Agree with the client company on implementation of the personal safety and health measures resulting from the risk assessment, such as personal protective equipment and preventive occupational medical care (see also "Occupational medical measures" and "Personal protective equipment").

Consider in the risk assessment how foreseeable malfunctions and hazards stemming from fault clearance (e.g. clearance of material jams) are to be dealt with.

Make a record of your risk assessment, including the agreement on personal measures, for example on the "Workplace inspection" form (see annex).

Information from the risk assessment forms the basis for the safety and health agreement. Your risk assessment also forms the basis for workplace inspections during the deployment. You refer to it to determine whether the required and agreed protective measures for your workers are being implemented in the client company.

To enable temporary agency workers to be deployed effectively, you must create the right conditions for the deployment in advance. This involves, for example, matching the skills required for the activity with those possessed by the temporary agency workers, and integrating them into the client company's organization of the work. If these criteria are not met, additional stresses may arise with potentially negative consequences for the temporary agency workers.

The worker assignment situation as such is considered separately, as it is independent of the specific deployment. This aspect of worker assignment is evaluated by you, as the operator of the temporary employment agency. The focus here lies less on the specific deployment, and more on employment as temporary agency workers in general. Stress may be caused, for example, by new and frequently changing work tasks, repeated integration into the structures of successive client companies, a lack of opportunity to forge social ties owing to the short length of deployments, and also by uncertainty regarding the duration of individual deployments and the nature of future deployments. You assess such stress factors to enable you to determine the possible need for occupational safety and health measures (such as providing your workers with better information).

Further information

For mental stress to be given appropriate consideration in the risk assessment, possible critical characteristics can be broken down into six areas:

- Work content/task
- Work organization
- Working hours
- Social relationships
- Work equipment
- Working environment

It is advantageous for temporary employment agencies to consider the stresses typical of the sector, irrespective of the deployment in question. To determine the procedure and suitable methods for identifying mental stresses in your company, consult the company's occupational safety and health stakeholders, in particular the occupational physicians.

See also: "Berücksichtigung psychischer Belastung in der Gefährdungsbeurteilung – Empfehlungen zur Umsetzung in der betrieblichen Praxis" (consideration of mental stress in risk assessment: recommendations for implementation in company practice, published by GDA Arbeitsprogramm Psyche, www.gda-psyche.de) and "ZeBRA – Zeitarbeits-Fragebogen zu psychischer Belastung und Ressourcen im Arbeitnehmerüberlassungsprozess" (ZeBRA – temporary work questionnaire on the temporary agency worker assignment process, www.vbg.de/zebra).

3.2 Preparing workers for their deployments

During preparation for the deployment, the criteria are met that ensure that the terms agreed between the client company and the temporary employment agency can in fact be implemented when the temporary agency workers are deployed. Both parties have a number of tasks to perform to ensure that the deployments are completed successfully.



Applicable legislation

- § 3 Arbeitsschutzgesetz (ArbSchG) – Act on the Implementation of Measures of Occupational Safety and Health to Encourage Improvements in the Safety and Health Protection of Workers at Work (ArbSchG eng.)
- § 11 (6) Arbeitnehmerüberlassungsgesetz (AÜG) – Act on Temporary Agency Work (AÜG eng.)
- §§ 12, 14 Arbeitnehmerüberlassungsgesetz (AÜG) – Act on Temporary Agency Work (AÜG eng.)
- Verordnung zur arbeitsmedizinischen Vorsorge (ArbMedVV) – Ordinance on Preventive Occupational Health Care
- § 29 DGUV Vorschrift 1 „Grundsätze der Prävention“ – DGUV Regulation 1 (principles of prevention) DGUV Vorschrift 1, eng

Client company

Before the temporary agency workers begin working for you, consider the following points:

- Temporary agency workers should feel welcome and should reach their workplaces in the company safely. Therefore, inform the entrance and reception staff of the temporary agency workers who are due to arrive, when they are expected and where they will be working. This enables you to direct workers safely to their workplaces.
- Inform the occupational physician, OSH professional and safety delegate of the temporary agency workers' deployment.
- Arrange for the mandatory preventive occupational medical care to be provided by your company, and offer the optional care.
- Arrange for planned fitness assessments.



- Inform management in the affected departments and the workers in good time that temporary agency workers will be arriving.
- Specify who is authorized to issue instructions to temporary agency workers.
- The managers of the departments in which the new temporary agency workers will be working prepare them for their deployments. This requires the managers to be familiar with the activity-specific and OSH-related terms of the contract for the supply of workers and the safety and health agreement.
- Where you provide the workers with the PPE required for their activity yourself, issue the workers with it and instruct them in its use.
- Check that, as agreed, the temporary employment agency has:
  - Provided the workers with PPE
  - Conducted mandatory preventive occupational medical care and offered the corresponding optional care
  - Performed the required fitness assessments and certified fitness
- Instruct the workers on safety and health hazards specific to the workplace and on the protective measures taken against these hazards (see also 3.3).
- Where provision is made for induction programmes, they are observed for temporary agency workers in the same way as for permanent staff.
- Determine the required training/induction period for temporary agency workers, taking into account the activity, the workers' experience and the hazards.

Best practice

"Mentoring models" have proved effective in facilitating the integration of temporary agency workers. Mentors are appointed from among the permanent staff. They then serve as the first point of contact for the temporary agency workers, outside the supervisory hierarchy.

Temporary employment agency

Record, in the safety and health agreement of the contract for the supply of workers (see annex), the aspects agreed with the client company that are relevant to occupational safety and health. Consider at least the following points:

- The activity and its particular characteristics
- Skills required for the activity
- Workplace/work area
- Furnishing of the risk assessment
- Required PPE
- Required preventive occupational medical care
- Fitness assessment (with respect to occupational health)
- Instruction at the place of work
- First aid
- Supervision by occupational physicians and OSH professionals
- Safety delegates
- Investigation of occupational accidents and diseases
- Workplace inspection
- Measures to be taken when workers are redeployed

Taking into account the requirements identified with regard to skills and the activity, you have selected workers for the deployments who satisfy the requirements of the profile. You now prepare the workers for their deployment. This includes:

- Basic instruction for new employees (see 3.3)
- Deployment briefing with instruction specific to the activity (see 3.3)
- Description of the work task and the working environment
- Information on contact persons in the client company
- Information on working hours
- Directions to the work premises
- In accordance with the agreement with the client company:
  - Initiation of mandatory preventive occupational medical care before commencement of the activity; offer of optional preventive occupational medical care
  - Arrangement of a fitness assessment before commencement of the activity
  - Issuing of PPE
  - Reference to provision by the client company of preventive occupational medical care and PPE

3.3 Instructing workers

Temporary agency workers should be able to work safely and without risk to their health. Your intention in providing instruction is to impart knowledge of hazards and protective measures and to motivate workers to adopt safe and healthy behaviour. Instructing temporary agency workers forms part of the preparation for their deployment. When providing instruction to temporary agency workers, the client company and the temporary employment agency have distinct tasks and pursue distinct objectives.



Applicable legislation

- § 12 Arbeitsschutzgesetz (ArbSchG) – Act on the Implementation of Measures of Occupational Safety and Health to Encourage Improvements in the Safety and Health Protection of Workers at Work (ArbSchG eng.)
- § 11 (6) Arbeitnehmerüberlassungsgesetz (AÜG) – Act on Temporary Agency Work (AÜG eng.)
- §§ 4, 31 DGUV Vorschrift 1 „Grundsätze der Prävention“ – DGUV Regulation 1 (principles of prevention) DGUV Vorschrift 1, eng

During the provision of instruction, consider factors influencing its efficacy.

- Allow sufficient time and avoid disturbance.
- When preparing the information, take account of the temporary agency workers’ circumstances (e.g. their experience, skills, age).
- Include the workers in the instruction by drawing on their experience.
- Ensure that the content you wish to convey has been understood.
- Make it clear that the behaviour discussed is mandatory (i.e. it has the status of an order).

Document who has received instruction from you and when, and the topics of the instruction.

Best practice

Your accident insurance institution offers a range of seminars and media to support you in preparing and carrying out the required instruction.

Client company

As the client company, you assign the specific tasks to the temporary agency workers. You provide the tools and work-related equipment. You are aware of the potential safety and health risks associated with the workplace.

The task of providing instruction specific to the workplace therefore clearly falls to you, the client company.



The Arbeitnehmerüberlassungsgesetz (AÜG) – Act on Temporary Agency Work requires the client company to instruct temporary agency workers on:

- Hazards to safety and health to which workers may be exposed
- Measures and equipment for avoidance of the hazards
- The need for particular skills or vocational aptitude
- The need for particular medical monitoring
- Elevated hazards specific to the workplace

Aspects covered by instruction provided by the client company

Company-specific aspects, such as:

- Corporate principles and rules
- Contact persons (e.g. foremen/forewomen, supervisors, shift supervisors, safety delegates, members of the works council, “mentors” (see above), the occupational physician, the OSH professional)
- Behaviour in an emergency (raising the alarm, escape routes, fire safety, first aid, etc.)
- Communal facilities and rooms
- Smoking and alcohol bans
- Regulations on the use of medication
- Work area and access restrictions

Information can be added on measures for workplace health promotion, where such measures are in place.

Aspects relating to the workplace and activities:

- Required skills
- Workplace hazards, required protective measures and preventive occupational medical care
- Activities involving hazardous substances (refer to the procedure)
- Use of machinery and vehicles; include consideration for behaviour in the event of malfunctions
- Correct use of PPE; in particular, conduct exercises with PPE for protection against hazards leading to fatalities or permanent harm to health
- Briefing on the activity itself

This includes, for example, issuing an instruction to drive an industrial truck and providing specific instruction in operation of the relevant vehicle.

Agree any changes to the activity in advance with the temporary employment agency. These changes also require instruction to be conducted again.

Temporary employment agency

Basic instruction

As a temporary employment agency, you expect safe and health-conscious behaviour of your workers. For this reason, you provide your workers with basic instruction during the induction process and subsequently at regular intervals, in which you discuss the basic issues of occupational safety and health with them.

Your workers should be aware that workers’ safety and health enjoys high priority in your company. They should be encouraged to pay attention to their own situation and their work environment, and to give priority to safety in any case of doubt. They should be conscious of enjoying your support in this respect – including during their deployment at the client company.

Topics covered by basic instruction include:
- Company principles, rules and objectives concerning safety and health
- Contacting the temporary employment agency in cases of doubt
- Principles of occupational safety and health, such as: behaviour in emergency situations, escape and rescue routes and their signage, fire safety, safety signage Workers' right to workplace-specific instruction at the client company
- Duty to comply with protective measures and wear the required PPE
- Smoking and alcohol bans
- Regulations on the use of medication
- Behaviour in the event of accidents
- Responsible accident insurance institution
- Behaviour in the event of defects (informing the supervisor at the client company)
- Prohibition on following instructions that adversely affect safety
- Behaviour when deployment deviates from the agreed work tasks
- Informing the temporary employment agency of defects that have not been rectified, accidents, orders in violation of safety regulations and deviations from the agreed work tasks
- Provisions under the German Arbeitszeitgesetz (ArbZG) – Working Hours Act

Activity-specific instruction

The basic instruction is supplemented by activity-specific instruction. This relates to the specific deployments, but does not replace the client company's workplace-specific instruction. It forms part of preparation for deployment. The topics are derived from the risk assessment. Examples include:
- Information on the location of the work premises and on working hours
- Information on the intended activity and working environment
- Mandatory wearing of PPE
- Instruction on the required and issued PPE
- Typical hazards and occupational safety and health measures specific to the area of activity
- Reference to the instruction provided by the client company and the party carrying out the instruction there
- If applicable, explanation of the "worker's check" (see 3.4.1) for skilled workers

For new hires, basic instruction and activity-specific instruction are usually conducted at the same time.

3.4 Deploying workers

3.4.1 Begin and performance of the deployment

The deployment is performed following preparation and the provision of instruction. This includes additional steps to safeguard or further improve the safety and health of temporary agency workers.

Occupational accidents and diseases caused by work-related health hazards may cause lasting harm to workers' health, and also disrupt the deployment.



Applicable legislation

- § 3 Arbeitsschutzgesetz (ArbSchG) – Act on the Implementation of Measures of Occupational Safety and Health to Encourage Improvements in the Safety and Health Protection of Workers at Work (ArbSchG eng.)
- § 6 Arbeitssicherheitsgesetz (ASiG) – Act on Occupational Physicians, Safety Engineers and Other Occupational Safety Specialists (ASiG eng.)
- § 193 Sozialgesetzbuch Siebtes Buch (SGB VII) – German Social Code, Vol. VII
- §§ 6, 7 Betriebssicherheitsverordnung (BetrSichV) – German Ordinance on industrial safety and health

Start of deployment

The start of a new deployment is a good opportunity for both the temporary employment agency and the client company to make efforts to make the deployment successful and avoid accidents.

Client company

The temporary agency workers have reached their workplace safely. They have received workplace-specific instruction, the required PPE is available and the required mandatory/optional preventive occupational medical care has been provided/offered. Temporary agency workers are aware of their contact persons, including safety delegates and, where applicable, "mentors".

The temporary agency workers are then deployed for the activities specified in the contract reached with the temporary employment agency for the supply of workers.

Ensure that the work equipment available to the temporary agency workers is safe.

Maintain contact with the workers during the induction phase to ensure that they can easily reach a contact person should they have any questions or problems.

Ensure during the induction phase and later during the activity itself that the temporary agency workers behave safely, use protective equipment and wear the necessary PPE.

Enable the HR decision-makers and other persons at the temporary employment agency (e.g. OSH professional or occupational physician) to visit the workers and inspect their workplaces.

Enable temporary agency workers to participate in workplace health promotion measures in the same way as your own employees.

Should you require the temporary agency workers for activities other than those specified in the contract for the supply of workers, agree this redeployment with the temporary employment agency. Criteria with regard to skills and occupational safety and health may be affected and require further agreement for the new activity.



Temporary employment agency
Ensure that workers can reach the workplace safely.



Best practice

Where workplaces are completely new to workers, it has proved advantageous for the workers to be taken there by the HR decision-maker or by other persons in the client company, up to and including the temporary agency worker's manager. The accompanying person must be familiar with the workplace concerned.

- Detailed directions and the name of the specific contact person at the client company (see preparation for deployment) help the temporary agency workers to find the workplaces safely when they cannot be accompanied there.

Following the beginning of deployment, form your own impression of whether deployment has begun as agreed. This also serves to ensure worker and customer satisfaction. Ask both your workers and your contact persons at the client company for their impressions and experience, for example with regard to:

- The actual activity
- Induction
- Knowledge of the work processes
- Work equipment
- Instructions
- PPE
- Overload/underload
- Preventive occupational medical care
- Fitness

Workplace inspection following the start of deployment
During preparation for the deployment, you have agreed the occupational safety and health requirements for the workplace with the client company. Hazards have been recorded and occupational safety and health measures defined.

As part of workplace inspections following commencement of the work, the HR decision-makers or other persons (e.g. the occupational physician and OSH professional) inspect the working conditions at the deployment site.

The purpose of the workplace inspection is to determine whether deployment is being carried out as set out in the agreement with the client company. This includes determining whether:

- Your workers are being deployed in accordance with the description of the activity and the skills requirements set out in the contract for the supply of workers
- The workers have received instruction in the client company regarding safe and healthy working practices
- The client company is complying with the occupational safety and health requirements for the protection of workers (for example, the client company's technical and organizational measures, set out in the workplace inspection prior to deployment/in the risk assessment)
- PPE has been made available by the client company as agreed and is being used by the workers as required
- Further hazards have arisen and additional protective measures are required
- The required preventive occupational medical care has been conducted as agreed
- The provision of first aid is ensured
- The workers are able to participate in the workplace health promotion measures as agreed

The workplace inspection serves to monitor the efficacy of the occupational safety and health measures defined and agreed with the client company and forming a basis for improvements to the occupational safety and health situation.

The results of the workplace inspections are documented (see annex) and taken into account during planning of future deployments.

The workplace inspections are repeated at regular intervals. The intervals should also be commensurate with the risk to your workers.

Should workplace inspections not be possible, as for example in the case of customer service work on remote construction sites or in areas where access is restricted for security reasons, such as in nuclear engineering, you must find other means of determining whether the conditions of deployment correspond to those agreed with the client company.

The workplace and its activities, skills requirements and the necessary protective measures are described in the detailed order confirmation and the client company's risk assessment. This data is transferred to a document, e.g. by the worker's check (see annex). Skilled workers use this document to compare the actual situation at the workplace with the desired situation, and note any deviations. The workers relay this information to the temporary employment agency, where it is used to agree further necessary occupational safety and health measures.

3.4.2 Occupational accidents

If, despite all due care, a temporary agency worker should suffer an accident at work, you must take a number of measures. The aim is to prevent such occupational accidents from occurring again. To this end, the causes of accidents are investigated, and measures derived and implemented. The temporary employment agency and the client company work closely together to achieve this.

Client company

Where occupational accidents involve temporary agency workers, always inform the temporary employment agency as well as persons concerned in your company (such as the works council, OSH professional, safety delegates).

Should a reportable occupational accident occur, you must also submit an accident report to your accident insurance institution.

Temporary employment agency

You receive information on occupational accidents from your workers and from the client company.

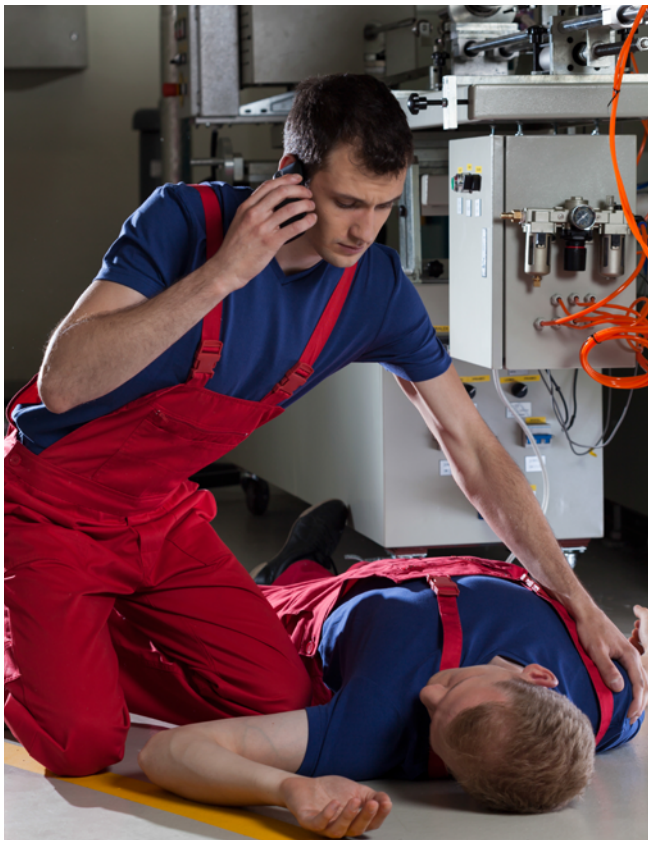
Should a reportable workplace accident occur, submit an accident report to your accident insurance institution and the responsible state safety and health authority.

Client company

Temporary employment agency

To determine the causes of an occupational accident and specify suitable measures to be taken in response to it, the accident is investigated jointly by the OSH professionals and managers of both companies. Involve the affected workers in the analysis and in finding a solution.

In your analysis, consider the equipment and the working environment, the working methods and work processes, organization, in particular issues of information flow and communication, and human behaviour, particularly where it deviates from specified procedures. Where incorrect behaviour is the cause, in particular, the reasons for it must be established in order for measures to be defined.



Other causes of an accident may lie in the assignment process. If, for example, you determine that the cause of the accident lies in inadequate skills on the part of the worker, clarify where the information channel is interrupted. Any of the below are possible points:

- Between the requesting department and the ordering department in the client company
- Between the ordering department in the client company and the department accepting the order in the temporary employment agency
- In the recording and description of the skills of the worker at the hiring stage
- At assignment of the worker to the deployment (scheduling)

Follow the same procedure in the event of safety and health-related incidents, such as unsafe conditions and behaviour or recorded near-accidents.

Serious incidents or accidents at work may also be psychologically traumatizing for those who witness them. Exposure in this form may satisfy the criteria for a workplace accident, even where an affected individual does not immediately become unfit for work. Both the client company and the temporary employment agency should inform their respective accident insurance institutions of the persons affected by the incidents, provided the latter have given their consent. This ensures that suitable treatment is initiated at an early stage and that insurance cover can be established.

4 Annex

Model forms

The forms below support you in managing and documenting the assignment process. The documents have different functions at different points in the assignment process. The forms are used to record the master data of the workplaces. Reference is made to this data at several points throughout the assignment. The forms can be used conventionally; however, linking through a database application is advantageous. This particularly applies to the forms for order confirmation, workplace inspection, the safety and health agreement and the worker's check.

Internal determination of requirements for the deployment of temporary agency workers



Form for client companies

The internal determination of requirements improves the flow of information from the requesting department (e.g. production) to the ordering department (e.g. purchasing) within the company.

Order confirmation



Form for temporary employment agencies

This form is used to record the data pertaining to the order. For repeat orders, use can be made of the available data, which may have been amended following the workplace inspection.

Workplace inspection



Form for temporary employment agencies

This form is used for workplace inspections before commencement of the activity, and for repeat inspections. It enables temporary employment agencies to document the risk assessment for the workplaces at which temporary agency workers work. Some of the data can be taken from the order confirmation form.

Safety and health agreement



Form for temporary employment agencies and client companies

The safety and health agreement is a contractual agreement between the temporary employment agency and the client company, and is specific to a particular workplace. It serves to clarify the parties' respective rights and obligations in relation to occupational safety and health. The safety and health agreement is based on the information contained in the order confirmation and workplace inspection documents

Worker's check



Form for temporary employment agencies

The worker's check is completed by the temporary employment agency. It is based on the information provided by the client company in cases where a workplace inspection is not possible. Skilled temporary agency workers compare the actual situation during deployment with the desired situation described. Internal determination of requirements for the deployment of temporary agency workers

Internal determination of requirements for the deployment of temporary agency workers

Location of deployment/work area:	
Start of deployment:	End of deployment:
Working hours:	
Work/task to be performed:	
Required skills/qualification:	
Hazards/exposures, such as noise, skin exposure, hazardous substances:	**Protective measures:**
Required personal protective equipment (PPE):	
Required preventive occupational medical care:	
Mandatory preventive occupational medical care:	
Optional preventive occupational medical care:	
Required fitness assessment:	
Comments:	
Date	Signature

Order confirmation

First order	
(with initial inspection before the start of deployment)	Repeat order
Order confirmed by	Date

Client company

Applicable sectoral tariff: .....

Customer No. ..... Order No. .....

Street and number ..... Postcode and town/city .....

Invoicing address: .....

Name .....

Street and number ..... Postcode and town/city .....

Tel. ..... Fax ..... Email .....

Order placed by ..... Function .....

Tel. incl. extension ..... Email .....

Contact .....

Assigned as: .....

Workplace/work area .....

Directions .....

Report to ..... Time .....

Start of assignment:	Day	Month	Year	End of assignment:	Day	Month	Year

Working hours	Mon. to Thu.	☐ From: ..... to:	
	Fri.	☐ From: ..... to:	
	Sat.	☐ From: ..... to:	
	Sun.	☐ From: ..... to:	Exception permit available ☐
	Total hours	.....	Shift from: ..... to: .....

Tasks (describe in detail, including ancillary tasks)

Particular characteristics of the activity

Required skills/qualification of the worker, e.g. expertise, experience, physical fitness:

Hazards and information on risk assessment: What hazards are associated with the activity?

Up-to-date risk assessment of the workplace/work area by the client company:
☐ Is available at the temporary employment agency ☐ Will be made available by the client company
☐ Can be inspected at the client company ☐ Will not be made available by the client company

Measures required in accordance with Section 10 of the MuSchG, according to the client company:
☐ No further protective measures required ☐ Task cannot be commenced or continued
☐ Reorganization of the working conditions is required (supplementary protective measures)

The information under "Hazards and information on risk assessment" does not obviate the requirement for a workplace inspection:
☐ Workplace known ☐ Workplace inspection planned for: .....

Agreement with the client company regarding protective measures
This information must be checked before deployment against the risk assessment and the results of the workplace inspection.
Personal protective equipment (PPE)

PPE	Type	CC	TEC	PPE	Type	CC	TEC
Safety footwear		☐	☐	Safety glasses		☐	☐
Respiratory protection		☐	☐	Hearing protection		☐	☐
Protective gloves		☐	☐	Hard hat		☐	☐
Protective clothing		☐	☐			☐	☐
		☐	☐			☐	☐

TEC = by the temporary employment company CC = by the client company

Preventive occupational medical care
The following preventive occupational medical care is performed based on the risk assessment.
Is preventive occupational medical care required for the activities stated above? ☐ Yes ☐ No If Yes, which:

Reason (see annex of the ArbMedVV)	Mandatory preventive occupational medical care	Optional preventive occupational medical care	Conducted/offered before commencement of the activity by	
			Temporary employment agency	Client company
	☐	☐	☐	☐
	☐	☐	☐	☐
	☐	☐	☐	☐

Optional preventive occupational medical care in accordance with the requirements of the ArbMedVV is to be organized by:
☐ Temporary employment agency ☐ Client company

Occupational medical fitness assessment
Are fitness assessments required for the activities stated above? ☐ Yes ☐ No If Yes, which: .....

Description	Conducted before commencement of the activity, by	
	Temporary employment agency	Client company
	☐	☐
	☐	☐

First aid
☐ Organized by the client company
☐ The temporary employment agency makes the following first-aid provision for the deployment:
☐ First-aiders: ..... ☐ First-aid material

Safety delegates
☐ Safety delegates are appointed by the client company ☐ We provide ..... safety delegates of our own at the client company

Comments/possible measures

....
Date Signature

Workplace inspection

The workplace inspection is repeated at regular intervals. The initial inspection is documented in the white fields. The results of the repeat workplace inspections are documented in the fields highlighted in green. The content in the white fields is amended as necessary.

Client company .....

Customer No. ..... Order No. .....

Contact .....

Assigned as: .....

Workplace/work area: .....

Worker .....

Is the worker working at the agreed workplace? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

Activities (describe in detail)

Particular characteristics of the activity

Required skills/qualification of the worker, e.g. expertise, experience, physical fitness:

Is the actual situation consistent with these requirements? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

Hazards and information on risk assessment

Up-to-date risk assessment of the workplace/work area by the client company:

☐ Available at the temporary employment agency

The information (such as significant hazards, assessment of hazards, measures) from the available risk assessment is:

☐ Adequate

☐ Not adequate. Hazards and measures will be determined in conjunction with the client company and assessed by the temporary employment agency (see table on next page)

☐ Can be inspected at the client company

The information (such as significant hazards, assessment of hazards, measures) from the available risk assessment is:

☐ Adequate and is being adopted (see table on next page)

☐ Not adequate. Hazards and measures will be determined in conjunction with the client company and assessed by the temporary employment agency (see table on next page)

☐ Not being made available by the client company

Hazards and measures will be determined in conjunction with the client company and assessed by the temporary employment agency

Annex

Number	Hazards (see also overview of hazard factors)	Technical and organizational measures taken by the client company	Result of assessment	Measures awaiting implementation by the client company
1			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	
2			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	
3			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	
4			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	
5			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	
6			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	

Estimate the overall risk at this workplace (probability and potential severity of harm):

■ ☐ .....

■ ☐ .....

■ ☐ .....

Green = deployment is possible; possibly with scope for improvement
Yellow = deployment is possible provided certain criteria are met, e.g. agreement with the client company regarding reduction of the risks
Red = deployment is not possible, because: .....

Protective measures required in accordance with Section 10 of the MuSchG:
☐ No further protective measures are required
☐ Reorganization of the working conditions is required (supplementary protective measures)
☐ The task cannot be commenced or continued

In respect of hazards (see above): Nos.: ☐ 1, ☐ 2, ☐ 3, ☐ 4, ☐ 5, ☐ 6
Measures to be taken if reorganization is required:

– .....

– .....

– .....

1 OSHP = occupational safety and health professional; OP = occupational physician

Have the measures specified (see column: Measures awaiting implementation by the client company) been implemented? ☐ Yes ☐ No

Have the hazards changed or do new hazards need to be added? ☐ Yes ☐ No

If Yes, amend the table and the risk assessment.

Personal protective measures

Personal protective equipment (PPE)

The following PPE is provided based on the risk assessment

PPE	Type	CC	TEC	PPE	Type	CC	TEC
Safety footwear		☐	☐	Safety glasses		☐	☐
Respiratory protection		☐	☐	Hearing protection		☐	☐
Protective gloves		☐	☐	Hard hat		☐	☐
Protective clothing		☐	☐			☐	☐
		☐	☐			☐	☐

Is the agreed PPE available and is it being worn? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

Preventive occupational medical care

The following preventive occupational medical care is performed based on the risk assessment.

Is preventive occupational medical care required for the activities stated above? ☐ Yes ☐ No If Yes, which:

Reason (see annex of the ArbMedVV)	Mandatory preventive occupational medical care	Optional preventive occupational medical care	Conducted/offered before commencement of the activity by	
			Temporary employment agency	Client company
	☐	☐	☐	☐
	☐	☐	☐	☐
	☐	☐	☐	☐

Optional preventive occupational medical care in accordance with the requirements of the ArbMedVV is to be organized by:
☐ Temporary employment agency ☐ Client company

Is preventive occupational medical care being conducted? ☐ Yes ☐ No

Is optional preventive occupational medical care being offered? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

Is further preventive occupational medical care required/should it be offered? ☐ Yes ☐ No

If Yes, add in the table

Occupational medical fitness assessment

Are fitness assessments required for the activities stated above? ☐ Yes ☐ No If Yes, which:

Description	Conducted before commencement of the activity, by	
	Temporary employment agency	Client company
	☐	☐
	☐	☐

Is the fitness requirement met? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

Are further fitness assessments required? ☐ Yes ☐ No

If Yes, add in the table

Instruction

Instructor at the client company

.....

Has instruction been provided by the client company? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

First aid

☐ Organized by the client company

☐ The temporary employment agency makes the following first-aid provision for the deployment: ☐ First-aiders: ..... ☐ First-aid material

Is the provision of first aid assured as agreed? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

Safety delegates

☐ Safety delegates are appointed by the client company

☐ We provide..... safety delegates of our own in the client company

Safety delegates are appointed as agreed ☐ Yes ☐ No

OSH contact in the client company:

OSH professional: .....

Occupational physician: .....

Workplace health promotion:

☐ The client company offers health promotion measures.

☐ Our workers have the opportunity to participate.

Were our workers able to participate in the workplace health promotion measures as agreed? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

Comments:

Next workplace inspection to be conducted by:

....

Date Signature

Overview of the risk factors

1. Mechanical hazards
1.1 Unprotected moving machine parts
1.2 Parts with dangerous surfaces
1.3 Moving transport equipment, moving work equipment
1.4 Unchecked moving items
1.5 Falling, slipping, tripping, twisting an ankle
1.6 Fall from a hight
1.7 etc.[2]

2. Electrical hazards
2.1 Electric shock
2.2 Arcing
2.3 Electrostatic charges
2.4 etc.[2]

3. Hazardous substances
3.1 Skin contact with hazardous substances (solids, liquids, wet work)
3.2 Inhalation of hazardous substances (gases, vapours, mists, dusts including fumes)
3.3 Ingestion of hazardous substances
3.4 Physical and chemical hazards, e.g. fire and explosion hazards, unchecked chemical reactions
3.5 etc.[2]

4. Biological agents
4.1 Risk of infection by pathogenic microorganisms, e.g. bacterial, viral, fungal infections
4.2 Sensitizing and toxic effects of microorganisms
4.3 etc.[2]

5. Fire and explosion hazards
5.1 Flammable solids, liquids, gases
5.2 Explosive atmospheres
5.3 Explosive substances
5.4 etc.[2]

6. Thermal hazards
6.1 Hot media/surfaces
6.2 Cold media/surfaces
6.3 etc.[2]

7. Hazards due to particular physical effects
7.1 Noise
7.2 Ultrasound, infrasound
7.3 Whole-body vibration
7.4 Hand-arm vibration
7.5 Optical radiation, e.g. infrared (IR) radiation, ultraviolet (UV) radiation, laser radiation
7.6 Ionizing radiation, e.g. X-ray radiation, gamma radiation, particle radiation (alpha, beta and neutron radiation)
7.7 Electromagnetic fields
7.8 Partial vacuum or positive pressure
7.9 etc.[2]

8. Hazards presented by the conditions of the working environment
8.1 Climate, e.g. heat, cold, inadequate ventilation
8.2 Artificial lighting, daylight
8.3 Suffocation, e.g. due to low-oxygen atmospheres, drowning
8.4 Inadequate escape and traffic routes, inadequate safety and health signage
8.5 Insufficient free movement area at the workplace, unfavourable workplace layout, inadequate break rooms and sanitary facilities
8.6 etc.[2]

9. Physical stress/work intensity
9.1 Heavy dynamic work, for example manual handling of loads
9.2 One-sided dynamic work, body movement, e.g. frequent repetition of the same movement
9.3 Work performed in a forced posture, static muscle work
9.4 Combination of static and dynamic muscle work
9.5 etc.[2]

10. Mental factors
10.1 Inadequately designed work task, e.g. predominantly routine tasks, overload/underload
10.2 Poor work organization, e.g. work under time pressure, alternating and/or long working hours, frequent night work, poorly conceived work processes
10.3 Poor social arrangements, e.g. lack of social contact, unfavourable leadership behaviour, conflicts
10.4 Poor workplace design and poorly controlled working environments, e.g. noise, climate conditions, constrained space, inadequate perceptibility of signals and process characteristics, inadequate software design
10.5 etc.[2]

11. Other hazards
11.1 Presented by persons, e.g. robbery
11.2 Presented by animals, e.g. bites
11.3 Presented by plants and plant products, e.g. sensitizing and toxic effects
11.4 etc.

2 The list is not exhaustive

Safety and health agreement

In accordance with Section 11 (6) of the Arbeitnehmerüberlassungsgesetz (AÜG) – Act on Temporary Agency Work, the activities performed by the temporary employment agency's workers are subject to the public law provisions of occupational safety and health legislation applicable to operations at the client company; the ensuing obligations for the employer are the responsibility of the hiring party, without prejudice to the obligations of the lending party.

The following agreement is hereby concluded between the temporary employment agency (lender).....

and the client company (hirer) .....

for the workplace/area of work:.....

The client company shall ensure that workers shall work at/in the workplace/area of work stated above only if they have been scheduled by the temporary employment agency to do so and have received a corresponding deployment briefing.

Assigned as:

.....

Description of the activity:

Particular characteristics of the activity:

Required skills:

Risk assessment

The client company provides the temporary employment agency with the results of the risk assessment for the activity stated above by making the risk assessment:

☐ Available ☐ Available for inspection

The following measures have been agreed between the temporary employment agency and the client company based on the risk assessment.

Personal protective equipment (PPE)

The following PPE is provided based on the risk assessment

PPE	Type	CC	TEC	PPE	Type	CC	TEC
Safety footwear		☐	☐	Safety glasses		☐	☐
Respiratory protection		☐	☐	Hearing protection		☐	☐
Protective gloves		☐	☐	Hard hat		☐	☐
Protective clothing		☐	☐			☐	☐
		☐	☐			☐	☐

Preventive occupational medical care

For the activity stated above, the following preventive occupational medical care is required/shall be offered:

Reason (see annex of the ArbMedVV)	Mandatory preventive occupational medical care	Optional preventive occupational medical care	Conducted/offered before commencement of the activity by	
			Temporary employment agency	Client company
	☐	☐	☐	☐
	☐	☐	☐	☐
	☐	☐	☐	☐

Optional preventive occupational medical care in accordance with the requirements of the ArbMedVV is to be organized by:

☐ Temporary employment agency ☐ Client company

In its capacity as the employer, the temporary employment agency is to be provided with the required copies of certification of mandatory and optional preventive occupational medical care and fitness assessments conducted by the occupational physician of the client company, in compliance with the applicable data protection and confidentiality provisions.

Occupational medical fitness assessment
The following fitness assessment is required for the activity referred to above:

Description	Conducted before commencement of the activity, by	
	Temporary employment agency	Client company
	☐	☐
	☐	☐

Instruction at the place of work:
The client company shall instruct the temporary employment agency worker on safety and health specific to the workplace and the area of activity. This also includes instruction and exercises on the use of personal protective equipment intended for protection against fatal hazards or permanent harm to health. The instruction shall be documented.

First aid
☐ First aid facilities and measures shall be provided by the client company.
☐ The temporary employment agency shall make the following first-aid provision for the deployment: ☐ First-aiders: ..... ☐ First-aid material

Safety delegates
☐ Safety delegates shall be appointed by the client company
☐ The temporary employment agency shall provide ..... safety delegates of its own in the client company

Supervision by occupational physicians and OSH professionals:
The temporary agency workers deployed by the client company are to be included in the latter's supervision by occupational physicians and occupational safety professionals in accordance with Annex 1 as referenced in Section 2 of DGUV Regulation 2.

Occupational accident/occupational disease:
The client company undertakes to notify the temporary employment agency immediately of any occupational accident or suspected case of an occupational disease. Accident investigations shall be conducted jointly.

Workplace inspection:
Inspections of the temporary agency worker's workplace and implementation of this safety and health agreement and, where applicable, accident investigations are to be conducted by representatives of the temporary employment agency. For this purpose, the client company shall grant representatives of the temporary employment agency access to the workplaces and areas in which the temporary employment agency's workers are deployed.

Measures during redeployment:
A temporary employment agency worker shall not be redeployed at a workplace/in a work area other than that agreed above without the temporary employment agency's consent. Should changes be made to activities and protective measures, a new contract for the supply of workers including a safety and health agreement or a separate safety and health agreement shall be produced.

Workplace health promotion (in accordance with the workplace inspection):
Should the client company offer measures for workplace health promotion, the temporary employment agency's workers shall be able to participate in these measures.

Other agreements:

Please return a signed copy of this agreement to us.

.....	.....
Date Stamp/signature of the client company	Signature Stamp/signature of the temporary employment agency

Worker's check

You need complete only the fields highlighted in green

Client company .....

Customer No. ..... for Order No. .....

Contact .....

Assigned as: .....

Workplace/work area: .....

Activities (describe in detail)

Particular characteristics of the activity

Required skills/qualification of the worker, e.g. expertise, experience, physical fitness:

Is the actual situation consistent with these requirements? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

Number	Hazards (see also overview of hazard factors)	Technical and organizational measures taken by the client company	Result of assessment	Measures awaiting implementation by the client company
1			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	
2			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	
3			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	
4			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	

1 OSHP = occupational safety and health professional; OP = occupational physician

Number	Hazards (see also overview of hazard factors)	Technical and organizational measures taken by the client company	Result of assessment	Measures awaiting implementation by the client company
5			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	
6			☐ Adequate ☐ Adequate when PPE is used (see below) ☐ Not adequate ☐ Unclear: Consult OSHP/OP[1]	

Estimate the overall risk at this workplace (probability and potential severity of harm):

■ ☐ .....

■ ☐ .....

■ ☐ .....

Green = deployment is possible; possibly with scope for improvement
Yellow = deployment is possible provided certain criteria are met, e.g. agreement with the client company regarding reduction of the risks
Red = deployment is not possible, because: .....

Protective measures required in accordance with Section 10 of the MuSchG:
☐ No further protective measures required
☐ Reorganization of the working conditions is required (supplementary protective measures)
☐ The task cannot be commenced or continued

In respect of hazards (see above): Nos.: ☐ 1, ☐ 2, ☐ 3, ☐ 4, ☐ 5, ☐ 6
Measures to be taken if reorganization is required:

– .....

– .....

– .....

Have the measures specified (see column: Measures awaiting implementation by the client company) been implemented? ☐ Yes ☐ No

Have the hazards changed or do new hazards need to be added? ☐ Yes ☐ No

If Yes, amend the table and the risk assessment.

Personal protective measures

Personal protective equipment (PPE)

The following PPE is provided based on the risk assessment

PPE	Type	CC	TEC	PPE	Type	CC	TEC
Safety footwear		☐	☐	Safety glasses		☐	☐
Respiratory protection		☐	☐	Hearing protection		☐	☐
Protective gloves		☐	☐	Hard hat		☐	☐
Protective clothing		☐	☐			☐	☐
		☐	☐			☐	☐

TEC = by the temporary employment company CC = by the client company

Is the agreed PPE available and is it being worn? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

Instruction

Instructor at the client company

.....

Has instruction been provided by the client company? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

First aid

☐ Organized by the client company

☐ The temporary employment agency makes the following first-aid provision for the deployment: ☐ First-aiders: ..... ☐ First-aid material

Is the provision of first aid assured as agreed? ☐ Yes ☐ No

If No, measure to be taken: .....

To be conducted by: .....

Safety delegates

☐ Safety delegates are appointed by the client company

☐ We provide..... safety delegates of our own in the client company

Safety delegates are appointed as agreed ☐ Yes ☐ No

OSH contact in the client company:

OSH professional: .....

Occupational physician: .....

Comments:

For situations that cannot be clarified on site, please contact your branch by telephone

....

Date Signature

The worker's check is a substitute measure for the event that the workplace cannot be inspected before an order is accepted. The information on hazards and protective measures is provided by the client company and transferred to the worker's check. The worker checks on site whether the actual situation corresponds to the situation described. Should deviations and circumstances be identified that cannot be clarified on site, the worker should contact the branch office.
The worker's check is to be carried out only by specialists who have been instructed in its performance.

Overview of the risk factors

1. Mechanical hazards
1.1 Unprotected moving machine parts
1.2 Parts with dangerous surfaces
1.3 Moving transport equipment, moving work equipment
1.4 Unchecked moving items
1.5 Falling, slipping, tripping, twisting an ankle
1.6 Fall from a hight
1.7 etc.[2]

2. Electrical hazards
2.1 Electric shock
2.2 Arcing
2.3 Electrostatic charges
2.4 etc.[2]

3. Hazardous substances
3.1 Skin contact with hazardous substances (solids, liquids, wet work)
3.2 Inhalation of hazardous substances (gases, vapours, mists, dusts including fumes)
3.3 Ingestion of hazardous substances
3.4 Physical and chemical hazards, e.g. fire and explosion hazards, unchecked chemical reactions
3.5 etc.[2]

4. Biological agents
4.1 Risk of infection by pathogenic microorganisms, e.g. bacterial, viral, fungal infections
4.2 Sensitizing and toxic effects of microorganisms
4.3 etc.[2]

5. Fire and explosion hazards
5.1 Flammable solids, liquids, gases
5.2 Explosive atmospheres
5.3 Explosive substances
5.4 etc.[2]

6. Thermal hazards
6.1 Hot media/surfaces
6.2 Cold media/surfaces
6.3 etc.[2]

7. Hazards due to particular physical effects
7.1 Noise
7.2 Ultrasound, infrasound
7.3 Whole-body vibration
7.4 Hand-arm vibration
7.5 Optical radiation, e.g. infrared (IR) radiation, ultraviolet (UV) radiation, laser radiation
7.6 Ionizing radiation, e.g. X-ray radiation, gamma radiation, particle radiation (alpha, beta and neutron radiation)
7.7 Electromagnetic fields
7.8 Partial vacuum or positive pressure
7.9 etc.[2]

8. Hazards presented by the conditions of the working environment
8.1 Climate, e.g. heat, cold, inadequate ventilation
8.2 Artificial lighting, daylight
8.3 Suffocation, e.g. due to low-oxygen atmospheres, drowning
8.4 Inadequate escape and traffic routes, inadequate safety and health signage
8.5 Insufficient free movement area at the workplace, unfavourable workplace layout, inadequate break rooms and sanitary facilities
8.6 etc.[2]

9. Physical stress/work intensity
9.1 Heavy dynamic work, for example manual handling of loads
9.2 One-sided dynamic work, body movement, e.g. frequent repetition of the same movement
9.3 Work performed in a forced posture, static muscle work
9.4 Combination of static and dynamic muscle work
9.5 etc.[2]

10. Mental factors
10.1 Inadequately designed work task, e.g. predominantly routine tasks, overload/underload
10.2 Poor work organization, e.g. work under time pressure, alternating and/or long working hours, frequent night work, poorly conceived work processes
10.3 Poor social arrangements, e.g. lack of social contact, unfavourable leadership behaviour, conflicts
10.4 Inadequately designed workplace and working environments, e.g. noise, climate conditions, inadequate space, inadequate perceptibility of signals and process characteristics, inadequate software design
10.5 etc.[2]

11. Other hazards
11.1 Presented by persons, e.g. robbery
11.2 Presented by animals, e.g. bites
11.3 Presented by plants and plant products, e.g. sensitizing and toxic effects
11.4 etc. [2]

2 The list is not exhaustive

5 Glossary

Temporary agency work
Assignment of workers by the employer to the performance of work for a third party.

Safety and health agreement
Agreement between the temporary employment agency and the client company governing binding coordination of the occupational safety and health measures required at the temporary agency worker's workplace

Personnel scheduler
Employee of the temporary employment agency who manages the temporary agency workers' deployments and allocates the workers to the client companies.

Client company
Company where the temporary agency workers perform their work (hirer).

On-site project
Also: on-site management or in-house service; the temporary employment agency's HR decision-maker/personnel scheduler works at the client company's premises; usually where a client company's demand for temporary agency workers is high.

HR decision-maker
Person at the temporary employment agency responsible for personnel decisions, such as a branch manager, personnel scheduler, department manager, personnel consultant or other responsible person.

Permanent staff
Workers employed directly by the client company.

Assignment process
The assignment process encompasses all steps taken by the client company and the temporary employment agency, beginning with the needs assessment through to the deployment of the workers.

Temporary agency workers
Employees assigned by the temporary employment agency to a third party (client company) to perform work for it.

Temporary employment agency (lender)
Company that assigns (hires out) its employees (temporary agency workers) to third parties for work

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