

ABU-Corona safety protocol for migrant workers

Version 31 March 2021

What is the purpose and focus of the protocol?

The ABU is committed to ensuring that migrant workers can continue to live, work and travel safely and have access to care during the various phases of the corona crisis in the Netherlands. This is important for the migrant workers themselves, for the safety of everyone and for keeping the essential sectors running. The aim of this protocol is to provide tools for this. The starting point of this protocol is the applicable advice and measures of the RIVM and the national government.

The general guideline is that people should work from home as much as possible. However, this is not an option for most migrant workers, which is why the protocol describes the situations in which work is carried out on location and where there is commuting and joint housing. In addition to the subjects discussed in the protocol, the general RIVM advice and advice from the national government naturally also apply to migrant workers, including hygiene regulations and observing a distance of 1.5 metres as much as possible.

Who is the protocol for?

The protocol aims to provide workable tools to private employment agencies, migrant workers, and other parties in the chain, such as hirers, housing providers and local authorities. An additional and sector-transcending protocol for migrant workers is desirable because of specific topics that are relevant for migrant workers: joint housing, commuting, often working at work locations where many people work together, and travelling to and from the home country. In addition, not all migrant workers speak the Dutch language and it is important that they are well informed about the applicable advice.

How did the protocol come about?

The substantive foundation of this protocol is formed by applicable measures and guidelines from the national government and the RIVM. Where necessary and desirable, we use additional guidelines that offer additional safeguards and guarantees. The content of the protocol has been tested for essential safety aspects by the RIVM.

In the interest of the safety of migrant workers, the tools that employers and migrant workers require to guarantee safety and social recognition for the often vital work that migrant workers perform in the Netherlands, the ABU, based on our own sphere of responsibility, wants to offer clear rules on safe working, living, transport and care. The ABU calls on all parties involved to jointly guarantee the safety of migrant workers with the aid of the tested guidelines.

The present protocol is divided into four themes: safe work, safe living, safe transport, and safe care. This protocol can be adjusted in response to practical experience and new insights or decisions from the national government.

Safe work

Employers and migrant workers have a joint responsibility for operating in a safe work situation. This is based on good employment practices and being good employees. Migrant workers performing a crucial profession or those working in an essential sector, such as the food industry, are working in the most important trades we currently need to keep society functioning.

Guideline	Responsible
The work location must comply with the RIVM and occupational health and safety guidelines for every worker ¹ . The migrant worker will be provided with a healthy and safe working environment. In addition, the sector-specific protocol applies in full to migrant workers.	Hirer, employer
Migrant workers, hirers and employers are following the rules relating to the obligation to wear face masks ² .	Hirer, employer, employee
Every migrant worker has one clear corona point of contact for questions, information, and notifications.	Hirer, employer
Employers play an active role in drawing attention to the applicable Dutch measures. Rules are displayed at the entrance of the company and are repeated inside. Employees who do not speak Dutch are considered. Regular checks are carried out to make sure that all migrant workers are aware of the rules. Migrant workers will notify their corona contact person if there is any uncertainty about the guidelines.	Hirer, employer, employee
Extra attention is paid to groups of migrant workers who enter or re-enter the country. Close attention is paid to their health and any quarantine measures that relate to their country of origin. Employers, landlords and migrant workers follow the applicable advice on quarantine at home ³ . From 20 January 2021, travellers from high-risk areas can have themselves tested at the GGDs on day 5 after arrival. In case of a negative result on day 5, they can come out of quarantine ⁴ .	Hirer, employer, employee
Migrant workers who work in high-contact professions are expected to comply with the additional regulations regarding high-contact professions ⁵ .	Employee
Migrant workers must look after their own health and safety and that of their colleagues to the best of their ability.	Employee
<p>Migrant workers must observe the following guidelines:</p> <p>If you are infected with the coronavirus, it can take two to ten days before you develop symptoms, such as a cough or breathlessness. It is therefore also possible to spread the coronavirus without having symptoms that are consistent with COVID-19. To avoid this, you must stay at home in some situations and not receive visitors. In the following situations, you must quarantine at home because of corona:</p> <ul style="list-style-type: none"> You have symptoms that are consistent with corona⁶. You have corona⁷; Your housemate has serious complaints that are consistent with corona (fever, shortness of breath or both). Your housemate has corona. you are a close contact of someone with corona. This means that you have been close to someone with corona (minimum 15 minutes within 1.5 metres); you have received a notification via the CoronaReport app. 	Employee

¹ <https://www.rivm.nl/> and <https://www.arboportaal.nl/>

² <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/openbaar-en-dagelijks-leven/mondkapjes>

³ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/reizen-en-op-vakantie-gaan/in-thuisquarantaine-bij-aankomst-in-nederland>

⁴ <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/01/13/kamerbrief-inzake-stand-van-zaken-covid-19>

⁵ <https://www.rivm.nl/coronavirus-covid-19/werk/contactberoepen>

⁶ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/openbaar-en-dagelijks-leven/gezondheid>

⁷ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/nederlandse-maatregelen-tegen-het-coronavirus/gezondheidsadviezen>

Safe living

Many migrant workers are housed by the employer, often together with other migrant workers. The lack of good quality housing is a major problem in this respect. That is why it is important that holiday parks remain open to migrant workers. If a migrant worker works in the Netherlands but lives outside the Netherlands, the guidelines in the country of housing are leading for the living situation.

Guideline	Responsible
Limit the number of occupants per house and ensure, as far as possible, that the composition of residents per house does not change.	Landlord, employer
The landlord and occupants jointly ensure there is optimal hygiene. In many cases, the landlord is responsible for cleaning and the occupants contribute to this as best they can by observing the RIVM guidelines. Door handles, banisters and other handles in communal living areas are cleaned regularly. Particular attention is paid to the shared areas such as shower, toilet, kitchen and living room.	Landlord, employer, occupant
Employers and landlords do not evict sick migrant workers from their accommodation. It is the joint responsibility of landlords, employers and governments to prevent migrant workers who fall ill or whose work ends in the current situation becoming homeless. Persons without housing are eligible for emergency shelter at the central municipality. They must report to the access desk for emergency accommodation of the central municipality. The access desk of the central municipality assesses whether the conditions to qualify for a place in the shelter are met.	Landlord, employer, governments
Migrant workers share a bedroom with maximum one other person. Where possible and desired, every migrant worker has their own bedroom ⁸ .	Landlord, employer
If the employer facilitates housing for the migrant worker, the employer will inform the migrant worker about the applicable RIVM guidelines and measures of the national government in their own national language. The applicable measures are available in the accommodation itself. ⁹	Landlord, employer
If the migrant worker arranges housing himself, then the migrant worker and the landlord are jointly responsible for applying the RIVM guidelines and measures from the national government.	Landlord, occupant
Extra attention is paid to groups of migrant workers who enter or re-enter the country. Close attention is paid to their health and any quarantine measures that relate to their country of origin. Employers, landlords and migrant workers follow the applicable advice on quarantine at home ¹⁰ . From 20 January 2021, travellers from high-risk areas can have themselves tested at the GGDs on day 5 after arrival. In case of a negative result on day 5, they can come out of quarantine ¹¹ .	Landlord, employer, occupant
Migrant workers must observe the following guidelines in their accommodation: If you are infected with the coronavirus, it can take two to ten days before you develop symptoms, such as a cough or breathlessness. It is therefore also	Occupant

⁸ The national housing shortage of 120,000 to 150,000 certified beds for migrant workers (February 2019, source: SNF and Expertise Centre on Flexible Living) rarely makes it possible in normal times to offer migrant workers their own bedrooms. Possible measures regarding separate bedrooms for migrant workers in corona times will inevitably lead to higher rental prices by housing parties, higher rents for migrant workers, a greater housing shortage for this group, and therefore more migrant workers who are at the mercy of the whims of the housing market. The ABU considers this to be socially very undesirable and has been arguing for years for a structural solution that is supported by, among others, the Labour Foundation: more accommodation for migrant workers and therefore better quality and affordability. See: <https://www.stvda.nl/nl/publicaties/huisvesting-arbeidsmigranten-brief-ministers>.

⁹ See the multilingual information material from the national government: <https://www.rijksoverheid.nl/documenten/publicaties/2020/03/14/coronavirus-communicatiemiddelen-preventie-en-publieksvragen-anderstalig>

¹⁰ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/reizen-en-op-vakantie-gaan/in-thuisquarantaine-bij-aankomst-in-nederland>

¹¹ <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/01/13/kamerbrief-inzake-stand-van-zaken-covid-19>

<p>possible to spread the coronavirus without having symptoms that are consistent with COVID-19. To avoid this, you must stay at home in some situations and not receive visitors. In the following situations, you must quarantine at home because of corona:</p> <ul style="list-style-type: none"> • You have symptoms that are consistent with corona¹². • You have corona¹³; • Your housemate has serious complaints that are consistent with corona (fever, shortness of breath or both). • Your housemate has corona. • you are a close contact of someone with corona. This means that you have been close to someone with corona (minimum 15 minutes within 1.5 metres); • you have received a notification via the CoronaReport app. 	
<p>In the event of premature loss of work, landlords and employers offer migrant workers the option of renting the accommodation for a minimum of five more nights if they so wish. It is possible to deviate positively from this by allowing migrant workers to rent for longer if housing is available.</p>	Landlord, employer
<p>In the event of local and regional shortages of housing for migrant workers, hirers, employers and landlords request municipalities and/or provinces to jointly safeguard the safety of migrant workers and to designate (new) locations for the accelerated realisation of housing for this group.</p>	Hirer, employer, landlord
<p>The employer and landlord keep a day and night record of the migrant worker's name, telephone number, email address, residence address and hirer. In the event of a track and trace investigation by the GGD (Municipal Health Service), they can, in accordance with the GDPR, share this data with the GGD.</p>	Employer, landlord
<p>In the event of a corona outbreak in households, the GGD is informed for advice or testing. It is ensured that communication between the migrant workers and GGD employees is possible, via the corona contact point for example.</p>	Landlord, employer

¹² <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/openbaar-en-dagelijks-leven/gezondheid>

¹³ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/nederlandse-maatregelen-tegen-het-coronavirus/gezondheidsadviezen>

Safe transport

As many migrant workers depend on group transport provided by the employer for commuting, it is important that employers, migrant workers and enforcement know what the rules are. The general guidelines that apply since 1 July provide this clarity. They also ensure equal treatment of migrant workers and Dutch people, including vulnerable groups. Supplementary to these general guidelines, additional measures are formulated below.

Guideline	Responsible
<p>Are you in a car with people from a different household? In that case, in addition to the driver, there may be a maximum of 2 people in the car. This maximum does not apply if you are in the car with members of your household. Whether or not you wear a face mask for public use in the car depends on the situation:</p> <ul style="list-style-type: none"> • Wear a face mask: if you are in the car with people who are not members of your household. • Do not wear a face mask: you are in the car with members of your household¹⁴. 	Employer, employee
<p>The following rules apply to transport in company vans and coaches:</p> <ul style="list-style-type: none"> • You will receive a health check before the journey; • All passengers must wear a face mask; • A face mask is not required if there is only 1 passenger. • There is no maximum number of passengers in company vans and coaches¹⁵. 	Employer, employee
<ul style="list-style-type: none"> • From Saturday, 23 January 2021, a curfew has applied in the Netherlands. As of 31 March 2021, people must stay indoors between 22.00 and 04.30 hours. It is only possible to deviate from this rule for the following reasons in the event of an emergency; • if you, another person or an animal needs urgent (medical) assistance; • if your employer requires you to go outside for work; • if you are travelling abroad or to the Caribbean part of the Netherlands or returning to the Netherlands; • if you are on your way to a funeral and can prove this; • if you are outside in connection with a summons from a judge, public prosecutor or objection or appeal hearing and can prove this; • if you are walking a dog on a lead. You must do this on your own; • if you are on your way to an exam or interim exam that you have to take for your education at the MBO, HBO or WO and you can prove this. • if you are outside because you have been invited to a live evening programme and can prove this with an invitation from the broadcaster.¹⁶ <p><u>The current 'Self-declaration' and 'Employer's Declaration' forms state that curfew is in effect between 21.00 and 04.30 hours. You can continue to use these forms, even after 31 March. The condition remains, of course, that the forms are correctly filled in and correspond with the time that you have to be outside.</u></p> <p>Self-declaration If it is necessary to go outside, you must have the 'Self-declaration curfew' form with you. You should use the 'Self-declaration curfew' form, as made available by the national government. In case of an emergency, if you are returning from abroad or are walking a dog, no form is required. If you are travelling to the Netherlands, you must show that you are coming from abroad (for example with a transport ticket) and explain why you are travelling during curfew.</p>	

¹⁴ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/verkeer-en-openbaar-vervoer/vervoer-met-auto-taxi-personenbusje-of-touringcar>

¹⁵ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/verkeer-en-openbaar-vervoer/vervoer-met-auto-taxi-personenbusje-of-touringcar>

¹⁶ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/avondklok/regels-avondklok>

<p>Employer's statement</p> <p>If it is necessary to go outside for work, you must also show an employer's statement. The format made available by the national government must be used.¹⁷</p> <p>For the private employment agency sector it applies that both the private employment agency and the user company (client) who has the required information may complete the employer's statement.</p> <p>The documents may also be shown digitally.</p>	
<p>All travellers (from 13 years and older) from a high-risk area within the EU/Schengen must show a negative COVID-19 test result when travelling to the Netherlands by air, boat, international intercity or international coach more than 30 km from the border. This negative corona test must have been taken no more than 72 hours before arrival in the Netherlands. This obligation only applies to public transport and not to private bus transport, such as coaches. No negative test result is required for travellers entering the Netherlands by car.¹⁸</p> <p>The negative test result must be in English, German, French, Spanish, Italian, Portuguese or Dutch. The document is checked on 5 points:</p> <ul style="list-style-type: none"> • Type of test: it must be a molecular NAAT-test (these are: PCR, RT PCR, LAMP, TMA, mPOCT). Other types of test, such as an antigen test or a serological test (a blood test that looks for antibodies), are not sufficient. • Test result: it must be negative (or not detected). • First name and surname: corresponding with the passport. • Date and time of taking the test: The test must be maximum 72 hours old upon arrival in the Netherlands. • Details of the institute or laboratory that administered the test. <p>Travellers from within the EU/Schengen only need to be able to show the test result and not the individually signed test statement that travellers from outside the EU/Schengen must be able to show upon arrival in the Netherlands.¹⁹</p> <p>As a traveller (aged 13 or older) by plane or boat from a high-risk country, you must show a negative NAAT (PCR) test which is no more than 24 hours old when boarding. Or you must be in possession of a negative rapid test which is maximum 24 hours old when boarding and a negative NAAT (PCR) test which is maximum 72 hours old upon arrival in the Netherlands.</p> <p>The negative rapid test result must be in English, German, French, Italian, Portuguese, Spanish or Dutch. The document is checked on 5 points:</p> <ul style="list-style-type: none"> • Type of corona test: this must be a rapid test (usually this is an antigen test, but this can also be a NAAT (PCR) test (such as a LAMP test, TMA, RT-PCR, mPOCT)). Serological tests are not sufficient (a test based on blood tests that looks for antibodies). • Test result: must be negative for SARS-CoV-2 (or not detected). • First name and surname: corresponding with the passport. • Date and time of taking the test: the test must be maximum 24 hours old upon boarding the plane or ferry. Also for transport employees, the test must be maximum 24 hours old before boarding the ferry. 	<p>Employer, employee</p>

¹⁷ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/avondklok/formulieren-avondklok>

¹⁸ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/reizen-en-vakantie/negatieve-covid-19-testuitslag-aankomst-nederland/negatieve-testuitslag-binnen-eu-en-schengen>

¹⁹ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/reizen-en-vakantie/negatieve-covid-19-testuitslag-aankomst-nederland>

<ul style="list-style-type: none"> The test result has a logo or hallmark of an institution or doctor. 	
The test result may be shown on paper or digitally. ²⁰	
When transporting to the Netherlands: determine the regulations regarding EU mobility in the sending, transit and receiving countries. Ensure safe travel conditions, in accordance with the RIVM guidelines and measures from the national government, from the sending country to the Netherlands, and vice versa. Ensure good communication about border crossings for migrant workers who have to cross a border for commuting.	Organiser of transport to the Netherlands
Provide extra ventilation in the vehicle, by opening the window in good weather or otherwise using the ventilation system, for example.	Employer, employee
Ensure optimal hygiene through extra cleaning the controls (steering wheel, gear lever, door handles, touch screen, etc) and by cleaning them regularly.	Employer, employee
If a migrant worker falls ill in the workplace, he may not be taken home by group transport. If the employer is responsible for the transport, this also applies to replacement transport.	Employer
Make sure that groups of migrant workers do not all arrive at the work location at the same time. It may be possible to work with different starting times or it can be agreed that bus transport does not arrive too shortly after each other. Upon arrival at the work location, there must be sufficient room so that a distance of 1.5 metres can be maintained. At entrance gates, the 1.5 metres distance is indicated and walking routes are set out. Provide maximum hygiene at the entrance.	Hirer, employer, employee
Subject to conditions, it may be possible to use plastic shields in the vehicles. The advice of the RDW and the Ministry of Infrastructure and Water Management must be followed in this respect. ²¹ .	Employer

²⁰ <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/reizen-en-vakantie/verplichte-negatieve-covid-19-testuitslagen/eisen-sneltest>

²¹ <https://www.rijksoverheid.nl/documenten/richtlijnen/2020/06/17/advies-gebruik-afschermingen-in-personenautos>

Safe care

Migrant workers need to know how to access care if they fall ill. It follows from the CLA (Collective Labour Agreement) that the employer informs the migrant worker about the obligation of health insurance. In addition, the employer makes the migrant worker an offer of health insurance. The migrant worker is not obliged to accept this offer. If the migrant worker accepts the offer of health insurance, he can authorise the private employment agency to pay the nominal premium to the health insurer on his behalf²².

Guideline	Responsible
The migrant worker can apply for the European Health Insurance Card (EHIC) in his own country. The migrant worker must always take this health insurance card with him when traveling to another Member State.	Employee
Every migrant worker must be insured and is primarily responsible for this. If the employer is responsible for applying for health insurance, the employer is responsible for providing the policy number, the policy conditions and the (digital) health insurance cards ²³ immediately as soon as they are available.	Employee, employer
The party that facilitates the housing of migrant workers is in contact with GP practices in the region to ensure that migrant workers can go to a nearby practice.	Landlord, employer
Employers must inform migrant workers in their mother tongue about the contact details of the general practitioner and the insurance, the GGD details and the RIVM instructions.	Employer
In the event of a corona outbreak in households, the GGD is informed for advice or testing. It is ensured that communication between the migrant workers and GGD employees is possible, via the corona contact point for example.	Landlord, employer

²² *Collective Labour Agreement for Temporary Agency Workers 2019 - 2021* article 36, paragraphs 11 and 12.

²³ The policy number is generally available no later than three days after registration. As a rule, physical health cards are provided by the health insurer no later than three weeks after registration. Some health insurers will or have now switched to a digital health insurance card, which is linked to registration with the health insurer. The health insurance card and the policy can serve as proof of insurance. However, it is not necessary to have a health insurance card in order to receive medical care in a hospital. Every hospital in the Netherlands checks online via the 'Insurance Details Check' application [Controle op Verzekeringsgegevens (COV)] whether someone has taken out health insurance. In many cases, migrant workers have direct access to the insurer's portal, which gives them quick access to the necessary data.