

Concept paper on seasonal workers with regard to health protection [Coronavirus (SARS-CoV-2)]

Reasoning:

During and after the corona crisis, it is necessary to provide the public with sufficient quality produce. To do so, crops must be planted, tended and harvested at the proper time. Growers of special crops in particular depend on large numbers of agricultural workers. The supply of domestic labour alone is not enough to meet this need, despite job recruitment websites and the newly eased labour regulations. The agricultural sector depends on large numbers of seasonal workers from abroad. Some 20,000 seasonal workers had already come to Germany before the entry restrictions went into effect, but about 100,000 agricultural workers will be needed by the end of May. The restrictions on entry were imposed to protect the population against infection. It is necessary to strike a balance between the need to protect public health and the need to secure the harvesting of crops. Strict public health rules apply to the entire population and must also apply to the agricultural sector.

Because additional seasonal workers are needed, a limited number of such workers are to be allowed to enter Germany from abroad under the following strict conditions (in particular with attention to the recommendations of the Robert Koch Institute for minimizing the risk of infection). These efforts focus on securing the domestic crop and protecting the public against infection. For this reason, the number of foreign seasonal workers is to be limited to the minimum necessary, and more people already in Germany are to be recruited to work in the agricultural sector.

This concept paper outlines measures to achieve this goal initially for the months of April and May. Measures extending beyond this period will have to be assessed in light of the situation and the needs at that time.

1. Needs

- a. Foreign seasonal workers already in Germany
 - Before entry restrictions went into effect on 25 March 2020, approximately 20,000 seasonal workers, most of them from other EU member states, had already entered Germany. These workers can be employed in seasonal work for up to 5 months or 115 working days.
- b. Additional needs:
 - The plan: to allow another approx. 40,000 seasonal workers to enter in April (selected on the basis of information from the farmers' and growers' organizations and in accordance with demonstrable strict hygiene standards) and, at the same time, to recruit some 10,000 full-time seasonal workers from among persons already in Germany.
 - The plan: to allow another approx. 40,000 seasonal workers to enter in May (selected on the basis of information from the farmers' and growers' organizations and in accordance with demonstrable strict hygiene standards) and, at the same time, to recruit some 10,000 full-time seasonal workers from among persons already in Germany.
- c. Domestic potential:
 - Goal: to recruit approx. 10,000 persons each month in April and May from the large pool of relevant groups in Germany
 - (unemployed workers, students, asylum applicants, workers in short-time working arrangements due to the pandemic). Unlike professional seasonal workers, most of the persons in these groups are not available for full-time employment over many weeks.

→ Intensive, targeted recruitment will be crucial, including efforts by farmers' and growers' organizations and websites of various providers.

2. Entry

a. Prior notification of seasonal workers

- No entry by individuals; instead, group entry by seasonal workers travelling only by air (no travel by bus to protect against infection).
- With the consent of the seasonal workers, a procedure involving lists is to be used to certify the need for entry; this procedure should be designed to reliably identify each worker and ensure that the contingents of workers can be tracked and verified at all times.
- The procedure should also make it easier to track workers' contacts later in case of infection with the coronavirus.
- The Federal Police will work with the farmers' and growers' associations to determine
- the place of entry/arrival airport. Entry is only allowed at border crossing points where border checks are conducted.

b. Checks on entry

- The Federal Police or the authority responsible for border policing will examine whether arriving workers meet the legal requirements for entry and residence.
- Employers will arrange for medical staff to perform standardized health checks of workers upon arrival. The list of workers is to be signed by the medical staff and forwarded to the local health office.
- Any worker who fails to meet requirements or shows signs of infection with the coronavirus will be refused entry.
- If a worker is unable to enter Germany for one of the reasons given above, the farmers' and growers' organizations will be responsible for arranging and paying for the worker's return transport, unless otherwise provided for (by the transport carrier, for example).

c. Checks on exit

- The farmers' and growers' organizations will use the list procedure to notify the Federal Police of the planned departure of seasonal workers.
- The Federal Police will work with the farmers' and growers' associations to determine the place of departure where border checks are conducted.

3. Safeguarding health at work and in workers' accommodation

a. Before entry

- Written instructions on proper hygiene will be sent in the relevant languages

b. Transport to the workplace

- Employers or their representatives will pick up their arriving workers at the designated airport (no individual arrivals).

- c. Arrival at the workplace
- New arrivals will be strictly separated from other workers at all times and are not allowed to leave the farm for the first 14 days (de facto quarantine while being able to work).
 - No contact between teams is allowed during or outside of work. Work will be carried out in permanent teams, of 5 to 10 persons if possible, but no more than 20.
 - Workers' accommodation will be filled only to half capacity.
Exception: families
- d. Accommodation
- Sufficient disinfectant (at least one dispenser in each room, bathroom, toilet and kitchen) and disposable paper towels in bathroom, toilet and kitchen must be provided.
 - Frequent cleaning of common areas (bath and shower rooms, toilets, etc.); door handles, taps, toilets, etc. to be disinfected several times a day
 - The use of common areas (kitchen, sanitary facilities, etc.) is to be scheduled so that they are not used by different teams at the same time. Rooms are to be sufficiently ventilated and cleaned between uses.
 - Laundry is to be washed at a temperature of at least 60°C.
 - Dishes are to be washed at a temperature of at least 60°C.
 - No visitors are to be allowed on the premises.
- e. At work
- Meetings are to be held outdoors or in rooms large enough to allow sufficient space between participants.
 - Transfers between accommodation and workplace:
 - o each team will travel separately from the other, or
 - o transport vehicles are to travel half full so that workers have an empty seat between them, or
 - o workers must wear protective masks/gloves.
 - Workers must stay at least 2 metres apart when working, if possible; protective masks and gloves/protective shields or sheets must be used if workers from different teams cannot stay at least 1.5 metres apart.
- f. Meals/food shopping
- During the first 14 days (de facto quarantine): employer will provide meals or manage food shopping for seasonal workers.
 - After the first 14 days:
 - o employer will continue to provide meals or manage food shopping
 - o in case of self-catering: limited number of persons allowed to leave the premises at the same time to buy food
- g. In case of illness/suspected illness
- Employer is required to furnish or organize sufficient accommodation to isolate persons who are ill or suspected of being ill.

- If there is reason to believe any worker may be infected with the coronavirus, the worker must be isolated immediately and a doctor must be contacted so that the worker can be tested for the virus.
- The entire team should be isolated and tested as well.
- The same applies in case of illness.

The attending physician informs the health office. The employer may inform the health office him- or herself and agree on what to do next.

Employers are required to comply with all applicable labour law and occupational health and safety rules in Germany. The responsible occupational health and safety authorities and the customs authorities will monitor these working conditions. All the same rights to protection under labour law and all rules for hygiene and social distancing that apply to workers in Germany also apply to foreign seasonal workers.