

# COVID-19

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## Workplace SARS-CoV-2 Testing: Consent Elements and Disclosures

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### Purpose

SARS-CoV-2 testing may be incorporated as part of a [comprehensive approach to reducing transmission in non-healthcare workplaces](#). This document describes the elements of consent and recommended disclosures necessary to support employee decision-making for participating in workplace-based testing. This document expands on the disclosures outlined in [“SARS-CoV-2 Testing Strategy: Considerations for Non-Healthcare Workplaces.”](#)

### Overview: Consent and Supporting Employee Decision-Making

Workplace-based testing should **not** be conducted without the employee’s informed consent. Informed consent requires disclosure, understanding, and free choice, and is necessary for an employee to act independently and make choices according to their values, goals, and preferences.


Differences in position and authority (i.e., workplace hierarchies), as well as employment status in [non-standard working arrangements](#) (e.g., temporary help, contract help, or part-time employment), can affect an employee’s ability to make free decisions. To fully support employee decision-making and consent, employers should take the following measures when developing a testing program:

- Ensure safeguards are in place to protect an employee’s privacy and confidentiality.
- Provide complete and understandable information about how the employer’s testing program may impact employees’ lives, such as if a positive test result or declination to participate in testing may mean exclusion from work.
- Explain any parts of the testing program an employee would consider especially important when deciding whether to participate. This involves explaining the key reasons that may guide their decision.
- Provide information about the testing program in the employee’s preferred language using non-technical terms. Consider obtaining employee input on the readability of the information. Employers can use this [tool](#) to create clear

messages.

- Encourage supervisors and co-workers to avoid pressuring employees to participate in testing.
- Encourage and answer questions during the consent process. The consent process is active information sharing between an employer or their representative and an employee, in which the employer discloses the information, answers questions to facilitate understanding, and promotes the employee's free choice.

## Disclosures for Workplace Testing

An employer's testing program (including the implementation of a testing protocol to test employees) may be complex and technical. Certain aspects of the testing program may be more relevant than others to an employee's decision whether to accept an offered test. [SARS-CoV-2 Testing Strategy: Considerations for Non-Healthcare Workplaces](#) identifies disclosures important for employees contemplating testing. Many of these disclosures are addressed in the U.S. Food and Drug Administration (FDA) emergency use authorization patient [fact sheet](#)  for the test, which must be provided during the consent process. Those disclosures include:

- The manufacturer and name of the test
- The test's purpose
- The type of test
- How the test will be performed
- Known and potential risks of harm, discomforts, and benefits of the test
- What it means to have a positive or negative test result, including:
  - Test reliability and limitations
  - Public health guidance to isolate or quarantine at home, if applicable

Additionally, an employer should be prepared to address the following topics:

### General Considerations

- Why is the employer offering to test employees?
- How frequently will employees be tested, and will they be asked to consent to each test?
- What happens if an employee declines to be tested?

### Scheduling and Payment

- Is the employee obligated to schedule the test and travel to the site?
- Will the employer pay for the employee's time and travel?
- Are there any available accommodations or alternatives for an employee who declines to take the test?
- Who pays for the test, including:
  - Will the employer pay for the test?
  - Will the employee's insurance be billed for the test or will the employee

- be billed for a copayment?
- Will the employee pay for the test?
- Will the employee's insurance be billed for follow-up care if needed?
- Will the employee pay for follow-up care if needed?

## Testing Site

- Who will be administering the test and what are their qualifications?
- Where will the test be performed?
- Will the test provider require any temperature and symptom screening prior to administering the test?

## Communication and Interpretation of Results

- When will the results be provided to employees, and in what confidential manner?
- Who will interpret the test and what are their qualifications?
- The test provider's obligation to report a positive result to the public health authority.
- What happens if the employee tests positive, including:
  - Who will inform the employee about guidance for employee [isolation](#) and [quarantine](#) for those who have been around the employee?
  - Is there a need for follow-up testing?
  - Is there a need for medical evaluation?
  - Will the employer take any action, including any follow-up with the employee such as [contact tracing](#)?
  - When can the employee return to the work site?
  - Are there any flexible and supportive leave and other benefit policies available to the employee?
  - Will the employee be paid for any lost work time?
  - Will the employee's benefits be affected?
- What happens if the employee tests negative, including any need for follow-up testing?

## Privacy

- What personal information does the employee need to provide (e.g., name, date of birth) to the test provider?
- Will that demographic information be retained, and if so, by whom and for how long?
- How will personal information be kept confidential and secure (i.e., restricted from unauthorized access or disclosure)?
- Which employer representative(s) will have access to the employee's result?
- Whether, where, and for how long will the employer retain the result?
- How will the employer keep the result confidential and secure?

## Seeking Additional Help or Reporting Injuries

- Who to contact for additional information about the employer's testing program (e.g., an employer or union representative)?
- Who to contact to explain an employee's rights?
- Who to contact if assistance is needed (e.g., language translation or transportation to and from the testing site)?
- Will the employer provide treatment for any employee injuries from the test procedure and during transport to/from the testing site?

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Content source: [National Center for Immunization and Respiratory Diseases \(NCIRD\), Division of Viral Diseases](#)