

Employer Responsibilities to Protect Temporary Workers

To ensure that there is a clear understanding of each employer's role in protecting employees, OSHA recommends that the temporary staffing agency and the host employer set out their respective responsibilities for compliance with applicable OSHA standards in their contract. Including such terms in a contract will ensure that each employer complies with all relevant regulatory requirements, thereby avoiding confusion as to the employer's obligations. Staffing agencies and host employers are **jointly responsible** for maintaining a safe work environment for temporary workers - including, for example, ensuring that OSHA's training, hazard communication, and recordkeeping requirements are fulfilled. It is essential that **both** employers comply with all relevant OSHA requirements.

Both host employers and staffing agencies have roles in complying with workplace health and safety requirements and they share responsibility for ensuring worker safety and health.

A key concept is that each employer should consider the hazards it is in a position to prevent and correct, and in a position to comply with OSHA standards. **For example: staffing agencies might provide general safety and health training, and host employers provide specific training tailored to the particular workplace equipment/hazards.**

- 1) The key is communication between the agency and the host to ensure that the necessary protections are provided.
- 2) Staffing agencies have a duty to inquire into the conditions of their workers' assigned workplaces. They must ensure that they are sending workers to a safe workplace.
- 3) Ignorance of hazards is not an excuse.**
- 4) Staffing agencies need not become experts on specific workplace hazards, but they should determine what conditions exist at their client (host) agencies, what hazards may be encountered, and how best to ensure protection for the temporary workers.
- 5) The staffing agency has the duty to inquire and verify that the host has fulfilled its responsibilities for a safe workplace.
- 6) Host employers must treat temporary workers like any other workers in terms of training and safety and health protections.

Temporary Worker: You have the same rights as permanent workers.

- The right to a safe workplace free of dangers.
- Receive training in clear language that you understand.
- Receive safety equipment.
- Speak up about safety.
- Report work-related injuries without being punished

Some basic information concerning temporary workers follows:

- In most cases, the host employer is the one responsible for recording the injuries and illnesses of temporary workers.
- The host employer will usually have the primary responsibility for selecting, providing and ensuring the use of adequate PPE
- **In most cases, the host employer is responsible for site-specific training and the staffing agency is responsible for generic safety and health training.**
- The host employer and staffing agency share responsibility for training temporary workers in operating powered industrial trucks.
- Host employers should provide temporary workers with safety training that is identical or equivalent to that provided to the host employers' own employees performing the same or similar work.

It has been my experience that most temp. agencies do not provide very adequate training to temporary workers. You need to verify what type of training was conducted by the temp. agency. Once you know what training has been provided to the temporary employee you can determine what training your company needs to provide the temporary worker. Make sure the temporary

worker understands your training. Observe the worker conducting the work assigned. Do not have the worker work alone if possible. This keeps an experienced person with the temporary worker who can help make sure the transition goes smoothly.

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