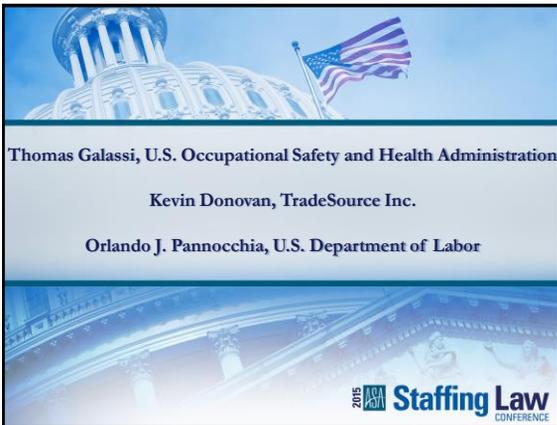




OSHA's Temporary Worker Initiative and How to Stay Compliant

2015 **Staffing Law** CONFERENCE

This slide features a background image of the U.S. Capitol dome and an American flag. The title is centered in a white box with a blue border. The logo for the 2015 Staffing Law Conference is in the bottom right corner.



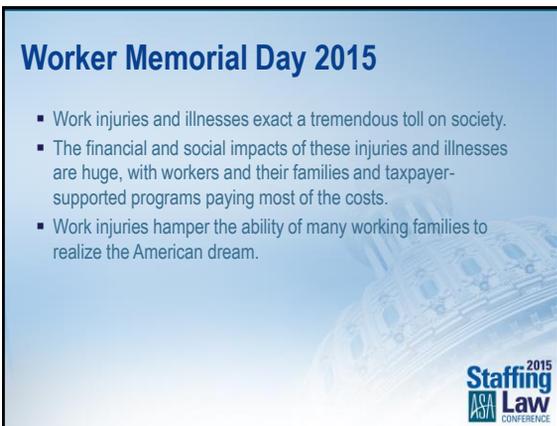
Thomas Galassi, U.S. Occupational Safety and Health Administration

Kevin Donovan, TradeSource Inc.

Orlando J. Pannocchia, U.S. Department of Labor

2015 **Staffing Law** CONFERENCE

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Worker Memorial Day 2015

- Work injuries and illnesses exact a tremendous toll on society.
- The financial and social impacts of these injuries and illnesses are huge, with workers and their families and taxpayer-supported programs paying most of the costs.
- Work injuries hamper the ability of many working families to realize the American dream.

2015 **Staffing Law** CONFERENCE

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Protecting Temporary Workers

- Temporary worker industry has grown 125% since 1990
 - 861,000 temporary jobs added to the U.S. economy since August 2009
 - Approximately 10 million people work in temporary jobs each year
- There has been a shift in the use of temporary workers in hazardous work
- Continued reports of temporary workers suffering fatal injuries, some during their first day on the job



Protecting Temporary Workers

- New workers have a higher injury risk
 - Lack of training
 - Inexperience and unfamiliarity with the work environment
- Temporary workers are often new to a job site several times per year
- Host employers may be less likely to devote resources to fully train temporary workers



Protecting Temporary Workers

- Temporary Worker Initiative was launched April 2013
- Field guidance to clarify temporary workers receive required training and other safety and health protections
- Developing compliance assistance bulletins
- Issued Recommended Practices with NIOSH
- OSHA Alliance with ASA
- Balanced approach—outreach and cooperative activities



Employer Responsibilities

- The host employer and the staffing firm are joint employers of the worker, and therefore have a shared responsibility
- Effective communication and common understanding of the division of responsibilities
- Preplanning and ongoing communication



Employer Responsibilities

- Host employer generally has **primary responsibility** for identifying hazards and complying with work site-specific health and safety requirements
- Staffing firm employer must ensure its workers are equipped with protections and have the necessary training



OSHA Inspection Data—Summary

- Inspections involving temporary workers since the initiative began through March 2015:
 - 1,361 inspections when the host employer was cited
 - 35 cases where both host and staffing firm were cited at the same location
 - 25 temporary worker fatalities investigated



Federal Inspection Data

Most cited federal standards with temporary worker exposure

- Hazard communication
 - Written program and employee information and training
- Machine guarding
 - Guarding not provided
- Lockout/Tagout
 - Energy control procedure
- Powered industrial trucks
 - Safe operation
- Personal protective equipment
 - Hazard assessment and equipment selection



Outreach Products

- Series of bulletins
 - Issued: record-keeping
 - Issued: whistleblower protections
 - Issued: personal protective equipment
 - Planned: training, hearing conservation, hazard communication, respiratory protection, powered industrial vehicles, and lockout
- Recommended practices (cobranded with NIOSH)



Recommended Practices

- Evaluate the host employer's work site
- Train agency staff to recognize safety and health hazards
- Ensure each employer meets standards of the other
- Assign responsibilities/define scope of work in contract
- Injury and illness reporting and tracking
- Training including new-project orientation
- Injury and illness prevention programs
- Maintain communication



Temporary Worker Initiative Resources

- OSHA.gov Temporary Worker Initiative page
- Overview of employers' responsibilities and OSHA's enforcement policy
- All TWI-related memoranda, bulletins, and press releases
- List of fatalities involving temporary workers
- Letters of interpretation
- Press releases



OSHA Alliance With ASA

- Signed May 21, 2014
- OSHA and ASA work together to provide ASA members and others with information, guidance, and access to training resources
- Alliance's goals
 - Raising awareness of OSHA's rulemaking and enforcement initiatives
 - Outreach and communication



Summary

- Both the staffing firm and the host employer are responsible for the safety of temporary workers
- The staffing firm has a basic duty to inquire into the conditions of the host work site
- Both employers must communicate, coordinate and collaborate to best achieve this responsibility
- Thank you for your work to protect all workers!



TWI Overview—Points in History

- TWI Initiative (April 2013)
 - Bulletins released:
 - Injury and Illness Record-Keeping Requirements
 - Personal Protective Equipment
 - Whistleblower Protection Rights



Who's Responsible for What?

OSHA/NIOSH Recommended Practices

Safety Program	✓	YES	YES
General Safety Training	✓	YES	Maybe
Educate Temp Agency Staff on Hazard Identification	✓	YES	NO
Hazard Identification (Jobsite)	✓	YES	YES
Job-Specific Safety Training	✓	Maybe (on-site)	YES
Defined Assignment for EE	✓	YES	YES
Injury Reporting Process	✓	YES	YES
Follow up with EE	✓	YES	Maybe
Recordkeeping (OSHA 300 Log)	✓	Maybe (on-site)	YES



What Is in Your Contract?

- Define the roles and responsibilities of clients
 - Job/site-specific safety training and PPE
 - Work site inspections for hazards
 - Abating hazardous conditions
 - Defined assignments for employees
 - Process for injury reporting and tracking (Record-keeping—OSHA 300 Log)



Stumbling Blocks and How to Overcome Them

- Client
 - Totally unaware that this is a reality—it is here!
 - False protection from contract language
 - Access to work site locations



Stumbling Blocks and How to Overcome Them

- Employees
 - Not speaking up
 - Employee handbook with defined responsibilities
- OSHA
- Internal commitment
 - Understanding your due diligence responsibilities
 - Training your staff



What Makes a Successful Partnership With Clients?

- Communication
 - Do your salespeople discuss this with clients?
 - Agree in writing—look at your contract
 - Are your clients aware of OSHA’s “balanced enforcement” approach?
 - Regardless of what is agreed to contractually



What Makes a Successful Partnership With Clients?

- Mutual understanding
 - This benefits both sides
- Effort



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