

Protecting Temporary Workers: Roles and Responsibilities of Host Employers and Staffing Agencies

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Safety for Temporary Workers

- 3.2 million temporary workers (2017), approximately 2% of the U.S. nonfarm workforce
- Contracted workers (not self-employed) are estimated to represent nearly 14% of all workplace fatalities (NSC Injury Facts, 2016)
- Safety statistics for temporary workers are difficult to track on a national level



Safety: Temporary Workers

- To improve, address safety through
 - Compliance
 - OSH Act 1970
 - OSHA Temporary Worker Initiative (April 2013)
 - Safety best practices
 - ASA Best Practices and Model Contracts
 - NSC Journey to Safety Excellence, ANSI Z10 (safety management systems)
 - Industry leaders' practices



OSHA's Temporary Worker Initiative

- April 2013, OSHA launched TWI
 - Both host employers and staffing firms have roles in complying with workplace health and safety requirements and share responsibility for worker health and safety
- TWI pertains to staffing firm and host employer obligations toward meeting OSHA requirements
- Key question: Who supervises temporary workers' day-to-day activities?



OSHA's TWI

- Staffing firms have duty to
 - Inquire into conditions of assigned workplaces; determine how best to ensure protection
 - Ensure host employer conducts hazard assessment, provides PPE, and trains workers
 - Inquire and verify that the host has fulfilled its responsibilities for a safe workplace
- Communication between parties is key; collaboration is a must



OSHA's TWI

- Host employers have duty to
 - Furnish adequate PPE and train on its use
 - Record injuries on OSHA 300 log regardless of contract language
 - Report serious injuries to OSHA within required time frame
 - Provide site-specific orientation, including emergency procedures, information about reporting injuries, company safety policies and procedures
 - Provide job-specific training including information on procedures, equipment, PPE, and specific hazards the worker may encounter (chemical exposures, noise, etc.)
 - Provide information and access to staffing firm that will enable them to evaluate work site safety



Roles and Responsibilities

	Staffing Firm	Host Employer
Assessing work site risk	Thorough risk assessment of host work site; periodic follow-ups	Provision of safety data; availability to do walkthrough with firm, answer questions
Training	General safety orientation, GHS, PIT, bloodborne pathogens	Site-specific safety training, on-the-job training specific to hazards
Provision of PPE	Not in most circumstances	All PPE specific to hazards of job plus training on use, maintenance, etc.



Roles and Responsibilities

Incident investigation

Staffing Firm

Conduct thorough incident investigation at host work site; suggest corrective actions to host

Host Employer

Conduct thorough investigation; communicate with staffing firm; implement corrective actions identified by either party

Reporting to OSHA

If supervising temporary worker on client site, staffing firm reports; reports if host doesn't

Reports serious injuries to OSHA within time frame

Recording on OSHA 300 log

Record if supervising work at client site

Record unless staffing firm is providing on-site supervision



Case Study

A staffing firm assigned a temporary worker to a host employer's work site to perform welding work indoors using a portable generator and portable welding equipment. The equipment emitted welding fumes during use.



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Case Study

The host employer supervised and controlled the temporary worker's daily work activities and provided him with an air-purifying respirator. Neither the staffing firm nor the host employer conducted a medical evaluation to determine the worker's ability to use the respirator. In addition, the temporary worker was not informed by either party about the required usage of appropriate hand protection, nor trained on the proper use of the respirator.



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Case Study

Subsequently, the worker burned his hand while using the welding equipment. The burn was serious and required that the worker be admitted to the hospital for inpatient treatment for one day. Although the parties' written contract required the staffing firm to record temporary worker injuries on the OSHA 300 log, neither the firm nor host employer recorded the injury on their respective logs. Also, neither the firm nor the host employer reported the work-related inpatient hospitalization to OSHA.



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OSHA Citations

- Host employer citations
 - Failing to conduct medical evaluation to determine worker's ability to use respirator and train on its proper use
 - Failing to provide proper PPE for hand protection
 - Failing to record injury on OSHA 300 log
 - Failing to report work-related inpatient hospitalization to OSHA within 24 hours of learning about it



OSHA Citations

- Staffing firm citations
 - Failing to perform a pre-assignment assessment of the workplace to determine hazards requiring PPE



General Principles

- Whoever is in the best position to ensure the safety and health of temporary workers has the obligation to do so
 - Control of workplace activities, conditions, and related hazards, including instructing temporary workers on how to do their jobs
 - Control over the means and manner of work



Safety Standard of Excellence Program

- Joint program between ASA and NSC
- Program purpose
- Task force of industry leaders
- Focused on best practices and continuous improvement (not just compliance)
- Staffing firms assessed on extent to which they've demonstrated best practices



Sources for Best Practices

- ASA best practices documentation and model contracts
- NSC Journey to Safety Excellence model
 - Leadership and employee engagement
 - Safety management systems
 - Risk reduction
 - Performance measurement
- OSHA's TWI
- Industry leaders' practices



SSE Program Assessment

- Worker selection
- Worker training and orientation
- Evaluation of client safety culture, safety performance, work site, and job
- Incident management
- Contracts
- Nurse staffing firms (sector-specific)



SSE Program Outcomes

- Highlight what firms are doing well and where improvements might be needed
- Use of a special, customized program mark
 - Industry recognition: stand out among peers
 - Safety leader: attract higher caliber clients
 - ROI: keep costs low; reduce injuries



SSE Website

[Home](#) › [Our Industry](#)

Safety Standard of Excellence Program

Make sure your staffing company is a safety leader. Earn the Safety Standard of Excellence mark, and become an ambassador for worker safety as well as a more attractive choice for clients.

Our Industry

[Introduction: A Vital Workforce That Supports the Economy](#)

[Staffing Industry Facts & Data](#)

[What Staffing Firms Do](#)

[Safety Matters](#)

[Safety Standard of Excellence](#)

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[ASA Staffing Index](#) ?

Making Temporary Worker Safety a Priority

The Safety Standard of Excellence program has been designed by the American Staffing Association and the National Safety Council to encourage staffing firms to adopt workplace safety best practices and standards and to foster and measure continuous safety improvement across all industry sectors.

- [Learn more about the program—read the FAQs »](#)
- [Find out if your firm is ready to begin—complete the readiness assessment »](#)
- [Download the Program Guide »](#)
- [Helpmates First to Receive Safety Standard of Excellence Mark »](#)

Questions? Contact the SSE program administrators.

[800-888-9188](tel:800-888-9188)

sse@nsc.org

Select Member Companies That Have Reached the Highest Standards of Safety

[Search](#) by company name or state to find staffing companies that have earned the prestigious Safety Standard of Excellence mark from the ASA and the National Safety Council. These companies are identified as having earned the mark in the [ASA directory of staffing firms](#), which is used by clients and job seekers looking to engage with staffing companies.



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SSE Company Directory

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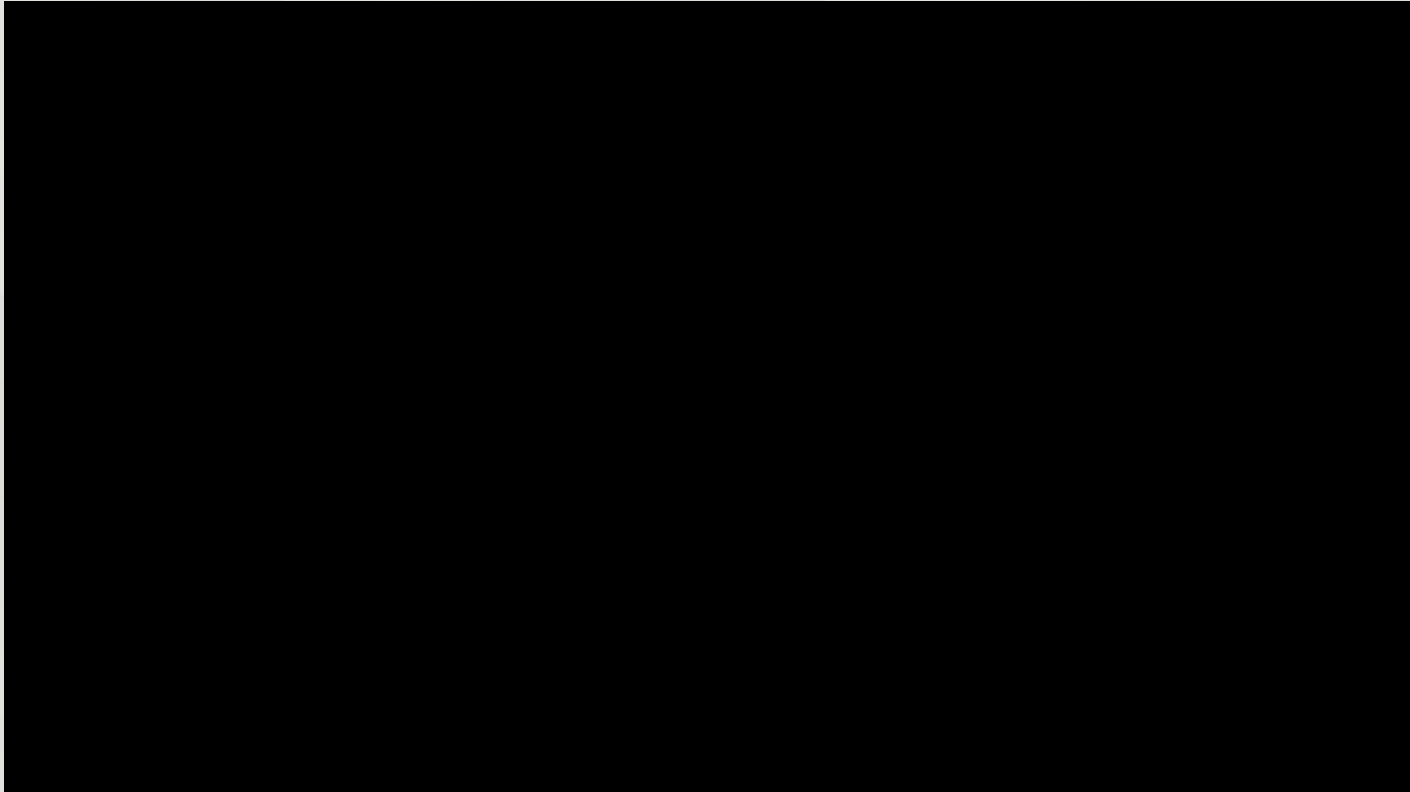
SSE Companies

Search by Company

State ▾

Company Name	City	State
DAVIS Staffing Inc.	Olympia Fields	IL
DAVIS Staffing, Inc.	Oak Lawn	IL
Davis Staffing, Inc.	Hammond	IN
Elwood Staffing	Marysville	OH
Elwood Staffing Services	Orem	UT
Elwood Staffing Services	Talladega	AL
Elwood Staffing Services	Hillsdale	MI
Elwood Staffing Services	Holland	MI

These companies have earned the prestigious Safety Standard of Excellence mark from ASA and the National Safety Council.



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Questions?

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