

Temporary Worker
Frequently Asked Questions
(FAQs)

Through the Alliance between OSHA's National Office and American Staffing Association, the participants developed this frequently asked questions resource for informational purposes only. It does not necessarily reflect the official views of OSHA or the U.S. Department of Labor. [December 2024]



Temporary Worker FAQs

The purpose of this document is to address frequently asked questions received regarding temporary workers. Workers employed through staffing agencies are generally called temporary or supplied workers. “Temporary workers” are workers supplied to a host employer and paid by a staffing agency, whether or not the job is actually temporary.

1. Are temporary workers covered by workplace safety laws?

Answer: Yes. Temporary workers are entitled to the same protections under the [Occupational Safety and Health Act of 1970 \(the OSH Act\)](#) as all other covered workers. Whether temporary or permanent, all employees always have a right to a safe and healthy workplace. The staffing agency and the staffing agency’s client (known as the “host employer”) are joint employers of temporary workers and, therefore, both are responsible for providing and maintaining a safe work environment for those workers. The staffing agency and the host employer must work together to ensure that the OSH Act requirements are fully met.

a. Resources:

- i. [Temporary Worker Initiative](#) and related Bulletins.

2. Can host employers and staffing firms address their safety obligations in their contract?

Answer: Yes. The parties’ respective safety obligations will vary depending on workplace conditions and OSHA recommends that these obligations should be clearly spelled out in the parties’ written contract. *However, the parties’ contract cannot alter or nullify each party’s safety obligations under the OSH Act.*

a. Resources:

- i. [Temporary Worker Initiative](#) and related Bulletins.
- ii. [OSHA / NIOSH Recommended Practices](#) (2014).

3. Which employer provides training to temporary workers?

Answer: The staffing agency and the host employer share responsibility for training temporary workers. While both the host and the staffing agency are responsible to ensure that the employee is properly trained according to the applicable standard, the employers may decide that a division of the responsibility may be appropriate. As a recommended practice, the staffing agency and host employer should establish which party is responsible for each aspect of training, *as well as inform the other employer when training is completed.*

Typically, staffing agencies will provide *general safety and health training* applicable to many different occupational settings, while host employers provide *specific training* tailored to the particular hazards at their workplace. This is because the

host employer generally controls the details, means, methods, and processes by which the work is to be accomplished. In addition, the host employer is most familiar with the hazards of the specific job tasks, machinery, equipment, and processes of its worksite and understands the training necessary to protect temporary workers from those specific hazards.

a. Resources:

- i. [Temporary Worker Initiative](#) and related Bulletins.
- ii. Temporary Worker Initiative Bulletin Number 4: [Safety and Health Training \(OSHA 3859\)](#).

4. Which employer is required to report a temporary worker severe injury or illness to OSHA?

Answer: The employer that provides the day-to-day supervision of the worker must report to OSHA any work-related incident resulting in a fatality, in-patient hospitalization, amputation or loss of an eye. Day-to-day supervision occurs when in addition to specifying the output, product or result to be accomplished by the person's work, the employer supervises the details, means, methods and processes by which the work is to be accomplished.

The staffing agency and host employer must also set up a way for employees to report work-related injuries and illnesses promptly, and inform and train each employee how to do so.

a. Resources:

- i. [Reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to OSHA, 29 CFR 1904.39\(a\)\(1\)](#) - Within eight (8) hours after the death of any employee as a result of a work-related incident, you must report the fatality to the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.
- ii. [29 CFR 1904.39\(a\)\(2\)](#) - Within twenty-four (24) hours after the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, you must report the in-patient hospitalization, amputation, or loss of an eye to OSHA.
- iii. Temporary Worker Initiative Bulletin Number 1: [Injury and Illness Recordkeeping Requirements \(OSHA 3748\)](#).
- iv. More information on the reporting requirements and process is available on OSHA's recordkeeping website at www.osha.gov/recordkeeping.

5. Which employer is responsible for recording temporary worker injuries - the host employer, staffing agency, or both?

Answer: The employer who provides day-to-day supervision is the responsible party for recording work-related fatalities, injuries or illnesses. Day-to-day supervision occurs when in addition to specifying the output, product or result to be accomplished by the person's work, the employer supervises the details, means, methods and processes by which the work is accomplished.

a. Resources: Recordkeeping Regulation [29 CFR 1904.31 Covered Employees](#).

i. [1904.31\(b\)\(2\)](#) - **If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, do I have to record an injury or illness occurring to one of those employees?** You must record these injuries and illnesses if you supervise these employees on a day-to-day basis.

ii. [1904.31\(b\)\(3\)](#) - **If an employee in my establishment is a contractor's employee, must I record an injury or illness occurring to that employee?** If the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.

iii. [1904.31\(b\)\(4\)](#) - **Must the personnel supply service, temporary help service, employee leasing service, or contractor also record the injuries or illnesses occurring to temporary, leased, or contract employees that I supervise on a day-to-day basis?** No, you and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to make sure that each injury and illness is recorded only once: either on your OSHA 300 Log (if you provide day-to-day supervision) or on the other employer's OSHA 300 Log (if that company provides day-to-day supervision).

b. OSHA interpretation letter dated 10/19/2015 - [Determining who is the responsible party to record an injury or illness](#)

c. OSHA Interpretation Letter dated 01/12/2018 - [Recording Injuries and Illnesses of Temporary Workers versus HIPAA Requirements - \[1904.31\]](#).

6. Is my establishment required to submit 300A and 300/301 data under OSHA's ["Electronic submission of Employer Identification Number \(EIN\) and injury and illness records to OSHA"](#) requirement (29 CFR 1904.41)?

Answer: Certain establishments must electronically submit to OSHA information about recordable injuries and illnesses entered on their previous calendar year's

OSHA Form 300A Summary of Work-Related Injuries and Illnesses, OSHA Form 300 Log of Work-Related Injuries and Illnesses, and OSHA Form 301 Injury and Illness Incident Report. Covered establishments must electronically submit their OSHA injury and illness data (Forms 300A, 300, and 301 data) by March 2 of the year following the covered year of the data (e.g., the deadline for timely submission of calendar year 2023 data was March 2, 2024). Establishments who missed the deadline still must submit their data.

You must submit 300A data if your establishment meets one of the following criteria:

1) 250 or more employees and is not in an industry listed in the Partially Exempt Industries list in [Non-Mandatory Appendix A to Subpart B -- Partially Exempt Industries](#), or

2) 20-249 employees and is in an industry listed in [Establishments in the following industries with 20 to 249 employees must submit injury and illness summary \(Form 300A\) data to OSHA electronically](#).

You must also submit OSHA Form 300 and 301 data if your establishment has 100 or more employees and is in an industry listed in [Appendix B to Subpart E of Part 1904— Designated Industries for § 1904.41\(a\)\(2\) Annual Electronic Submission of Information from OSHA Form 300 Log of Work-Related Injuries and Illnesses and OSHA Form 301 Injury and Illness Incident Report by Establishments With 100 or More Employees in Designated Industries](#). (The size criterion of 100 or more employees is based on the total number of employees at an establishment during the previous calendar year. All individuals who are “employees” under the OSH Act are counted in the total. *The count includes all full-time, part-time, temporary, and seasonal employees.*)

a. Resources:

- i. [OSHA Injury and Illness Recordkeeping and Reporting Requirements](#)
- ii. [Injury Tracking Application \(ITA\) FAQs](#).
- iii. [ITA Coverage Application](#): helps determine if an establishment is required to electronically submit 300A and 300/301 data.

7. What are the typical hazards that temporary workers are exposed to?

Answer: This will depend on the industry and type of work the temporary worker is placed in, and each individual worksite. Temporary workers are generally exposed to the same job hazards as the host’s employees who perform the same job duties. Host employers *must treat temporary workers like any other workers* in terms of

training and safety and health protections. The key is *communication* between the agency and the host to ensure that the necessary protections are provided.

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. 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. The staffing agency has the duty to inquire and work with the host employer to fulfill the responsibility each employer has to provide a safe and healthy workplace.

a. Resources:

- i. [Both Host Employers and Staffing Agencies Have Roles.](#)
- ii. [Frequently Cited OSHA Standards:](#) Allows users to view the most frequently cited federal and state OSHA standards for a given [NAICS](#) (North American Industry Classification System) code.

8. Which employer is responsible for providing personal protective equipment (PPE)?

Answer: As joint employers of temporary workers, both the host employer and the staffing agency are responsible for ensuring that adequate PPE and associated training is provided. However, the host employer will usually have the primary responsibility for selecting, providing, and ensuring the use of adequate PPE. This is because the host employer is most familiar with the workplace hazards that the temporary workers will encounter, generally controls the workplace hazards and activities that will take place around them, and is usually best situated to perform the required hazard assessment. The staffing agency shares responsibility for its workers' safety and must take reasonable steps to ensure the host employer conducts an appropriate hazard assessment and provides adequate PPE.

a. Resources:

- i. Temporary Worker Initiative Bulletin Number 2: [Personal Protective Equipment \(OSHA 3780\).](#)
- ii. For Construction, see [Personal Protective Equipment - Construction.](#)
- iii. For General Industry and Maritime, see [Personal Protective Equipment Standards.](#)

9. What is a joint employment relationship?

Answer: The parties in a joint employer relationship may be defined as follows:

- a. Temporary worker - A worker supplied to a host employer and paid by a staffing agency, whether or not the job is actually temporary. Whether

temporary or permanent, a worker always has the right to a safe and healthy workplace. The staffing agency and the staffing agency's client (the host employer) are joint employers of the temporary worker and, therefore, both are responsible for providing and maintaining a safe work environment for the worker. The staffing agency and the host employer must work together to ensure that the Occupational Safety and Health Act of 1970 (the OSH Act) requirements are fully met.

- b. Staffing agency - A firm that provides a temporary worker to a host employer. A staffing agency hires its own employees and assigns them to support or supplement a client's workforce in situations involving employee absences, temporary skill shortages, seasonal workloads, and special projects.
- c. Host employer - An employer who has general supervisory authority over the worksite, including controlling the means and manner of work performed and having the power to correct safety and health hazards or require others to correct them. A host employer is the "client" or "customer" of staffing agencies. Host employers and staffing agencies are joint employers of a temporary worker.
- d. Joint employment - While the extent of responsibility under the law of staffing agencies and host employers is dependent on the specific facts of each case, 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. OSHA can hold both the host and temporary employers responsible for the violative conditions.
 - i. Resources:
 - o [Temporary Worker Initiative](#) and related Bulletins.

10. Are self-employed individuals the same as temporary workers?

Answer: No, self-employed individuals (in some cases referred to as independent contractors) are not temporary workers because they are not employees of a staffing agency. Self-employed individuals are not covered by the OSH Act or its regulations.

- a. Resources:
 - i. [29 CFR 1904.31\(b\)\(1\)](#): *If a self-employed person is injured or becomes ill while doing work at my business, do I need to record the injury or illness?* No, self-employed individuals are not covered by the OSH Act or this regulation.
 - ii. [OSHA Worker Rights and Protections](#).
 - iii. [Help For Employers](#).

11. What temporary worker safety and health resources are available through the Alliance?

Answer: Temporary worker safety and health resources that are available include: OSHA Temporary Worker Initiative and related Bulletins; NIOSH Host Employer Best Practices; American Staffing Association’s “Safety Matters” website; and OSHA/ASA’s Alliance website.

a. Resources:

- i. [Temporary Worker Initiative](#) and related Bulletins.
- ii. [DHHS \(NIOSH\) Publication 2022-126: Protecting temporary workers: best practices for host employers.](#)
- iii. [OSHA Alliance with American Staffing Association \(ASA\).](#)
- iv. [ASA Safety Matters: Keeping Temporary Workers Safe on the Job.](#)
 - o [On-demand webinar library.](#) Search “OSHA” for TWI-related webinars with OSHA subject matter experts.

Under the Occupational Safety and Health Act, [employers are responsible](#) for providing a safe and healthy workplace and [workers have rights](#). OSHA can help answer questions or concerns from employers and workers. OSHA’s [On-Site Consultation Program](#) offers free and confidential advice to small and medium-sized businesses, with priority given to high-hazard worksites. For more information, contact your [regional or area OSHA office](#), call 1-800-321-OSHA (6742), or visit www.osha.gov.