



## OSHA's Temporary Worker Initiative

In 2013, OSHA issued a [memo](#) instructing its compliance safety and health officers (CSHOs) to take extra care in reviewing the efforts employers make to protect the safety and health of their **temporary workers**. Temporary workers are subject to the same hazards as full-time employees and may also suffer fatal injuries during their first days on the job.

Employers have a duty to provide necessary safety and health training to all workers regarding workplace hazards. To ensure that employers are meeting their responsibilities, OSHA inspectors will:

- Review whether employers use temporary workers;
- Determine whether temporary workers are exposed to any safety hazards;
- Evaluate whether temporary workers have received appropriate training in a language they understand; and
- Use a code to report employers that place their temporary workers in a vulnerable position by exposing them to workplace hazards in violation of existing safety standards. This is to assist OSHA in identifying and assisting temporary workers.

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### LINKS AND RESOURCES

- OSHA's [website](#) for protecting temporary workers

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## Employer Responsibilities

OSHA recommends that temporary staffing agencies and host employers set out clear responsibilities for compliance with OSHA standards in their contracts. Setting clear expectations in writing, before incidents take place, will help each party understand their role in protecting temporary workers.

## Joint Responsibility

In OSHA's view, temporary staffing agencies and host employers share control over temporary workers. In most cases, this means that they are jointly responsible for these workers' safety and health.

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. This may include, for example, ensuring that OSHA's training, hazard communication and recordkeeping requirements are fulfilled.

Joint employers are each responsible for compliance and individually liable for any violations. This means that OSHA could hold both the host and temporary employers responsible for any OSHA violations.

## OSHA Recommendations

To avoid issues of shared responsibility, OSHA recommends that staffing agencies and host employers consider the following principles:

- **Division of roles:** Each employer should consider the hazards it is in a position to prevent and correct, and the OSHA standards with which it is in a position to comply. For example, staffing agencies might provide general safety and health training, and host employers provide specific training tailored to the particular workplace equipment and hazards.
  - **Communication:** Communication is key between the agency and the host to ensure that the necessary protections are provided.
  - **Inspections:** Staffing agencies should be aware of the conditions of their workers' assigned work sites. They must ensure that they are sending workers to a safe workplace. Ignorance of hazards is not an excuse. 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.
  - **Verification:** Staffing agencies should inquire and verify that the host has fulfilled its responsibilities for a safe workplace.
  - **Fair treatment:** Host employers must treat temporary workers like any other workers in terms of training and safety and health protections.
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