

# OSHA's Temporary Worker Initiative



**OSHA published its temporary worker initiative in 2013 to focus on compliance with safety and health requirements for temporary employees. As your workforce partner, Staffmark wants to do all we can to ensure we are all in compliance with this initiative, and to work together to keep all of our employees safe in the workplace.**

This white paper will address the main points outlined in OSHA's temporary worker initiative, but more detailed information can be found on OSHA's website at [www.osha.gov/temp\\_workers](http://www.osha.gov/temp_workers).

## Establish a Clear Understanding of Roles

To ensure there is a clear understanding of each employer's role in protecting employees, OSHA recommends that the staffing company and the host employer set out their respective responsibilities for compliance

with applicable OSHA standards in their contract. By including such terms in a contract, we can ensure both parties are compliant and have a full understanding of who is responsible for what. Staffmark's contracts contain this information.

## Both Host Employers and Staffing Agencies Have Roles

Both host employers and staffing companies have roles in complying with workplace health and safety requirements and they share responsibility for ensuring worker safety and health. By working together, each employer can consider the hazards that it controls and which employer is in the best position to prevent, correct, and comply with OSHA standards.

For example, staffing companies typically provide general safety and health training, and host employers provide site-specific training tailored to the particular workplace equipment/hazards.

The key is communication between the staffing company

and the host employer to ensure that the necessary protections are provided. According to OSHA requirements, the following should be considered:

- Staffing companies 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.
- Ignorance of hazards is not an excuse.
- Staffing companies need not become experts on specific workplace hazards, but they should determine what conditions exist at their customer (host) workplace, what hazards may be encountered, and how best to ensure protection for the temporary workers.



- The staffing company has the duty to inquire and verify that the host has fulfilled its responsibilities for a safe workplace.
- And, just as important, host employers must treat temporary workers like any other workers in terms of training and safety and health protections.

## Joint Responsibility

While the extent of responsibility under the law of staffing companies and host employers is dependent on the specific facts of each case, it is important to note that both the staffing company and the host employer are jointly responsible for maintaining a safe work environment for temporary employees, including, but not limited to, ensuring that OSHA's training, hazard communication, and recordkeeping requirements are fulfilled. It is important to clearly define the job duties of all temporary employees to ensure they are not performing tasks beyond the scope of their training. OSHA could hold both the host employer and staffing company responsible for violating condition(s) which could include the lack of adequate training regarding workplace hazards. It's for that reason that Staffmark requires proof of site specific training.

OSHA has concerns that some employers may use temporary

workers as a way to avoid meeting all of their compliance obligations under the OSHA Act and other worker protection laws. There is concern that temporary workers could be placed in a variety of jobs, including the most hazardous jobs; that temporary workers are more vulnerable to workplace safety and health hazards and retaliation than workers in traditional employment relationships; and that temporary workers are often not given adequate safety and health training or explanations of their duties by either the temporary staffing company or the host

employer making it essential that both employers comply with all relevant OSHA standards.

Staffmark's safety team is available to work with all of our customers and their safety teams to ensure that we are working collaboratively to create the safest possible conditions to protect employees and fulfill all OSHA requirements.

If you have any questions or would like additional information, please contact your Staffmark representative.

## ABOUT STAFFMARK

Staffmark is one of the largest staffing companies in the country, providing a full range of workforce solutions including temporary, temporary-to-direct, and direct hire services. Our nationwide network of offices focuses on creating impactful partnerships that contribute to our customers' growth and success. Because of our commitment to outstanding customer service, Staffmark earned Inavero's Best of Staffing® Client Diamond Award after winning the Best of Staffing Client Award for the last six years for providing superior service to our clients. Best of Staffing is the country's only award that recognizes staffing firms that receive remarkable reviews from their customers. Less than 2% of all staffing firms in North America receive the Best of Staffing award for service excellence.

By working collaboratively with our customers, we are able to develop and implement solutions that allow businesses to quickly adjust to changing business conditions. This flexibility allows our customers to be more competitive and responsive to their own customers' needs. For more information on how Staffmark can work for you, visit us at [www.staffmark.com](http://www.staffmark.com).

*As your business partner, Staffmark is committed to providing you with information and resources on issues that impact your business. This white paper is designed to provide an overview of OSHA's Temporary Worker Initiative, and how it could affect your company. The paper is not intended as legal advice. Companies should consult with their legal advisers on how this initiative specifically applies to their firms.*

