



Protecting Temporary Workers: Best Practices for Host Employers

Beyond
Compliance
for a
Safer,
Healthier
Workforce



American Staffing Association

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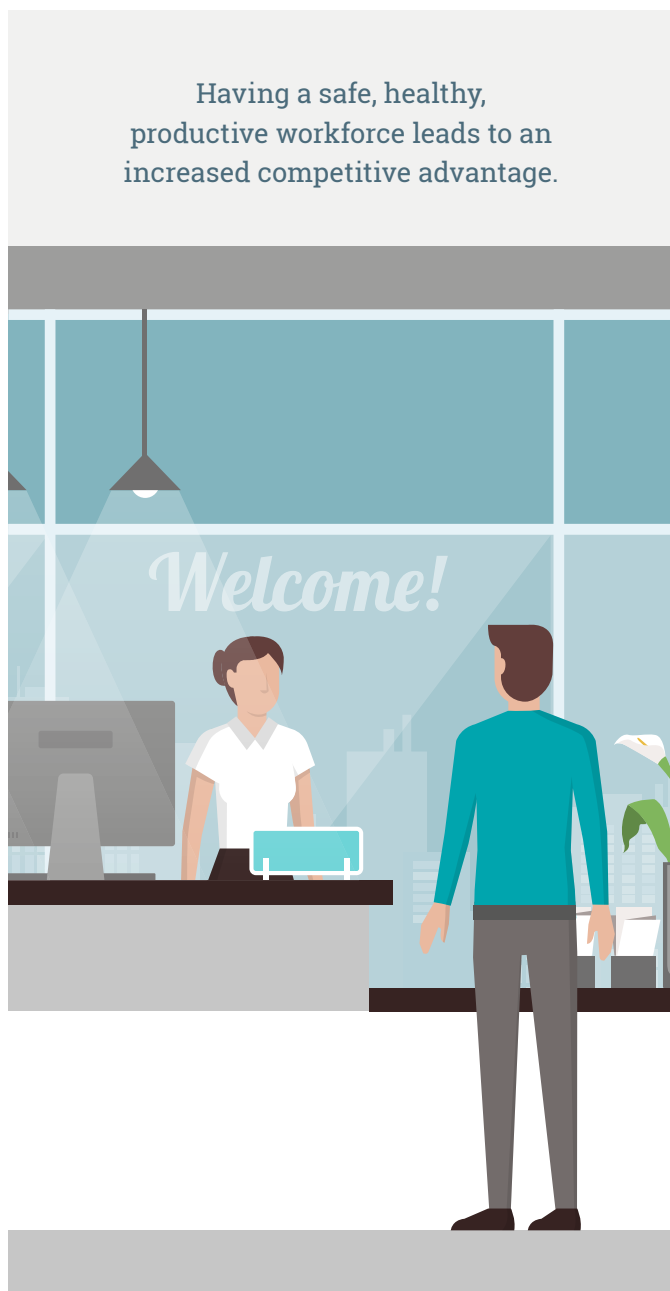
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Protecting Temporary Workers: Best Practices for Host Employers

INTRODUCTION AND OVERVIEW

Having a safe, healthy, productive workforce leads to an increased competitive advantage.



The future of work brings new challenges to occupational safety and health, including how to best protect and promote the safety and health of a workforce employed through a variety of non-standard work arrangements. Temporary agency workers (hereafter "temporary workers" or "TWs") are those who are paid by a staffing company (SC) and assigned to work for a host employer¹ (HE), including both short- and long-term assignments. This document is intended to apply to HEs across all industries that employ (or are planning to employ) TWs at their worksites.

Analysis of workers' compensation data indicates that the risk of experiencing work-related injuries may be higher for TWs than for non-TWs.^{2,3,4}

Many factors may contribute to an elevated risk of work-related injuries among TWs, including these:

- Newness to the workplace and unfamiliarity with the job/tasks
- Insufficient or lack of communication between the HE, SC, and TWs
- Insufficient or lack of training
- Unexpected changes to TW job duties that are not reported to the SC
- Issues related to subcontracted, dual employment arrangements

1. Host employers may also be referred to as worksite employers, clients of staffing companies, or secondary employers.

2. Al-Tarawneh IS, Wurzelbacher SJ, Bertke SJ [2020]. Comparative analysis of workers' compensation claims of injury among temporary and permanent employed workers in Ohio. *Am J Ind Med* 63:3–22.

3. Foley M [2017]. Factors underlying observed injury rate differences between temporary workers and permanent peers. *Am J Ind Med* 60(10):841–851.

4. Howard J [2017]. Nonstandard work arrangements and worker health and safety. *Am J Ind Med* 60:1–10.

INTRODUCTION AND OVERVIEW

According to the Occupational Safety and Health Administration (OSHA), the HE and the SC are joint employers of TWs and, therefore, are both responsible for providing and maintaining a safe work environment for those workers (<https://www.osha.gov/temporaryworkers>). The HE is usually the supervising employer because it provides day-to-day supervision and controls the means and manner of the work of TWs.

Whether workers are permanent or temporary, unsafe working conditions, unclear job assignments, inadequate training, and poor hazard communication put all workers at risk for being injured or becoming ill at work. In addition to the sometimes devastating impact of work-related injuries and illnesses on the workers themselves, they can also negatively impact a company's bottom line due to production disruptions, high injury costs and absenteeism rates, poor product or service quality, and negative media exposure. In the event of a TW injury or illness, OSHA could hold both the HE and the SC responsible for violations of workplace standards. In some cases, the HE has been fined more heavily for violations because it is the supervising employer. See examples from an automotive manufacturer (<https://www.osha.gov/news/newsreleases/region4/02032014>) and a packaging company (<https://www.osha.gov/news/newsreleases/region1/10242017>).

In 2014, OSHA and the National Institute for Occupational Safety and Health (NIOSH) issued *Recommended Practices: Protecting Temporary Workers*, which includes recommended practices HEs and SCs should follow in order to better protect TWs (<https://www.cdc.gov/niosh/docs/2014-139/>) and to ensure the Occupational Safety and Health (OSH) Act of 1970 (<https://www.osha.gov/laws-regs/oshact/toc>) requirements are fully met (see 29 U.S.C. § 651). This document includes best practices for HEs based, in part, on the 2014 OSHA/NIOSH recommendations (see **Background** section on pages 13–15 for a description of the other sources these best practices are based on).

The best practices in this document are organized into three sections: 1) Evaluation and Contracting, 2) Training for Temporary Workers and Their Worksite Supervisors, and 3) Injury and Illness Reporting, Response, and Recordkeeping (see Figure 1). Each section includes a set of best practices followed by a real-life scenario. This example presents a situation or problem faced by an HE and a summary of steps the HE should take (labeled "Best Practices"). Checklists for each of the three sections that can be printed or completed electronically are included in the **Appendix** on pages 16–20. The person who completes the checklists should be knowledgeable about the work tasks, worksites, and hazards as well as

the necessary hazard controls, training, PPE, and supervision to keep TWs safe and healthy on the job.

Though this document is primarily intended for HEs, SCs can use it to educate HEs on best practices using a complementary **slide deck**. Another document with best practices for SCs will be forthcoming.

By integrating these best practices into their safety management systems and going beyond compliance with OSHA laws and regulations, HEs can do their part to ensure a safe, healthy, and productive workforce, which may ultimately contribute to an increased competitive advantage.

Disclaimers: This is considered a general set of best practices that is meant to be applicable across industries and occupations. It is not meant to replace the formal elements of an occupational safety and health program or legal requirements. These best practices may need to be modified in certain situations, such as when the HE is contracting with multiple SCs or rare cases in which the SC is the supervising employer. Laws vary in states with OSHA-approved state plans, so it is important to check state-specific occupational safety and health laws (<https://www.osha.gov/stateplans/>).

Figure 1. Combining three domains of best practices to protect temporary workers.



SECTION 1: Evaluation and Contracting

BEST PRACTICES

Evaluation and Contracting

Evaluation

Prior to writing and signing a contract, HEs and SCs should evaluate all facets of safety and health related to each organization and the jobs TWs are being hired to perform. As part of this process, HEs should take the following steps:

- **Conduct a joint risk assessment.** Jointly review with the SC all task assignments, written job descriptions, anticipated exposures, job hazard analyses, equipment and/or machinery, and worksites to identify potential safety and health hazards and necessary training and personal protective equipment (PPE) for each TW. (Under federal law, employers are responsible for paying for and supplying required PPE. However, there are some exceptions [see https://www.osha.gov/sites/default/files/Handout_2_Employers_Must_Provide_and_Pay_for_PPE.pdf]; state laws vary, so check your state-specific regulations: <https://www.osha.gov/stateplans/>.)
- **Provide information.** Provide the SC with requested safety data (such as OSHA 300 Logs for the last three years with injured workers' names redacted, an Experience Modification Rate letter from your workers' compensation carrier, and safety data sheets [SDSs]); safety and health program materials (such as safety policies and procedures, incident prevention program materials, site- and task-specific training materials, and drug-free workplace policy); and other information that will allow the SC to evaluate the safety and health of the worksites.
- **Allow site visits.** Invite a representative from the SC to visit the worksites and conduct a walk-through to assess the safety conditions, observe workers engaged in their tasks, and see your safety program in action.
- **Ensure commitment to safety and health.** Ensure the SC has a commitment to safety and health, including having a process in place to evaluate job candidates for the qualifications and/or experience necessary for the tasks they will perform. The HE should also ask to review the SC's safety and health program materials to ensure they are adequate; these should include a general safety and health awareness training provided to TWs prior to placing them on an assignment (see **Evaluate staffing company training materials** on page 7 for more information about what should be included in this training).

Contracting

The joint employment structure requires effective communication and a common understanding of the division of responsibilities for safety and health at all required levels within each organization. These responsibilities should be reviewed regularly and set forth in a written contract between the HE and the SC to encourage proper implementation of and accountability for all pertinent safety and health protections. The written contract should clearly specify the following information:

- **Pertinent job details**
 - **Approved tasks and qualifications.** The tasks the TWs are approved to perform (including any hazardous tasks they will NOT perform and any equipment and/or machinery they are NOT allowed to operate), as stated in the written job descriptions and the necessary qualifications and/or experience they must have to perform the job
 - **Hazards and controls.** All anticipated hazards that may be encountered by the TWs and hazard controls that will be in place, including information about SDSs
 - **Training.** The training each employer will provide to the TWs before they start their assignment and in which language(s) it will be offered (according to OSHA, in most cases the HE is responsible for providing site- and task-specific safety and health training, and the SC is responsible for providing general safety and health awareness training)
 - **Personal protective equipment.** What PPE will be needed and which employer will: 1) pay for and supply it; 2) ensure it's the appropriate type and fits correctly; 3) conduct a medical evaluation and fit test for all types of PPE that require it; and 4) train the TWs on how to properly use and maintain it before they start their assignment; usually the HE has the primary responsibility for selecting, providing, and ensuring the adequate use of PPE because they are the most familiar with the workplace hazards, control the hazards and worker's activities, and are best able to perform the hazard assessment to determine if PPE is needed. If any PPE is provided by the SC, the HE should assess its quality to ensure provision of adequate protection.
- **Communication and documentation responsibilities**
 - **Qualifications and experience.** What documentation the SC will provide to the HE regarding each TW's specific qualifications and/or experience relevant to the tasks to be performed
 - **Ongoing risk assessment.** Specific time intervals (such as quarterly) at which the HE and the SC will jointly review

SECTION 1 : Evaluation and Contracting

all work conducted by the TWs and worksites in order to identify potential safety and health hazards and necessary training and PPE for each TW on an ongoing basis

- **Changes to job tasks.** The process for making changes to job tasks when there is a change of assignment, including providing an updated written job description to the SC and the TWs, providing an updated job hazard analysis to the SC, and updating PPE and training requirements accordingly; the HE should give the SC sufficient notice to allow time to evaluate the new tasks (and worksites if applicable) and the ability of the TWs to take on the new tasks. The HE should receive written approval of the changed tasks from the SC, and the TWs should receive any additional training and PPE needed, before the new tasks are undertaken. Undisclosed changes to job tasks could adversely impact worker safety and health and result in higher workers' compensation premiums for the SC, which could cause higher mark-ups for the HE and increased liability and exposure for both employers.
- **Changes to hazards.** The process for providing the SC with written disclosures of any changes to hazards that occur during the duration of the contract
- **Training.** The procedures for maintaining and sharing documentation of safety and health training provided by both the HE and the SC
- **OSHA investigation.** The HE's responsibility to inform the SC when it is under OSHA investigation and the nature of the complaint.
- **Injury and illness reporting, response, and record-keeping responsibilities**
 - **Reporting by temporary workers.** Procedures for TWs to report work-related injuries, illnesses, and close-calls and to communicate safety and health concerns to the HE and the SC without fear of retaliation (such as through an anonymous safety hotline), as well as the procedures for both employers to inform one another immediately after an injury, illness, close-call, or concern is reported
 - **OSHA reporting and recordkeeping.** The HE's responsibility to report serious TW injuries and illnesses to OSHA and to record TW injuries and illnesses on their OSHA 300 Log
 - **Coordinating medical treatment and return to work.** The general procedures for coordinating medical treatment and return to work (if applicable) following a work-related injury or illness

- **Fulfilling record requests.** Which employer will make injury and illness records available upon request of a TW or a worker representative.

- **Other aspects of workplace safety and health**

- **Supervision.** Which employer is responsible for providing direct supervision of the TWs (usually the HE); in general, supervision of TWs should be identical or equivalent to that provided to the HE's own employees performing the same or similar work. That said, there may be a need to provide *extra* mentoring and supervision to new TWs who may be inexperienced with the assigned tasks and unfamiliar with the worksite.
- **Peer mentors.** The process by which each TW may be paired with an experienced and knowledgeable permanent worker to serve as their mentor/"go to" person; peer mentors can be beneficial because TWs may feel more comfortable speaking up to their peers (as opposed to supervisors) about safety and health concerns. The peer mentoring process should be overseen and periodically reviewed by mid- and senior-level managers from both employers to ensure successful implementation.
- **Workers' compensation.** Which employer is required to verify and pay for workers' compensation coverage for the TWs during the duration of the contract (usually the SC)
- **Infectious disease prevention and response.** How the HE and the SC will protect TWs from infectious diseases (such as COVID-19, influenza, and tuberculosis); HEs should apply the same infectious disease prevention and response policies and protections to TWs that are applied to the HEs' own employees (such as including TWs in universal precautions and company vaccination programs).
- **Medical surveillance and screening.** The responsibility of the HE to conduct medical surveillance and screening of the TWs (such as audiometric testing, medical evaluations, and fit testing for respirators) if they are exposed to a workplace condition that requires it and share the results with the SC and the TWs
- **Secure sites.** If the TWs will be placed at secure worksites, how the HE and SC will work together to establish a protocol for the TWs and SC representatives to gain access to the sites, including protocols to ensure personal security when entering the sites
- **Ensuring standard and consistent work practices.** Processes in place to ensure that standard and consistent work practices are documented, taught, and enforced
- **Tracking effectiveness.** Ways to track the effectiveness of safety and health policies and practices of both employers.

SECTION 1: Evaluation and Contracting

EXAMPLE—EVALUATION AND CONTRACTING

Scenario

Jean Finder, a hiring manager with MPQZ Logistics, is working on securing a temporary staffing provider. She knows her company, which recently opened a new warehouse and distribution center, needs TWs for picking, packing, and crating services for its busy season. Jean had hoped to quickly finalize an agreement with Prize Staffing, Inc., an SC that provides a wide range of TWs, including many to other distribution centers in the area. However, Prize Staffing reached out with requests for internal documents; a revised, lengthier contract that included detailed job descriptions of what tasks TWs will and will not be permitted to do; and a request to inspect the MPQZ Logistics warehouse before an agreement is signed. Jean has been in touch with other SCs that have offered similar services and competitive prices, and they seemed easier to onboard.

Best practices

Although the requests from Prize Staffing go above and beyond those made by other SCs, it is clear to Jean that Prize Staffing is a partner that values the safety of its TWs and the workplaces where they are assigned. In order to allow Prize Staffing to assess the safety of the worksite, Jean should provide Prize Staffing with the requested safety data, including an Experience Modification Rate letter from her company's workers' compensation insurer; OSHA 300 Logs for the last three years (injured employees' names redacted); a list of anticipated hazards; SDSs for all chemicals present at the worksite; and a copy of her company's safety program materials. Jean should also schedule a time for

Prize Staffing to visit the warehouse location in order to appraise the safety conditions and to conduct a general job hazard analysis to identify potential safety and health hazards and necessary training and PPE requirements for the TWs.

Jean should request a copy of Prize Staffing's safety and health management program materials, including the general safety and health awareness training Prize Staffing provides to new TWs, so she understands what foundational knowledge TWs will have when they walk in the door. Jean should also ensure Prize Staffing has a process in place to evaluate job candidates for the necessary qualifications and/or experience they must have relevant to the tasks to be performed.

Jean should then collaborate with Prize Staffing to clearly define job descriptions and training requirements in the written contract in order to fully address each employer's respective responsibilities and to adequately protect the TWs and the overall safety of the workplace at MPQZ Logistics. The contract should also specify the process for modifying job tasks when there is a change of assignment, including providing an updated written job description to the SC and the TWs, providing an updated job hazard analysis to the SC, and updating PPE and training requirements accordingly.

Taking these steps during the pre-contract/evaluation stage will help avoid unnecessary confusion by ensuring MPQZ Logistics and Prize Staffing have a clear understanding of their joint safety and health roles and responsibilities, ultimately contributing to a safe workforce and increased profit margins for both parties.



SECTION 2: Training for Temporary Workers and Their Worksite Supervisors

Training for Temporary Workers and Their Worksite Supervisors

Temporary Worker Training

According to OSHA, in most cases the HE is responsible for providing site- and task-specific safety and health training, and the SC is responsible for providing general safety and health awareness training. Site- and task-specific safety and health training should be provided for all TWs before they start new assignments or start new jobs/tasks on existing assignments. As stated in the 2014 OSHA/NIOSH *Recommended Practices: Protecting Temporary Workers* document, “HEs should provide TWs with safety and health training that is identical or equivalent to that provided to the HEs’ own employees performing the same or similar work” (p. 4). Site- and task-specific safety and health training must be in a language and vocabulary TWs understand and should include information on the following:

- **Approved tasks.** The tasks the TWs are approved to perform (including any hazardous tasks they will NOT perform and any equipment and/or machinery they are NOT allowed to operate), as stated in the written job descriptions, with an emphasis that the TWs should not perform any new tasks without the HE first obtaining approval from the SC
- **Hazard identification and control.** How to recognize site- and task-specific hazards and understand the best ways to reduce and/or eliminate them (such as those related to equipment and/or machinery the worker will be using), including the location of SDSs and how to obtain copies
- **Personal protective equipment.** Required PPE (such as respirators, hearing protection, gloves, eye protection), including the following:
 - Which employer will pay for and supply it (Under federal law, employers are responsible for paying for and supplying required PPE. However, there are some exceptions [see https://www.osha.gov/sites/default/files/Handout_2_Employers_Must_Provide_and_Pay_for_PPE.pdf]. Also, state laws vary, so check your state-specific regulations: <https://osha.gov/stateplans/>.); who will ensure it’s the appropriate type and fits correctly; and who will conduct a medical evaluation and fit test for all types of PPE that require it (such as protective eyewear, respirators)
 - How to properly don, doff, adjust, and maintain it, as well as its limitations and shelf life (or provide a review of this information if the SC has already provided this training to the TWs as stated in the written contract)
- **OSHA laws.** Employer responsibilities and workers’ rights and responsibilities under OSHA law, including the *Right to Refuse Dangerous Work* (<https://www.osha.gov/workers/right-to-refuse>) and *Whistleblower Protection Rights* (<https://www.osha.gov/Publications/OSHA3781.pdf>), with an emphasis that TWs have the same rights and responsibilities as non-TWs

[osha.gov/workers/right-to-refuse](https://www.osha.gov/workers/right-to-refuse)) and *Whistleblower Protection Rights* (<https://www.osha.gov/Publications/OSHA3781.pdf>), with an emphasis that TWs have the same rights and responsibilities as non-TWs

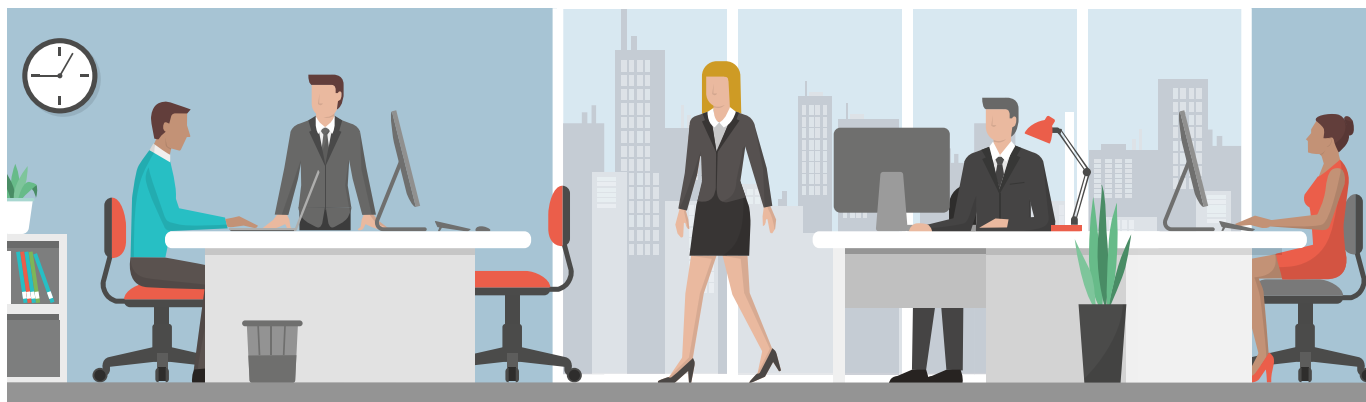
- **First aid.** How to obtain first-aid treatment
- **Emergency procedures.** Site- and task-specific emergency procedures, including exit routes
- **Reporting safety and health incidents and concerns.** The responsibility of the TWs to report all work-related injuries, illnesses, and close-calls and to communicate safety and health concerns as soon as possible to both the HE and the SC, including procedures for how to do so, what to expect after reporting, and an emphasis that they will not be punished or looked down upon for doing so (Safety and health law prohibits retaliation against a worker for reporting a work-related injury, illness, or close-call or for communicating a safety and health concern.)
- **Secure sites.** If the TWs will be placed at secure worksites, how to gain access to the sites, including protocols to ensure personal security when entering the sites
- **Safety and health program participation.** How the TWs can participate in the HE’s safety and health program, including safety meetings/committees, toolbox talks, scheduled trainings, and hazard-specific programs (such as prevention of infectious diseases such as COVID-19, hearing conservation, respiratory protection, lock-out/tag-out).

In relation to safety and health training for TWs, HEs should also do the following:

- **Assess knowledge.** After training has been provided but before starting the assignment, HEs should ensure TWs understand key concepts from the training by having them complete a knowledge assessment that is also in a language they understand; if gaps in knowledge are found, HEs should repeat the training and reassess the workers’ knowledge.

HEs should provide TWs with safety and health training that is identical or equivalent to that provided to the HEs’ own employees performing the same or similar work

SECTION 2 : Training for Temporary Workers and Their Worksite Supervisors



- **Document training.** Document when site- and task-specific training for the TWs is completed, the names of workers trained, and the names of the instructors; upon request from the SC, the HE should provide copies of site- and task-specific training documentation.
- **Evaluate staffing company training materials.** Review the general safety and health awareness training provided by the SC to determine if it is adequate; at a minimum, this training should cover specific details of the assigned job, a basic overview of employer responsibilities and workers' rights and responsibilities, and common hazards and protections including any PPE provided by the SC. If the general safety and health awareness training provided by the SC is not sufficient, the HE should document and communicate this to the SC with a recommendation for what additional training the SC should provide.

Supervisor Training

In addition to providing site- and task-specific training to TWs, it is also critical that HEs provide training to those who will be supervising the work of TWs. This training should include information about the following topics:

- **Approved tasks.** The tasks the TWs are approved to perform (including any hazardous tasks they will NOT perform and any equipment and/or machinery they are NOT allowed to operate), as stated in the written job descriptions, with an emphasis that the TWs should not perform any new tasks without the HE first obtaining written approval from the SC
- **Changes to job tasks.** The process for modifying job tasks when there is a change of assignment as described in the written contract

- **Mentoring and supervision.** Their responsibility to provide the TWs with supervision that is identical or equivalent to that provided to the HEs' own employees performing the same or similar work and the potential need to provide extra mentoring and supervision to new TWs who may be inexperienced with the assigned tasks and unfamiliar with the worksite
- **OSHA laws.** Employer responsibilities and workers' rights and responsibilities under OSHA law, including the *Right to Refuse Dangerous Work* (<https://www.osha.gov/workers/right-to-refuse>) and *Whistleblower Protection Rights* (<https://www.osha.gov/Publications/OSHA3781.pdf>), with an emphasis that TWs have the same rights and responsibilities as non-TWs
- **Communication and reporting.** How to communicate with the TWs about their performance and safety-related behavior and encourage them to report all work-related injuries, illnesses, close-calls, and safety and health concerns as soon as possible
- **Joint responsibilities.** The safety and health responsibilities of the HE and the SC, including those pertaining to training, PPE, hazard communication, and injury and illness reporting, response, and record-keeping as specified in the written contract.

Occupational safety and health responsibilities should be reviewed regularly and set forth in a written contract between the host employer and the staffing company to encourage proper implementation of and accountability for all pertinent safety and health protections.

SECTION 2: Training for Temporary Workers and Their Worksite Supervisors**EXAMPLE—TRAINING FOR TEMPORARY WORKERS AND THEIR WORKSITE SUPERVISORS****Scenario**

A furniture manufacturer, All Frames Co. (AFC), needs machine operators in production. The company contracts with Must Staffing to provide TWs. Must Staffing hires ten TWs as power press operators and sends them to work on-site at AFC. Must Staffing also hires an on-site staffing representative to coordinate payroll and other administrative functions, but this representative has no supervisory role. Before sending the TWs to the AFC worksite, Must Staffing plays a general safety and health awareness training video for them, including a brief section on machine guarding. At the worksite, a supervisor from AFC assigns each of the TWs to a particular work area and machine, instructs them to begin working on their assigned tasks, and checks on their work throughout the shift. On the assumption that the TWs have experience working with mechanical power presses, no site- or task-specific instruction is provided by AFC.

Best practices

Although Must Staffing played a general safety and health awareness training video with a brief section on machine guarding, it is still necessary for the TWs to receive site- and task-specific training from AFC. Site- and task-specific training must be provided regardless of how much prior experience the TWs have had working with mechanical power presses. AFC supervises and controls the day-to-day work of the TWs at its facility. Therefore, AFC is in the best position to provide the TWs with site- and task-specific training. The responsibility of providing site- and task-specific training does not shift to Must Staffing just because they hired an on-site staffing representative. For this failure to provide appropriate site- and task-specific training, AFC may be subject to an OSHA citation.

AFC should provide the TWs with site- and task-specific training that is identical or equivalent to that provided to AFC's own employees performing the same or similar work. This training should include instructions on how to operate the mechanical power presses safely, pursuant to the American National Standards Institute (ANSI) B11 standards and **OSHA**

standard 29 CFR 1910.217(f)(2), and how to properly don, doff, adjust and maintain any required PPE, as well as its limitations and shelf life. This training should also include site-specific information on who to contact regarding safety and health issues and concerns; how to report work-related injuries, illnesses, and close-calls to AFC and Must Staffing and what will happen after doing so; emergency procedures, including exit routes and how to obtain first aid; and information on how TWs can participate in various aspects of AFC's safety program. After site- and task-specific training has been provided, AFC should have the TWs complete a knowledge assessment to ensure they understand key concepts from the training and then should re-train the TWs if needed.

AFC should also provide training to its own employees who will be supervising and controlling the work of TWs, and employees who will interact with the TWs. Supervisory training should include information on the approved tasks to be performed by TWs and emphasize that TWs should not be asked to perform new tasks without first obtaining written approval from the SC and providing the TWs with additional training and PPE if needed. Supervisors of TWs should also be trained on 1) the potential need to provide extra mentoring and supervision to new TWs who may be inexperienced with the assigned tasks and unfamiliar with the worksite; 2) employer responsibilities and workers' rights and responsibilities under OSHA law; 3) how to communicate with TWs about their performance and safety-related behavior; 4) the safety and health responsibilities of AFC and Must Staffing as they pertain to PPE and hazard communication for TWs; 5) AFC's responsibility to provide site- and task-specific training to TWs as well as the contents of this training; and 6) AFC's responsibility to report serious TW injuries and illnesses to OSHA and to record TW injuries and illnesses on their OSHA 300 Log.

By following these best practices related to safety and health training, AFC will ensure both new TWs and their worksite supervisors are well-prepared to contribute to an optimally safe and effective workforce.

SECTION 3 : Injury and Illness Reporting, Response, and Recordkeeping

Injury and Illness Reporting, Response, and Recordkeeping

Effective injury and illness reporting, response, and recordkeeping are vital to preventing future incidents.

Reporting

With regards to reporting of TW injuries and illnesses, HEs should do the following:

- **Promote injury and illness reporting.** Ensure TWs are aware of procedures to report work-related injuries, illnesses, and close-calls and are encouraged to communicate safety and health concerns without fear of retaliation (such as through an anonymous safety hotline).
- **Inform staffing company.** Inform the SC immediately if a TW experiences a work-related injury, illness, or close-call so they are aware of the hazards facing their workers and can start the workers' compensations claims process without delay.
- **Report to OSHA.** Report fatalities to OSHA within 8 hours and injuries and illnesses involving amputation, loss of an eye, or in-patient hospitalization within 24 hours. Reporting requirements vary in states with OSHA-approved state plans, so it is important to check state-specific occupational safety and health laws (<https://www.osha.gov/stateplans/>).

Response

With regards to responding to TW injuries and illnesses, HEs should do the following:

- **Conduct joint incident investigations.** Engage in partnership with the SC to conduct thorough investigations of TW injuries, illnesses, and close-calls, including involvement of the affected workers, in order to determine the root causes, what immediate corrective actions are necessary, and opportunities to improve their respective injury and illness prevention programs.
- **Coordinate medical treatment and return to work.** Ensure TWs and their supervisors are aware of the general procedures for coordinating medical treatment and return to work (if applicable) following a work-related injury or illness.

Recordkeeping

With regards to recordkeeping of TW injuries and illnesses, HEs should do the following:

- **Record on OSHA 300 Log.** Record TW injuries and illnesses on their OSHA 300 Log; OSHA requires that injury and illness records be kept by the employer who is providing day-to-day supervision and controlling the means and manner of the work, which in most cases is the HE (see **29 CFR 1904.31(b)(2)**).
- **Complete staffing company documentation.** Complete SC documentation of the incident as required by the SC's workers' compensation carrier (for example, a Supervisor's Report of Injury/Illness Form).
- **Fulfill records requests.** Coordinate with the SC to make injury and illness records available upon request of a TW or worker representative, as indicated in the written contract.



SECTION 3: Injury and Illness Reporting, Response, and Recordkeeping

EXAMPLE—INJURY AND ILLNESS REPORTING, RESPONSE, AND RECORDKEEPING

Scenario

WXY Staffing has 125 TWs working at Generic Assembly, a manufacturing facility. The SC provides an on-site manager at Generic Assembly’s facility to manage the TWs’ payroll and attendance and to provide counseling when needed. Generic Assembly provides day-to-day supervision of the TWs. One of the TWs sustains a back strain while lifting a 25-lb part. Generic Assembly contacted WXY Staffing immediately to inform them of the injury. The TW went to a clinic and returned with a work restriction of no lifting over 20 lb. WXY Staffing placed the TW in a job with a different HE that did not require lifting over 20 lb until she recovered and was able to return to her original job at Generic Assembly.

Best practices

Because the restriction keeps the TW from performing one or more of their “routine job functions” (activities the TW regularly performs at least once per week), the injury is considered recordable. Since Generic Assembly provides day-to-day supervision of the TWs, the injury should be recorded on their OSHA 300 Log, including the number of restricted days worked. According to the 2014 OSHA/NIOSH *Recommended Practices: Protecting Temporary Workers* document, day-to-day supervision occurs

when the employer controls “the means and manner of the temporary employee’s work” (p. 3). Even though WXY Staffing provided the injured TW with restricted duty outside of Generic Assembly’s facility, the injury is still recorded on Generic Assembly’s OSHA 300 Log, including the number of restricted days worked. If no restricted duty was provided by either Generic Assembly or WXY Staffing, it would be classified as a case involving days away from work, with the days away counted on Generic Assembly’s OSHA 300 Log.

Generic Assembly did the right thing by informing WXY Staffing of the injury immediately. In addition, both parties should engage in a partnership to conduct a thorough investigation, including involvement of the affected workers, in order to determine the root causes of the injury and agree on a course of corrective steps both parties can take to prevent similar injuries from occurring in the future.

By following these best practices, Generic Assembly will adhere to and go beyond compliance with OSHA’s reporting and recordkeeping requirements and reduce the likelihood that other workers, including both temporary and permanent, will experience back strain injuries (which can be very costly) in the future.



SECTION 4 : Summary and the Need for Proactive Safety Management

Summary and the Need for Proactive Safety Management

By following the best practices outlined in this document, HEs can do their part to optimize the safety, health, and productivity of their workers, both permanent and temporary. However, as stated in the **Disclaimers** on page 2, this document is not meant to replace the formal elements of an occupational safety and health program.

In a joint-employer environment, implementing a comprehensive occupational safety and health management system is the most effective way to anticipate risk, leverage teamwork, and drive continual improvement toward keeping workers safe and healthy. Such a system enables an organization to

integrate critical safety controls and management processes to maintain safe operations and acceptable levels of risk. When a business makes occupational safety and health a priority, workers return home safe to their loved ones, quality and productivity flourish, and the company can achieve sustainable growth, meet social responsibilities, and be viewed as a reputable employer. Organizations of any size can adapt the principles of these systems related to hazard identification, risk management, effective training, management leadership, and workforce participation. The ASSP Z10 Guidance Manual is a free, quick-start guide to implementing occupational safety and health management systems in small and medium-size organizations (see **ASSP Z10 Guidance Manual** under More Information and Resources on the next page).



SECTION 5: More Information and Resources

More Information and Resources

OSHA Temporary Worker Initiative Bulletins

OSHA has issued a series of bulletins outlining recommended practices regarding the joint safety and health responsibilities of HEs and SCs pertaining to the following:

- Injury and Illness Recordkeeping Requirements
- PPE
- Whistleblower Protection Rights
- Safety and Health Training
- Hazard Communication
- Bloodborne Pathogens
- Powered Industrial Truck Training
- Respiratory Protection
- Noise Exposure and Hearing Conservation
- Safety and Health in Shipyard Employment
- The Control of Hazardous Energy (Lockout/Tagout)

Visit https://www.osha.gov/temp_workers/ to access these bulletins as well as the 2014 OSHA/NIOSH *Recommended Practices: Protecting Temporary Workers* document.

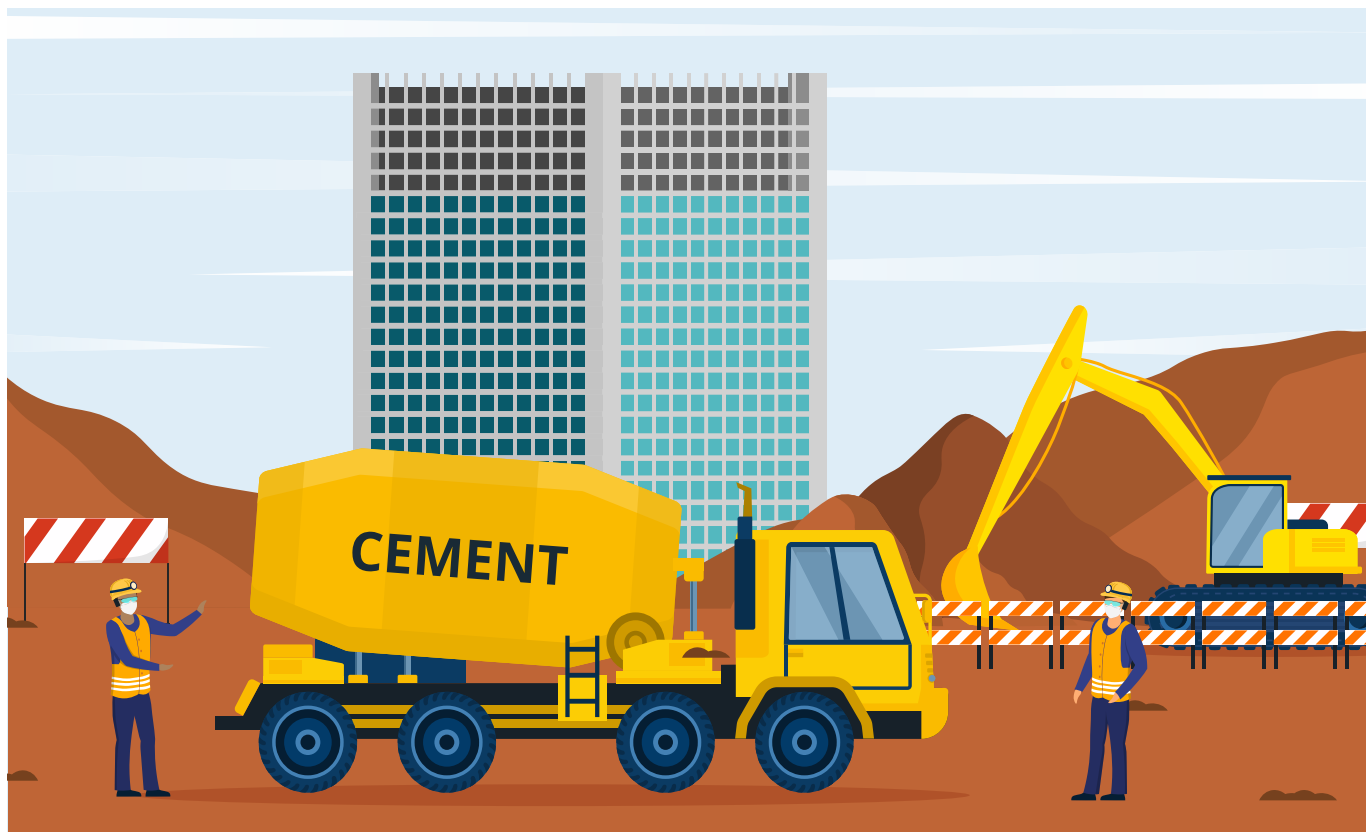
ASSP Z10 Guidance Manual

The ASSP Z10 Guidance Manual outlines a proven approach to managing safety and health risks, and provides resources, tools, and practical examples tailored to the needs of smaller organizations. You will find useful forms and checklists to help you assess your safety program and identify areas for improvement, as well as information on hazard identification, emergency preparedness and response, and safety metrics. Of particular interest to both HEs and SCs alike are sections on management/workforce participation and leadership, hazard assessment, and communications for a joint-employer environment. Table T-2 provides a starting point and allows flexibility to scale and approach contributions by each employer.

Visit <https://store.assp.org/PersonifyEbusiness/Store/Product-Details/productId/201243100> to access this free resource.

ANSI/ASSP A10.33 Standard

The ANSI/ASSP A10.33 Standard addresses multi-employer worksites for construction and demolition industries.



SECTION 6 : Background

BACKGROUND

This document was created by NIOSH and the National Occupational Research Agenda (NORA) Services Sector Council (<https://www.cdc.gov/nora/councils/serv/default.html>) Contingent Workers Workgroup (CWW). NORA is a partnership program, stewarded by NIOSH, that aims to stimulate innovative research and improved workplace practices. NORA consists of ten industry sectors based on major areas of the U.S. economy, and seven safety and health cross-sectors organized according to the major safety and health issues affecting the U.S. working population.

The NORA Services Sector is a large and highly diverse sector with over 68 million U.S. workers distributed across 11 major North American Industry Classification System (NAICS) industry groups (<https://www.cdc.gov/nora/sectorapproach.html>). It ranges from teachers to hotel housekeepers, movie producers to building cleaners, landscapers to librarians, and bank tellers to restaurant cooks, among many other occupations. The work environments in the services sector are varied and, as such, so are the occupational hazards.

Each NORA industry sector and safety and health cross-sector has a council that aims to 1) develop a national research agenda to reduce injuries and illnesses within the sector/cross-sector and 2) address the research agenda through information exchange, partnership building, and enhanced dissemination and implementation of evidence-based solutions. The NORA Services Sector Council comprises

more than 50 members from industry, professional and trade associations, government, academia, and worker organizations.

An important priority for the services sector is to address the needs of workers who experience disproportionate incidences of occupational injuries and illnesses. In July 2018, a subset of the NORA Services Sector Council formed the CWW with the goal of protecting and promoting the safety and health of TWs. The CWW has members representing HEs, SCs, and worker organizations, among others, allowing for diverse and inclusive viewpoints on how to best protect and promote the safety and health of TWs (see below for a full list of CWW members).

Given HEs' high level of control over the work and work environment, the CWW decided to start with a campaign focusing on HEs. Specifically, the workgroup identified a need for an in-depth set of best practices for HEs to follow to ensure they are going beyond compliance to protect the safety and health of TWs. An initial draft was based, in part, on the guidance issued through the OSHA Temporary Worker Initiative, including the 2014 OSHA/NIOSH *Recommended Practices: Protecting Temporary Workers* document and the Temporary Worker Initiative bulletins on various safety and health topics (these resources can be found at https://www.osha.gov/temp_workers/). Other sources considered when drafting these best practices



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include resources from the National Safety Council (NSC) and Business and Legal Resources (BLR) and the knowledge and expertise of the workgroup members. The CWW solicited feedback on the initial draft from HEs and other stakeholders (see list below) and modifications were made based on the feedback received. The American Society

of Safety Professionals (ASSP), the American Staffing Association, and the Safety and Health Assessment and Research for Prevention (SHARP) Program located within the Washington State Department of Labor and Industries also provided feedback, which was incorporated into the final draft.

Contingent Workers Workgroup members

- Tim Bell, Chicago Workers' Collaborative
- Anasua Bhattacharya, NIOSH
- Scott Bicksler, Aerotek, Inc.
- Diana Ceballos, Boston University
- Jacqueline Chan, California Department of Public Health
- Ron Chylinski, EmployBridge Workforce Specialists
- Amanda Crim, American Hotel and Lodging Association
- Tom Cunningham, NIOSH
- Sharon Davis, Elwood Staffing
- Scott DeBow, Randstad
- Dave DeSario, Temp Worker Justice
- Michael Foley, SHARP Program, Washington State Department of Labor and Industries
- Rebecca Guerin, NIOSH
- Matt Gunter, U.S. Bureau of Labor Statistics
- Sarah Hughes, NIOSH
- John King, OSHA
- Robert Lewellen, AtWork
- Carmen Martino, Rutgers Occupational Training and Education Consortium
- Lauren Menger-Ogle, NIOSH
- Christopher Mundschenk, Building Service Contractors Association International
- Jack Nunes, Lear Corporation
- Carol Pariente Lippi, EmployBridge Workforce Specialists
- Ketki Patel, Texas Department of State Health Services
- Donna Pfirmann, NIOSH
- Michael Quinn, Department of the Interior
- Maggie Robbins, Worksafe
- Nancy Romano, NIOSH
- Marie-Anne Rosemberg, University of Michigan, School of Nursing
- Gary Roth, NIOSH
- Brittany Sakata, American Staffing Association

- Kirk Sander, National Waste and Recycling Association
- Adam Seidner, The Hartford
- Katie Shahan, NIOSH
- Eric Sygnatur, U.S. Bureau of Labor Statistics
- Jennifer Topmiller, NIOSH
- Jora Trang, Worksafe
- Paul Vescio, Aon
- Joe Zanoni, University of Illinois at Chicago

Provided feedback

- American Staffing Association Safety Committee (via Brittany Sakata)
- Sherry Baron, Queens College
- Stan Brubaker, Liberty Mutual Insurance
- Megan Casey, NIOSH
- Cammie Chaumont-Menendez, NIOSH
- Seleen Collins, NIOSH (Retired)
- EmployBridge clients (via Ron Chylinski)
- Tim Fisher, ASSP
- Amy Harper, National Safety Council
- Lou Kimmel, New Labor
- Marsha Love, University of Illinois at Chicago, School of Public Health
- Joyce Matson, All StarZ Staffing and Consulting
- Susan Moore, NIOSH
- Andrea Okun, NIOSH

Other support

- Kofi Arhin, OSHA – Former Contingent Workers Workgroup member
- Bryan Beamer, Former NIOSH – Former Contingent Workers Workgroup member
- Linda Delp, University of California, Labor Occupational Safety and Health (LOSH) Program – Former Contingent Workers Workgroup member

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- Cherie Estill, NIOSH – Former Council Co-Chair and Former NIOSH Services Program Coordinator
- Sarah Felknor, NIOSH – Former NIOSH Services Program Manager
- Joan Karr, NIOSH – Former Contingent Workers Workgroup member
- Sarah Mitchell, NIOSH – Former Contingent Workers Workgroup member
- Emily Novicki, NIOSH – NORA Coordinator
- Michelle Owens-Gary, CDC
- Rene Pana-Cryan, NIOSH – Former Contingent Workers Workgroup member
- Nikki Trucco, NIOSH
- Vanessa Williams, NIOSH

NORA Services Sector Council leadership

- Michael Foley, SHARP Program, Washington State Department of Labor and Industries – Council Co-Chair
- Lauren Menger-Ogle, NIOSH – Council Co-Chair, NIOSH Services Program Co-Coordinator
- Sarah Hughes, NIOSH – NIOSH Services Program Co-Coordinator
- Donna Pfirman, NIOSH – NIOSH Services Program Assistant Coordinator
- Paul Schulte, NIOSH (Retired) – Former NIOSH Services Program Manager
- Christine Whittaker, NIOSH – NIOSH Services Program Manager

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APPENDIX

Evaluation and Contracting—Best Practices Checklist for Host Employers

Evaluation

Prior to writing and signing a contract, HEs and SCs should evaluate all facets of safety and health related to each organization and the jobs TWs are being hired to perform. As part of this process, HEs should do the following:

- Conduct a joint risk assessment.** Conduct a joint risk assessment with the SC, including a review of these items:
 - Task assignments
 - Written job descriptions
 - Anticipated exposures
 - Job hazard analyses
 - Equipment and/or machinery
 - Worksites
- Provide information.** Provide the SC with requested safety data, safety and health program materials, and other information that will allow them to evaluate the safety and health of the worksites.
- Allow site visits.** Invite a representative from the SC to visit the worksites and conduct a walkthrough.
- Ensure commitment to safety and health.** Ensure the SC has a commitment to safety and health, including the following:
 - A process to evaluate job candidates for the necessary qualifications and/or experience
 - An adequate safety and health program, which includes a general safety and health awareness training provided to TWs prior to placing them on an assignment

Contracting

The written contract between the HE and the SC should clearly specify the following information:

- Pertinent job details**
 - Approved tasks and qualifications.** The approved tasks and qualifications as

stated in the written job descriptions, including the following:

- The tasks the TWs are approved to perform
- Any hazardous tasks the TWs will NOT perform and any equipment and/or machinery they are NOT allowed to operate
- The necessary qualifications and/or experience the TWs must have to perform the job
- Hazards and controls.** All anticipated hazards that may be encountered by the TWs and hazard controls that will be in place, including information about safety data sheets (SDSs)
- Training.** The training each employer will provide to the TWs before they start their assignment and in which language(s) it will be offered
- Personal protective equipment.** What personal protective equipment (PPE) will be needed and which employer will: 1) pay for and supply it; 2) ensure it's the appropriate type and fits correctly; 3) conduct a medical evaluation and fit test for all types of PPE that require it; and 4) train the TWs on how to properly use and maintain it before they start their assignment
- Communication and documentation responsibilities**
 - Qualifications and experience.** What documentation the SC will provide to the HE regarding each TW's specific qualifications and/or experience relevant to the tasks to be performed
 - Ongoing risk assessment.** Specific time intervals at which the HE and SC will jointly review all work and worksites to identify potential safety and health hazards and update necessary training and PPE for each TW on an ongoing basis

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- Changes to job tasks.** The steps the HE will take in order to make changes to job tasks, including these:
 - Providing an updated written job description to the SC and the TWs and providing an updated job hazard analysis to the SC
 - Updating training and PPE requirements
 - Giving the SC enough notice to evaluate the new tasks (and worksites if applicable) and the ability of the TWs to take on the new tasks
 - Receiving written approval of the change from the SC before TWs undertake the new tasks
- Changes to hazards.** The steps the HE will take for providing the SC with written disclosures of any changes to hazards that occur during the duration of the contract
- Training.** The procedures for maintaining and sharing documentation of safety and health training provided by both employers
- OSHA investigation.** The responsibility of the HE to inform the SC when it is under OSHA investigation and the nature of the complaint

Injury and illness reporting, response, and recordkeeping responsibilities

- Reporting by temporary workers.** Procedures for TWs to report work-related injuries, illnesses, and close-calls and to communicate safety and health concerns to the HE and the SC without fear of retaliation, as well as the procedures for both employers to inform one another immediately after a TW injury, illness, close-call, or concern is reported
- OSHA reporting and recordkeeping.** The responsibility of the HE to report serious TW injuries and illnesses to OSHA and to record TW injuries and illnesses on their OSHA 300 Log
- Coordinating medical treatment and return to work.** The general procedures for coordinating medical treatment and return to work (if applicable) following a TW injury or illness

- Fulfilling record requests.** Which employer will make injury and illness records available upon the request of a TW or worker representative

Other aspects of workplace safety and health

- Supervision.** Which employer is responsible for providing direct supervision of the TWs
- Peer mentors.** The process by which each TW may be paired with an experienced and knowledgeable permanent worker to serve as their mentor or "go to" person and how the process will be overseen and periodically reviewed by mid- and senior-level managers from both employers
- Workers' compensation.** Which employer is required to verify and pay for workers' compensation coverage for the TWs during the duration of the contract
- Infectious disease prevention and response.** How the HE and the SC will protect TWs from infectious diseases; HEs should apply the same infectious disease prevention and response policies and protections to TWs that are applied to the HE's own employees.
- Medical surveillance and screening.** The responsibility of the HE to conduct medical surveillance and screening of the TWs if they are exposed to a workplace condition that requires it and to share the results with the SC and the TWs
- Secure sites.** If the TWs will be placed at secure worksites, how the HE and SC will work together to establish a protocol for the TWs and SC representatives to gain access to the sites, including protocols to ensure personal security
- Ensuring standard and consistent work practices.** Processes in place to ensure that standard and consistent work practices are documented, taught, and enforced
- Tracking effectiveness.** Ways to track the effectiveness of safety and health policies and practices of both employers.

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Training for Temporary Workers and Their Worksite Supervisors—Best Practices Checklist for Host Employers

Temporary Worker Training

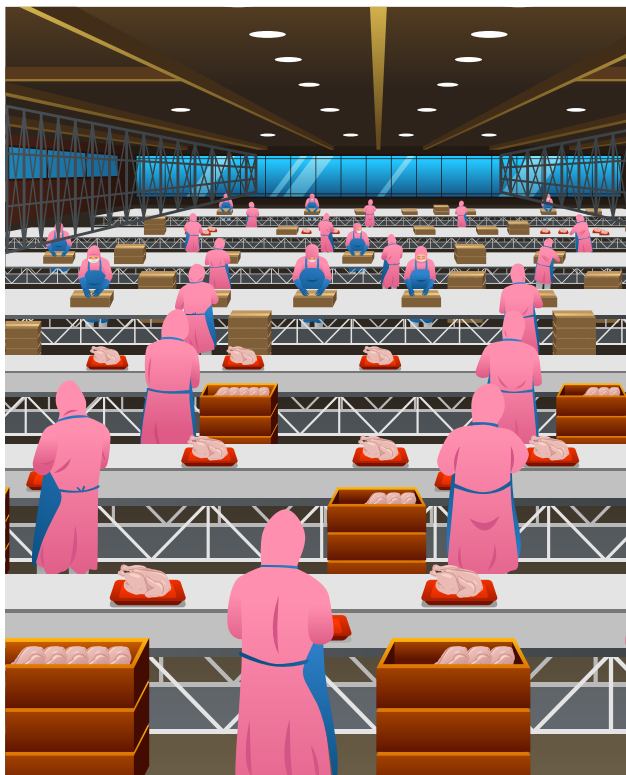
Site- and task-specific safety and health training should be provided for all TWs before they start a new assignment or start new jobs/tasks on existing assignments. Site- and task-specific training for TWs should include information on the following topics:

- Approved tasks and qualifications.** The approved tasks and qualifications as stated in the written job descriptions, including:
 - The tasks the TWs are approved to perform with an emphasis that the TWs should not perform any new tasks without the HE first obtaining written approval from the SC
 - Any hazardous tasks the TWs will NOT perform and any equipment and/or machinery they are NOT allowed to operate
- Hazard identification and control.** How to recognize site- and task-specific hazards and understand the best ways to reduce and/or eliminate them, including the location of SDSs and how to obtain copies
- Personal protective equipment.** Required PPE, including this information:
 - Which employer will: 1) pay for and supply it, 2) ensure it's the appropriate type and fits correctly, and 3) conduct a medical evaluation and fit test for all types of PPE that require it
 - How to properly don, doff, adjust, and maintain it, as well as its limitations and shelf life (or provide a review of this information if the SC has already provided this training as stated in the written contract)
- OSHA laws.** Employer responsibilities and workers' rights and responsibilities under OSHA law, including the *Right to Refuse Dangerous Work* (<https://www.osha.gov/workers/right-to-refuse>) and *Whistleblower Protection Rights* (<https://www.osha.gov/Publications/OSHA3781.pdf>), with an emphasis that TWs have the same rights and responsibilities as non-TWs
- First aid.** How to obtain first-aid treatment
- Emergency procedures.** Site- and task-specific emergency procedures, including exit routes
- Reporting safety and health incidents and concerns.** The responsibility of the TWs to report all work-related injuries, illnesses, and close-calls and to communicate safety and health concerns as soon as possible to both the HE and the SC, including the following:
 - Procedures for how to do so
 - What to expect after reporting
 - An emphasis that they will not be punished or looked down upon for doing so
- Secure sites.** If the TWs will be placed at secure worksites, how to gain access to the sites, including protocols to ensure personal security
- Safety and health program participation.** How the TWs can participate in the HE's safety and health program, including safety meetings/committees, toolbox talks, scheduled trainings, and hazard-specific programs

In relation to safety and health training for TWs, HES should also do the following:

- Assess knowledge.** Have the TWs complete a knowledge assessment (in a language they understand) to ensure they understand key concepts from site- and task-specific safety and health training before starting the assignment.
 - If gaps in knowledge are found, repeat training and reassess the workers' knowledge.
- Document training.** Document the date-when site- and task-specific training for the TWs is completed, the names of workers trained, and the names of the instructors.
 - Provide copies of site- and task-specific training documentation to the SC upon request.

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Evaluate staffing company training materials.

Review the general safety and health awareness training provided by the SC to determine if it is adequate and includes these items:

- Specific details of the assigned job
- A basic overview of employer responsibilities and workers' rights and responsibilities
- Common hazards and protections, including any PPE provided by the SC
- If the general safety and health awareness training provided by the SC is not sufficient, the HE should document and communicate this to the SC with a recommendation for what additional training the SC should provide.

Supervisor Training

In addition to providing site- and task-specific training to TWs, HEs should also provide training to those who will be supervising the work of TWs. This training should include information on the following topics:

- Approved tasks.** The approved tasks as stated in the written job descriptions, including the following:
 - The tasks the TWs are approved to perform with an emphasis that the TWs should not perform any new tasks without the HE first obtaining written approval from the SC
 - Any hazardous tasks the TWs will NOT perform and any equipment and/or machinery they are NOT allowed to operate
- Changes to job tasks.** The process for modifying job tasks as described in the written contract
- Mentoring and supervision.** Their responsibility to provide the TWs with supervision that is identical or equivalent to that provided to the HE's own employees performing the same or similar work and the potential need to provide extra mentoring and supervision to new TWs who may be inexperienced with the assigned tasks and unfamiliar with the worksites
- OSHA laws.** Employer responsibilities and workers' rights and responsibilities under OSHA law, including the *Right to Refuse Dangerous Work* (<https://www.osha.gov/workers/right-to-refuse>) and *Whistleblower Protection Rights* (<https://www.osha.gov/Publications/OSHA3781.pdf>), with an emphasis that TWs have the same rights and responsibilities as non-TWs
- Communication and reporting.** How to communicate with the TWs about their performance and safety-related behavior and encourage them to report all work-related injuries, illnesses, close-calls, and safety and health concerns as soon as possible
- Joint responsibilities.** The safety and health responsibilities of the HE and the SC, including those pertaining to training, PPE, hazard communication, and injury and illness reporting, response, and recordkeeping as specified in the written contract.

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Injury and Illness Reporting, Response, and Recordkeeping—Best Practices Checklist for Host Employers

Reporting

With regards to reporting of TW injuries and illnesses, HEs should do the following:

- Promote injury and illness reporting.** Ensure the TWs are aware of procedures to report work-related injuries, illnesses, and close-calls and are encouraged to communicate safety and health concerns without fear of retaliation.
- Inform staffing companies.** Inform the SC immediately if a TW experiences a work-related injury, illness, or close-call.
- Report to OSHA.** Report fatalities to OSHA within 8 hours and injuries and illnesses involving amputation, loss of an eye, or in-patient hospitalization within 24 hours. Reporting requirements vary in states with OSHA-approved state plans, so it is important to check state-specific occupational safety and health laws (<https://www.osha.gov/stateplans/>).

Response

With regards to responding to TW injuries and illnesses, HEs should do the following:

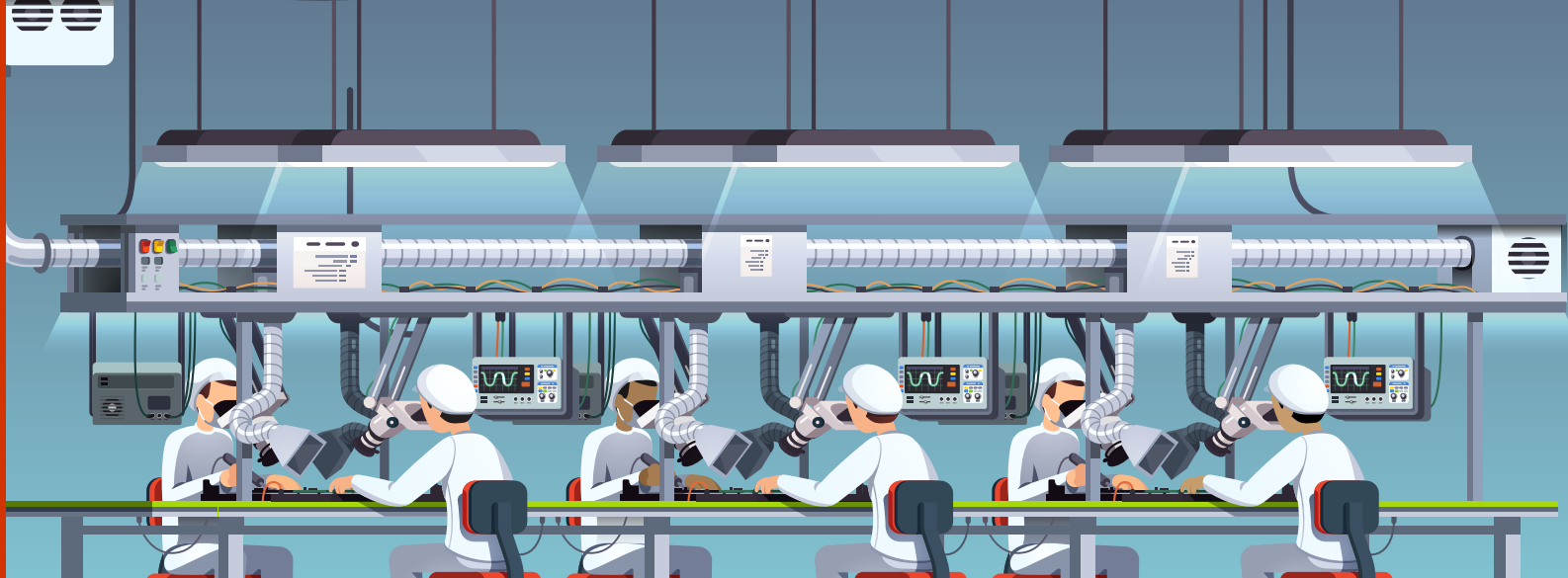
- Conduct joint incident investigations.** Engage in partnership with the SC to conduct thorough investigations of TW injuries, illnesses, and close-calls, including involvement of the affected workers, in order to determine the following:
 - The root causes
 - Corrective actions
 - Opportunities to improve their respective injury and illness prevention programs
- Coordinate medical treatment and return to work.** Ensure TWs and their supervisors are aware of the general procedures for coordinating medical treatment and return to work (if applicable) following a work-related injury or illness.

Recordkeeping

With regards to recordkeeping of TW injuries and illnesses, HEs should do the following:

- Record on OSHA 300 Log.** Record TW injuries and illnesses on their OSHA 300 Log.
- Complete staffing company documentation.** Complete SC documentation of the incident as required by the SC's workers' compensation carrier (for example, a Supervisor's Report of Injury/Illness Form).
- Fulfill record requests.** Coordinate with the SC to make injury and illness records available upon request of a TW or worker representative as indicated in the written contract.





PROMOTING PRODUCTIVE WORKPLACES
THROUGH SAFETY AND HEALTH RESEARCH