

MICHIGAN



MICHIGAN STATE UNIVERSITY: Prevention of work-related injuries & illnesses through research & investigation

TEMPORARY WORKER SAFETY: A SHARED RESPONSIBILITY

Hazard Alert: Temporary Worker Safety 4/6/20

Workers employed through staffing agencies (primary employers) are generally called *temporary* or *supplied* workers. A staffing agency supplies a temporary worker to a host employer. *Staffing agencies and host employers are jointly responsible for temporary workers' safety and health.*

From 2001 to 2018, 66 Michigan temporary workers died on the job. Eight of those deaths happened on the first day on the job; one of those 8 happened within the first hour. Figure 1 shows the top causes of death and Figure 2 shows the top industries in which the temporary worker was placed.

Seven workers were 21 years of age or younger; the youngest was only 15 years old. The oldest was 76 years. A common theme that has emerged from the investigations of these deaths over the years was a lack of health and safety training for temporary workers across all industries.

EXAMPLES OF WORK-RELATED TEMPORARY WORKER FATALITIES IN MICHIGAN

- A 41-year-old male died after falling 15 feet through a section of roof that collapsed. He had been on the job for one hour.
- An 18-year old male died from head injuries when he was pulled into the hoist support bar of a rotating barrel. He had done this job for 3 months.
- A 20-year-old died from a 27-foot fall through a roof skylight to a cement floor. There was no fall protection system. He had been on the job for 4 hours.
- A 39-year-old male was returning to his office with coworker when he was struck by a vehicle as he was transferring from one bus to another bus.
- A 62-year-old male tractor-trailer driver was killed while unloading 14 straw bales weighing 650 pounds from his trailer which fell off the trailer and struck him. The bales were thought to have become unstable while he transported them. .

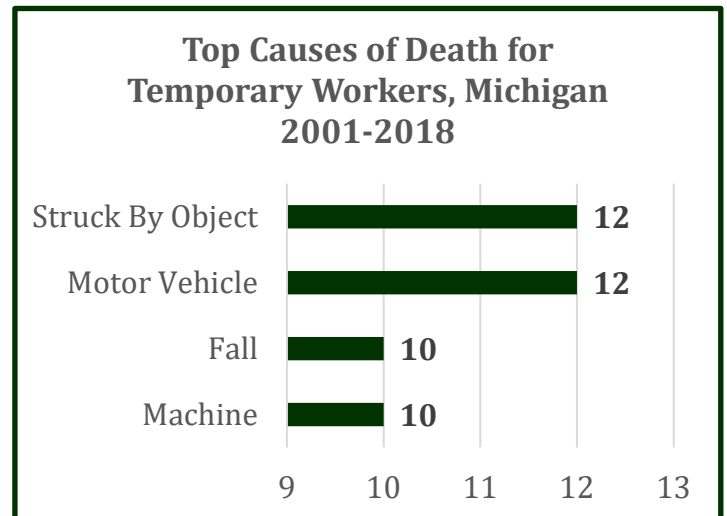


Figure 1

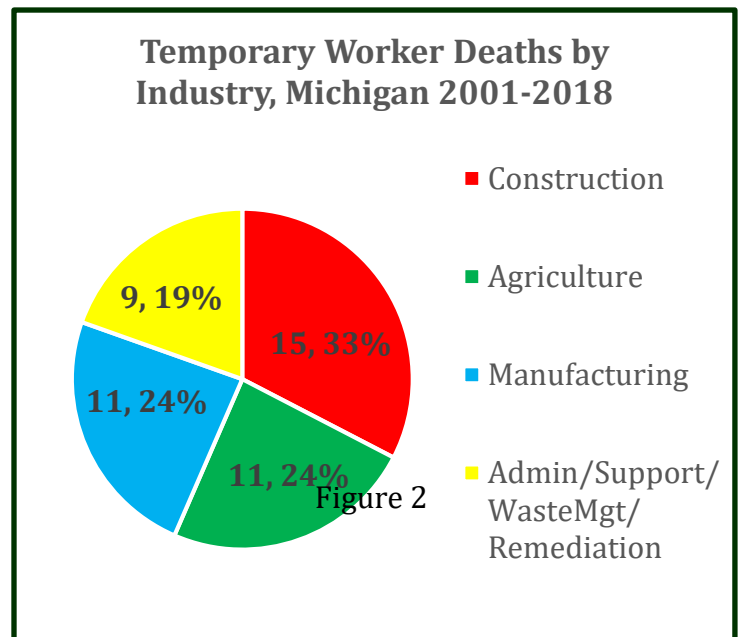


Figure 2

PREVENTING WORK-RELATED TEMPORARY WORKER DEATHS

STAFFING AGENCY AND HOST EMPLOYER

Before temporary workers are hired

- Consider the hazards of the jobs to which temporary workers will be assigned
- Determine which party is better equipped to prevent and correct the hazards temp workers will face through training, work practice controls and other methods
- Resolve any substantial differences in safety policies or programs between the two parties

Develop a Written Contract

A written work contract should be created between the staffing agency and the host employer. *Host employers must treat temporary workers like any other workers in terms of training and safety and health protections.* OSHA recommends that the temporary staffing agency and the host employer clearly define who is responsible for compliance with applicable OSHA standards in their contract. Including such terms in a contract will ensure that each employer complies with all relevant regulatory requirements. The contract should address, including, but not limited to the following:

- Determine which entity provides supervision of the temp worker on a day-to-day basis (which party will control workplace activities, conditions and related hazards)
- Tasks the temporary worker is expected to perform
- Worker qualifications/experience required
- The safety and health responsibilities of the staffing agency and host employer including:
 - The nature and extent of safety and health training
 - Party responsible for each aspect of required safety and health training (as applicable to job)
 - In most cases, the host employer is responsible for site-specific training and the staffing agency is responsible for generic safety and health training.
 - Party responsible for providing required personal protective equipment (ppe) and training
 - Method to inform the other employer when training is completed
- Hazard controls minimizing exposure
- Medical testing (as applicable)
- Procedures for *reporting* a work-related injury/illness (recording work-related illness/injury is the responsibility of the supervising entity)

RECOMMENDED STAFFING AGENCY PROCEDURES

Before sending workers to a client site

- **Research the host employer's safety records.** Staffing agencies have a duty to inquire into the conditions of their workers' assigned workplaces and must ensure the workers are sent to a safe workplace.
- **Review the host employer's written safety programs, plans and policies.**
- Ask the client about the jobs to be performed, hazards employees will be exposed to, protective measures to be taken, skills required, and employee training required.
- **Visit client site and perform basic safety assessment.**
- **Match employee experience and qualifications to the job demand(s).** Staffing agency should provide a document to the host employer that specifies each temporary worker's specific training and competencies related to the tasks to be performed.
- **Provide generic safety and health training** in a language and vocabulary understood by the worker.
 - The worker must have a basic ability to identify hazardous situations, procedures to report hazards, injuries and illnesses, understand key components of the hazard communication standard requirements and other safety and health standard requirements as applicable to the assignment (e.g. bloodborne pathogen, confined space, working around forklifts, etc.) and understand their rights if confronted with a hazardous situation at a worksite.

RECOMMENDED STAFFING AGENCY PROCEDURES, CONTINUED

During the work assignment:

- **Verify** host employer has fulfilled its responsibilities for a safe workplace by conducting a follow-up visit. Ensure that their employees received proper site-specific training, (i.e., PPE, hazard communication training, machine, emergency evacuation, etc. as applicable).
- **Maintain communication with their employees** so safety concerns can be raised
- **Maintain communication with the host employer**
 - Ensure staffing agency is alerted to additional or newly-created site-specific workplace hazards that may need to be addressed.
 - Inform staffing agency regarding temporary worker job performance, adherence to safety policies and other relevant issues
 - Inform employer promptly if a temporary worker has reported a workplace injury
- **Coordinate work-related injury/illness incident investigation** with the host employer to ensure preventive measures are taken.
- **Maintain records of any medical surveillance** the host employer conducts for hazards (e.g. lead, noise, etc.) and make these records available to affected employees.
- **Record temporary workers work-related injuries or illnesses** on staffing agency OSHA 300 log if providing an onsite supervisor who oversees the workers' day-to-day supervision.

RECOMMENDED HOST EMPLOYER PROCEDURES

Host Employers should review OSHA's [Protecting Temporary Workers](#) webpage and access the Temporary Worker Initiative Bulletins for guidance.

Before Hiring temporary workers

- **Research the staffing agency's safety record** and background.
- **Review the staffing agency's safety programs, policies and plans.**
- **Ask the staffing agency what training they provide to workers** and the language(s) in which training is provided. **Verify the quality of the training** by reviewing materials or attending training sessions.
- **Specify temporary worker job duties and tasks, the skills required, and the training expected** before the worker arrives on-site.
- **Perform and document a job hazard analysis and a PPE assessment** for the temporary worker job.

After hiring temporary workers

- **Host employers must provide temporary workers with safety training that is identical or equivalent to that provided to the host employers' own employees performing the same or similar work.**
 - Ensure the company's safety and health policies specifically include temporary workers
 - Include temporary workers in any safety programs you offer at your facility including safety meetings, toolbox talks and scheduled training.
 - Train supervisors on OSHA requirements for safety of temporary workers and the allocation of safety responsibilities in any executed staffing agreements
 - Encourage temporary workers to report any hazards they encounter and to communicate any concerns to a supervisor or other individual
- **Provide site-specific and job-specific training** in a language and vocabulary workers can understand. Also include:
 - Inform temporary workers of site-wide safety policies,
 - Their rights in the workplace,
 - Procedures for reporting hazards they encounter
 - What to do in case of injury or illness
- **Conduct initial (baseline) monitoring** (if applicable). Share results with staffing agency.

RECOMMENDED HOST EMPLOYER PROCEDURES, CONTINUED

During the work assignment

- **Personal protective equipment use:**
 - Provide workers with any PPE necessary to work safely (dependent upon written contract)
 - Assess the quality of any PPE provided by the staffing agency or the worker to ensure it provide adequate protection
- **Consult with the staffing firm prior to any change** in temporary worker's job assignment
- **Communicate with temporary workers** periodically about their job performance and safety-related behavior
- **Record temporary workers work-related injuries or illnesses** on company OSHA 300 log unless the staffing agency provides an onsite supervisor who oversees the workers' day-to-day supervision.
 - Promptly inform the staffing agency on any temporary worker injury or illness
 - Coordinate medical treatment if necessary
- **Conduct medical surveillance and monitoring** (if applicable)
 - Share results with worker and staffing agency

DID YOU KNOW?

- Closest BLS industry approximation for staffing employment is "temporary help services (NAICS 561320)
- In the US, there are more than 3 million temporary and contract workers working for staffing companies during an average week and 17 million during a typical year
- In 2018, the average tenure (the duration of employment with the staffing firm) of staffing employees was ten weeks.
- Nationally, occupations with the most temporary workers:
 - 37% Industrial
 - 28% Office-Clerical and Administrative
 - 13% Professional-Managerial
 - 13% Engineering, Information Technology, and Scientific
 - 9% Health Care

RESOURCES

- **MSU Occupational and Environmental Medicine:** www.oem.msu.edu/
- **MIOSHA [Temporary Worker Initiative](#)** webpage
- **Federal OSHA**
 - [Protecting Temporary Workers](#) webpage
 - OSHA/American Staffing Association (ASA) Alliance [Products & Resources](#) webpage
- **OSHA/NIOSH: [Protecting Temporary Workers: Best Practices](#)**
- **American Staffing Association**
 - [Safety Matters](#) webpage
 - [Safety Standard of Excellence](#) webpage
- **[BLR Temporary Worker Safety Checklist](#)**
- **Ohio Bureau of Workers' Compensation: [Safety for Temporary Workers](#)** video series