



PROTECTING TEMPORARY WORKERS IN THE PUBLIC & PRIVATE SECTOR

A Publication by the Oklahoma Department of Labor

Both Staffing Firms & Host Employers Share A Duty To Protect Workers

June 5th was only the third day on the job for Michael. He was assigned to the job of loading garbage onto a disposal truck for a large waste management company. The 31-year-old temporary worker was working "the beast" -- the hardest and heaviest of all the routes, requiring him to load 16 tons of garbage over a sweltering hot 10-hour day. He wasn't acclimated to the heat and had never been provided any training from his staffing agency or the host employer, on the dangers of heat-related illnesses.

When he developed a heat-related illness, his driver did not recognize the signs and did not know to move him into the shade. When the ambulance arrived, his heartbeat was irregular and his oral temperature had reached 107.8 degrees. He was taken to the hospital, but his employers never contacted the doctors to give them information on his next-of-kin or emergency contacts. He died alone in a hospital bed four days later, a victim of heat stroke.

According to the American Staffing Association, there are almost 3 million temporary workers in the nation's workforce — many of them performing highly hazardous jobs. As the economy picks up steam, these numbers are rising, as many more employers are filling jobs with temporary workers. In fact, temporary workers are among the fastest growing sectors in the country according to the Bureau of Labor Statistics.

Over the last year, the U.S. Department of Labor has received far too many reports of workers killed in their first few days at work. Most of these have been temporary workers. Public sector workers are not immune from this trend either, as many

public sector employers may turn to temporary staffing agencies too.

Employers hire temps to save money. Safety training is a cost of doing business, so some employers just skip it, or assume the staffing agency has conducted the training - gambling not only with their own bottom lines, but with the lives of men and women who want nothing more than to do an honest day's work and to come home to their families at the end of the day.

As an employer, you have a duty to provide a safe and healthful workplace for all your workers. This duty extends to temporary workers also.

Too many employers rely on the training provided by the temporary staffing firm and believe that because they are temps, they don't have to be trained on the specifics of the work environment.

Nothing could be further from the truth. **Both** the host employer **and** the staffing agency have roles in complying with workplace safety and health requirements and share the responsibility for ensuring worker safety and health.

The key concept is that each employer should consider the hazards it is in a position to *prevent and correct*, and in a position to *comply* with OSHA Standards (which have also been adopted for the Public Sector in Oklahoma). For example: staffing agencies may provide general safety and health training, and host employers provide site-specific training tailored to the particular workplace, such as training on the specific equipment at the facility and the site specific emergency procedures, specific personal protective equipment requirements and use, etc.

"All Oklahoma workers have a right to a safe and healthful workplace, even temporary workers. When host employers and staffing agencies work together, effectively, this goal can be achieved."
-- Labor Commissioner
Melissa McLawhorn Houston

Protecting Temporary Workers: In the Public & Private Sector



- Communication between the leasing agency and the host is necessary to ensure the necessary protections are provided.
- Staffing agencies have a duty to inquire into the conditions of their workers' assigned workplaces. They must ensure 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 the host facility; what hazards may be encountered; and how to best ensure protection for their workers.
- Injuries and illnesses that occur to temporary workers may only be recorded by the employer who has the day-to-day supervisory oversight of the temporary worker per the 29 CFR 1904 standards. In some cases, that may be the temporary staffing agency, but it could be the host employer instead.
- And, just as important: Host employers must treat temporary workers just like any other worker in terms of training and safety and health protections.

The Oklahoma Department of Labor, in support for the efforts of the U.S. Department of Labor, has developed this publication to promote and educate host employers and staffing agencies on the duties and obligations required to ensure all employees go home at the end of the day, whole and healthy. In the words of Dr. David Michaels, Assistant Secretary of Labor for Occupational Safety & Health, "We're not going to wait for another worker to be killed. No worker's first week on the job should be the last week of his life."

We are reaching out to host employers and temporary staffing agencies, explaining how these firms must insist that their employees are not put

at risk of injury or death while working. We are also making sure that every worker -- both public and private -- understands that they have the right to safe workplaces, and all workers, including temporary workers, have the right to contact the Occupational Safety and Health Administration (private sector) or the Oklahoma Department of Labor (public sector) if they face workplace hazards.

The ODOL provides a valuable service for private sector employers who wish to provide a safe and healthful workplace, and just need some help getting there. The Safety Pays OSHA Consultation Division provides a voluntary and free service to provide on-site safety and/or health consultation to employers who request assistance. Unlike Federal OSHA, the Safety Pays Consultation service does not issue fines or penalties, but works corroboratively with business through a grant provided by the U.S. Department of Labor. Visits are confidential and easily customized to meet the needs of each employer.

Public Sector workplaces are also eligible for limited consultation services from the Public Employees Occupational Safety and Health (PEOSH) division upon request. Inspectors and statistical research specialists can help answer any questions you have about workplace safety and health, recordkeeping, and compliance with the mandatory Public Sector survey over the phone.

For more information on ways to improve workplace safety and ensure temporary workers, as well as permanent employees are provided a safe and healthful workplace, contact the Oklahoma Department of Labor at (405) 521-6140 or 1-888-269-5353 or visit our web site at www.labor.ok.gov. You can also find us on Facebook at www.facebook.com/okodol. Additional information is also available from Federal OSHA at www.osha.gov.

