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## ACCESSING SAFETY KNOWLEDGE (ASK) SHEET: *TEMP STAFFING OSHA INITIATIVE*

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OSHA's Temporary Worker Initiative (TWI) focuses on compliance with safety and health requirements when temporary workers are employed under the joint (or dual) employment of a staffing agency and a host employer.

When a staffing agency supplies temporary workers to a business, typically, the staffing agency and the staffing firm client (also known as the Host Employer) are joint employers of those workers. Both employers are responsible to some degree for determining the conditions of employment and for complying with the law. In this joint employment structure, questions regarding which employer is responsible for particular safety and health protections are common.



### **Joint Responsibility**

- Host employers need to treat temporary workers as they treat existing employees. Temporary staffing agencies and host employers share control over the employee, and are therefore **JOINTLY** responsible for the temp employee's safety and health. It is essential that both employers comply with all relevant OSHA requirements.
- Whether temporary or permanent, all workers always have a right to a safe and healthy workplace.

### **Obligations**

- The extent of the obligations of each employer will vary depending on workplace conditions and should therefore be described in the agreement or contract between the employers.
- Their safety and health responsibilities will sometimes overlap.

### **OSHA Best Practices**

- Evaluate the Host Employers Worksite.
- Train Agency Staff to Recognize Safety and Health Hazards (Contractors should assist with this process).
- Ensure the Employer meets or exceeds the other employer's standards.

### **Injury and Illness Tracking**

- Both the host employer and staffing agency should track and where possible, investigate the workplace injuries.
- OSHA requires that injury and illness records be kept by the employer who is providing day-to-day supervision, i.e., controlling the means and manner of the temporary employees' work.
- The contract should specify which employer will make the records available upon request of an employee or an employee representative.

For more details see [www.osha.gov/temp\\_workers/](http://www.osha.gov/temp_workers/).

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