



# A PERMANENT COMMITMENT

Collaboration is the key to keeping temporary workers safe. BY JOSHUA ESTRIN



» Employers have an obligation to keep all workers safe, regardless of their work status.

**T**he topic of protecting temporary workers, while not new, is one OSHA recently brought back to the forefront. The agency is taking the topic to an open forum in an attempt to underscore the importance to both staffing agencies and host employers that every worker has the right to a safe workplace.

“An employer’s commitment to the safety of temporary workers should not mirror

this worker’s temporary status, whether temporary or permanent, all workers always have a right to a safe and healthy workplace,” Assistant Secretary of Labor for Occupational Safety and Health David Michaels said during the Voluntary Protection Program Participants Association conference in August. “Staffing agencies and host employers are joint employers of temporary workers and both are responsible for providing and maintaining safe working conditions.”

OSHA and the National Institute for Occupational Safety and Health (NIOSH) want staffing agencies and host employers to work in concert with one another to better meet the safety needs of tempo-



rary workers. In addition, the agencies are looking to support and structure an equitable division of responsibilities based on implementing modes of communication between the two entities that engender the ability to generate safety practices that are not only sustainable, but are scalable and subsequently can be quantified to ensure that they are effective, efficient and duplicable.

### A Proactive Approach

What does this mean to the construction industry? The reality is that most temporary workers do not even realize they are entitled to exactly the same level of safety as the traditional worker. This lack of knowledge often leads to an inability on the part of the worker holding temporary status to come forward with safety concerns as well as proactively ask for necessary safety training from either the staffing agency or the host employer.

As a result, both parties must take an extremely proactive approach realizing that communication is integral at all levels of management and stages of production.

This is further highlighted on the OSHA website, where key concepts are offered in an effort to guide both the employer and the staffing agency as an interdependence between the two exists with the overriding objective not one of blame, but rather making the safety of the temporary worker a joint responsibility and of the utmost priority.

Collaboration is key and it is recommended that both staffing agencies and host employers clearly outline safety responsibilities in their contracts with the minimum being those that ensure both parties are OSHA compliant.

### A United Front

In an industry such as construction, safety minimums are not enough as the construction job site is a complex and constantly changing environment that demands adaptability and little room for ambiguity regarding safety.

To that end, staffing agencies and employers must work as a united front utilizing the strengths of one another. As an example, agencies may provide written material and classes with a more general appeal where the specific employer provides job specific safety training to temporary workers reflecting the job(s), tools and hazards that these workers may encounter.

If employers still feel they are not clear as to what to expect from a staffing agency they can call OSHA. The guidelines below can also act as a road map as well as a place to begin discussions before temporary workers are unnecessarily exposed to unsafe acts and unsafe conditions.

The agency responsibilities should include:

- Communication between the agency and the host to ensure that the necessary protections are provided;
- Awareness of the conditions at their workers' assigned workplaces. They have an obligation to ensure that they are sending workers into a safe workplace;
- The ability to evaluate the conditions at their client (host) agencies, the hazards that may be encountered, and how best to ensure protection for the temporary workers; and
- The staffing agency has the duty to inquire, verify and re-evaluate at different times over the course of a project that the host has fulfilled its responsibilities for a safe workplace.

A host employer's responsibilities should include:

- Hazard control – The host should control and correct workplace hazards to which workers, including temporary workers, are exposed.
- Training – The host employer is often best suited and therefore should be responsible for specific training of all workers.
- Hazard assessment – The host employers should be responsible for conducting a hazard assessment and providing safety equipment to temporary workers (unless the contract states the leasing company or temporary service provider will provide it).
- Accident reporting – The host employer must report accidents involving temporary workers.
- Recordkeeping – The host employer should keep accurate records related to temporary employees including work related medical records.

Although the construction job site remains a complex interplay of multiple trades often engaging in potentially hazardous work, it need not be unsafe. A safe workplace must not be seen as a benefit only extended to the more traditional worker. Temporary workers have the right to expect and demand the same level of safety as any other worker and as such, both agency and host must work as a united front to ensure worker safety is not an afterthought or a luxury, but rather a proactive responsibility embraced by both parties. ♦

---

Joshua Estrin is an associate at Sarasota, Fla.-based construction forensic services firm Stephen A. Estrin & Co. Inc., specializing in behavioral safety management support. He is also an adjunct professor at Florida Atlantic University in Boca Raton, Fla., teaching social welfare policy and group therapy. He can be reached at [joshua@sa-estrin.com](mailto:joshua@sa-estrin.com).

---