

OSHA'S TEMPORARY WORKER INITIATIVE

Clarifying the Responsibilities
of Staffing Firms and their Clients

At Integrity Staffing Solutions, we are committed to ensuring the health and safety of our

associates while they're on the job. We have always believed that a strong safety partnership with our clients increases employee productivity and retention, reduces workplace injuries and illnesses, and controls insurance rates — not just for our associates, but for the client's internal employees as well. In 2013, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) launched the Temporary Worker Initiative (TWI) that addresses the issue of temporary worker safety, giving us and our clients guidance on forming a successful safety partnership.

The TWI focuses on the co-employment relationship between a staffing agency (such as Integrity) and its client, in which the associate is employed by the agency but works under the day-to-day supervision of the client. OSHA's position is that both of the co-employers are accountable to some degree for associate safety and regulatory compliance. So it is essential that both parties know what actions are required of them, how their efforts will be coordinated and how they will communicate safety issues throughout the term of the assignment.

In this article, we explain the TWI guidelines, the agency's and client's respective responsibilities for health and safety management, and best practices for a successful training and reporting partnership.



SAFETY TRAINING

Noting that most incidents occur during a worker's first two weeks of employment, OSHA stresses the importance of safety training BEFORE workplace hazards are encountered. The most efficient way to make this happen is for the agency and the client to share and integrate the tasks of training temporary associates. Here's how Integrity Staffing allocates safety training responsibilities:

JOINT RESPONSIBILITIES

Identify training needed based on job description and site evaluation

Determine personal protective equipment required and who will supply it

Provide post-incident training as necessary to prevent repeat occurrences and workplace hazards

STAFFING FIRM RESPONSIBILITIES

1. Brief new hires on staffing firm's safety processes and policies, including incident reporting procedures.
2. Provide ongoing basic OSHA safety training.
3. Obtain signed statement that associate has received site-specific training from the client.

CLIENT RESPONSIBILITIES

1. Provide site-specific and assignment-specific OSHA and other safety training. This includes emergency procedures, lockout/tag out protocols, and how to report incidents and workplace hazards.
2. Ensure that associates understand the training (i.e. its language and vocabulary).
3. Include associates in all orientation, safety and training sessions given to internal employees performing the same job functions.

BEST PRACTICES

1. Clarify who's responsible for what
2. Verify that training is understandable and adequate
3. Document everything – testing, quizzes, signatures

OSHA INCIDENT RECORDING

Although both parties must comply with OSHA recordkeeping requirements, the TWI defines each one's areas of responsibility before, during and after a work-related injury or illness. The TWI also stresses that temporary associates have a mandated right to receive the same safety training and protections as the client's own employees.

In a nutshell, when the client has day-to-day supervision of temporary associates and control of the work environment, OSHA assigns responsibility to the client for recording incidents, and to the staffing agency for verifying that the client is carrying out correct safety and reporting procedures. (Even if an agency representative is on site, the client must still do the recording.)

Based on this policy, we have developed the following procedures to ensure that incidents are handled smoothly:

1. Post-incident accident investigation to determine causes and corrective action
2. Review the client's safety communications, protection practices and security measures
3. Agree on post-incident policies and procedures, such as notifying agency of the event, obtaining medical care and investigation timelines
4. Determine whether the incident or claim is legitimate
5. Counsel the associate following an incident or near miss to prevent future mishaps
6. Determine process for recordability and review monthly/weekly to ensure accuracy of reporting

JOINT RESPONSIBILITIES

STAFFING FIRM RESPONSIBILITIES

1. Perform pre-assignment work site inspection to ascertain health and safety hazards
2. Make regular follow-up safety visits and post-incident inspections
3. Educate associates on the procedure to report an incident
4. Administer regular performance and safety evaluation of assigned associates
5. Manage insurance claims and healthcare services provided to the claimant
6. Communicate post-incident outcomes and hours worked to the client for OSHA recording

CLIENT RESPONSIBILITIES

1. Provide the same safety protections that its own employees receive
2. Record the injury or illness in the OSHA 300 log
3. Facilitate prompt and adequate treatment
4. Immediately report the incident to the staffing agency

BEST PRACTICES

1. Spell out incident reporting procedures and responsibilities of client, agency and associate
2. Analyze work site hazards and how best to prevent incidents
3. Maintain post-incident communication between client, agency, claimant, insurers and medical providers

ASSOCIATE SAFETY: IT'S ALL ABOUT TEAMWORK

Your safety record is our safety record ... and vice-versa. Building a good working partnership will benefit us both in our mission to help employees succeed in staying safe and productive. Key to that partnership is communication: the constant interchange of information that allows everyone to clearly understand their role. So important is communication that all of our safety procedures are designed to promote it.

While our corporate safety policy covers everything from pre-assignment education to post-employment debriefing, it all boils down to one piece of wisdom: **an ounce of prevention is worth a pound of cure**. It's much healthier for everyone to be proactive and prevent workplace incidents than to deal with them after they happen.



BEST PRACTICES

1. Create a strong partnership with the associates' safety at the center
2. Share safety strategies and information
3. Document all safety-related processes and responsibilities

These are our three very best — and well proven — practices for a successful safety partnership. Working together, we both can protect the safety and wellbeing of our associates.

Questions about OSHA's Temporary Worker Initiative?

Contact us today to request a complimentary site safety evaluation. You might be surprised with what we uncover!

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