



Arkansas Department of Labor and Licensing

900 West Capitol Avenue, Suite 400

Little Rock, Arkansas 72201

Phone: 501-682-4523

Fax: 501-682-4532

TDD: 800-285-1131

www.labor.arkansas.gov

Asa Hutchinson, Governor

Daryl Bassett, Secretary of Labor and Licensing

Ralph T. Hudson, Director, Division of Labor

Eric Harbin, Regional Administrator, OSHA Region VI

Work Readiness of Temporary Employees



A HANDBOOK of BEST PRACTICES and SAFETY GUIDELINES

Arkansas Department of Labor and Licensing

Appendix

7. This letter also helps to emphasize how OSHA may hold both host employers and staffing agencies jointly responsible for the safety of temporary and vulnerable employees.

It is recommended that each staffing agency request copies of this document when providing workers for employers who may be handling chemicals and fall under the 1910.1200 OSHA hazcom standard.

You may contact: Arkansas Department of Labor and Licensing at (501)682-4523 and request a copy of U.S. Department of Labor OSHA at (501)224-1841.

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“Host employers need to treat temporary employees as they treat existing employees. Temporary staffing agencies and host employers share control over the employees, and are therefore jointly responsible for temp employees’ safety and health. It is essential that both employers and staffing agencies comply with all relevant OSHA requirements.”

- David Michaels, Ph.D, MPH, Former Assistant Secretary of Labor for Occupational Safety and Health.



Appendix

This information applies to the February 3, 1994 interpretation that pertains to temporary employees and how the Hazard Communication standard applies for staffing agencies.

The interpretation letter was a response to Mr. Michael F. Moreau, the President of a temporary agency. Mr. Moreau requested the answer to several questions pertaining to how OSHA would enforce the Hazard Communication standard 1910.1200 as it relates to staffing agencies.

The following are the questions that were asked:

1. Who is responsible for hazard communication training for temporary employees?
2. Who is responsible for the provision and assured use of appropriate protection equipment by the temporary employees?
3. When medical surveillance or monitoring is indicated who is responsible for conducting the monitoring and maintaining records?
4. Is the temporary help service required to maintain cumulative exposure data (eg. 30 day lead exposure, 6 months noise exposure, etc) when the employee works for several different companies during the year?
5. If the 29 CFR 1910.1200(h) required training on hazardous chemicals in the work area at the time of the initial assignment and whenever a new hazard was introduced into the workplace. When does the initial assignment begin and who is responsible for the initial training and the ongoing training?
6. How does hazard communication training tie into the SIC code 7363?

OSHA Consultation and OSHA Compliance Responsibilities

Arkansas OSHA Consultation and/or USDOL OSHA Compliance will:

1. Provide training assistance for staffing agencies and host employers upon request;
2. Provide updates and major changes in OSHA rules to staffing agencies and host employers upon request;
3. Provide appropriate training material upon request to staffing agencies, host employers, temporary employees, and vulnerable employees;
4. Conduct no cost quarterly training in designated locations within the state that are agreed to by various staffing agencies;
5. Provide a certificate of attendance to all temporary employees attending any training session; and
6. Provide bilingual speakers at various meetings when possible.

Additionally, USDOL OSHA will:

1. Consider host employers and staffing agencies that follow the guidelines of the temporary handbook as an act of good faith; and
2. Develop a recognition program for host employers and staffing agencies that partner in the work readiness program for temporary and vulnerable employees.

Work Readiness of Temporary and Vulnerable Employees

Our vision is to build a partnership between staffing agencies, host employers, government agencies, and temporary and vulnerable employees in order to provide a proactive, safe, and healthy environment to ensure each worker returns home without a work-related injury.

Each stakeholder should implement and adhere to the following core values:

1. One injury is one too many.
2. Each temporary and vulnerable employee will return home safely.
3. An employer should not ask a temporary or vulnerable employee to perform a job task which he or she has not been trained to do.
4. Staffing agencies and host employers will agree to identify the skills needed for the tasks to be performed and select temporary and vulnerable employees accordingly to complete them.
5. Staffing agencies and host employers will promptly communicate with each other about any and all injuries to temporary and vulnerable employees and review all accident reports.
6. Staffing agencies and host employers will agree to become familiar with and follow the OSHA rules, regulations, and the 1994 hazard communication interpretation. More information about the interpretation can be found on page 18 of this guide.
7. Staffing agencies and host employers will both agree to continue having an open dialogue about changes in job procedures or other problems of which they become aware.

Work Readiness of Temporary and Vulnerable Employees

8. Host employers should consult with the staffing agency about any questions concerning the ability of a temporary or vulnerable employee to perform a given task.
9. Each temporary and vulnerable employee should be able to work without fears such as:
 - Fear of failure;
 - Fear of rejection by permanent employees;
 - Fear of how they are viewed by permanent employees;
 - Fear of not being able to impress managers; or
 - Fear of retaliation.

Each stakeholder must share necessary safety and health information to develop an effective training program.

1. Safety and health training is to be given to temporary employees at the time of orientation by the staffing agencies and host employers.
2. The staffing agency and the host employer should provide retraining of temporary employees after an accident, injury, or near miss.
3. There should be no fear of retaliation for the temporary employee.

Employer Responsibilities to Day Labor Employees

Host employers should:

1. Provide specific job analysis to agencies for their use in developing safety training programs;
2. Demand that staffing agencies train each employee in safe work procedures prior to sending them to job site;
3. Provide additional site-specific training for each temporary employee prior to starting work;
4. Provide proper supervision for employees to ensure work is done in a safe manner;
5. Never require temporary employees to perform a job they have not been trained to perform;
6. Provide and ensure proper PPE is worn when required;
7. Make sure all equipment is in safe working order;
8. Inform employees to speak up when they have questions about their assigned task; and
9. Follow the recommendations noted in the previous pages as they pertain to employer responsibilities.

OSHA Emphasis Programs such as fall hazards or heat related hazards exist. Make sure extra training is conducted for those hazards. Contact Arkansas OSHA Consultation at (501) 682-4523 or USDOL OSHA Compliance at (501) 224-1841 for assistance.

It is essential that the staffing agencies, the host employers, and the temporary workers all work together to ensure each temporary worker is work-ready. Making the safety and health welfare of the workers a priority will be a great step in helping workers return to their loved ones in good health.

Responsibilities of Day Labor Employees

Day labor employees should:

1. Attend pre-employment safety training classes;
2. Ask questions when instructions are not clear and/or they are unsure about the type of environment in which they will be working;
3. Never perform a job when knowledge and ability is lacking;
4. Request that specific training from the host employer be given if asked to perform a job for which you have not been trained;
5. Never take chances or shortcuts to perform and/or complete a job; and
6. Contact the day labor staffing agency when placed in a position that you believe is unsafe or that may present a threat to your health or life.

Taking Down Relationship Barriers

All stakeholders play a role in ensuring that temporary and vulnerable employees are job-ready. In order to be successful, they must bridge their relationship gap.

Defining the Roles of Stakeholders

1. Staffing agencies are the **recruiters** and **processors** of temporary employees.
2. Host employers are the **recipients** and therefore make the final decisions regarding temporary employee work readiness.

Special Note: When both parties work together, they jointly determine employees' job readiness.

OSHA Consultation should provide technical assistance upon request of either the staffing agency or the host employer.

Staffing agencies and host employers will bridge their relationship gaps by defining and agreeing to their specific roles in helping to make temporary and vulnerable employees job-ready.

Staffing agencies, host employers and OSHA will communicate to temporary employees their respective safety and health goals and what role the employee plays in creating a safe and healthy environment. These goals include:

1. Obeying all safety and health procedures; and
2. Speaking up when the employee believes a task is being performed unsafely or if there are unsafe conditions.

Host Employer Responsibilities Regarding Employee Work Readiness

The host employer should:

1. Establish effective, understandable training for temporary and vulnerable employees;
2. Provide a temporary and vulnerable employee training checklist to verify the training received from the staffing agency;
3. Provide staffing agencies with necessary training materials including job description for the specific job the temporary and/or vulnerable employee will be performing;
4. Reinforce staffing agency training and also provide additional specialized training as needed to help assure that temporary and vulnerable employees can perform their jobs safely;
5. Take necessary steps to help temporary and vulnerable employees blend into the workforce (For example: Encourage hourly team leaders to be a part of the orientation process);
6. Evaluate training effectiveness of temporary and vulnerable employees through observation and communication to ensure they comprehend the training;
 - a. Follow-up
 - b. Follow-through
7. Treat all employees equally by:
 - a. Permitting all temporary and vulnerable employees to attend safety meetings; and
 - b. Informing each employee that they are held accountable for their actions;
8. Ensure adequate personal protective equipment (P.P.E.) is provided and training is given according to 29 C.F.R. 1910.132;

Day Labor Staffing Agencies

5. Develop a designated pool of temporary employees to be work-ready by:
 - a. Notifying potential employees of training dates and times,
 - b. Notifying individuals attending advance training that they will be given priority when jobs become available, and
 - c. Providing individuals who attended these sessions a short training refresher before being sent on an assignment;
6. Attending some training sessions of the host employers;
7. Providing a job description to each employee about the job he or she is to perform;
8. Agreeing with the host employer/client not to assign a job task to a temporary employee outside of what the employee has been trained to do safely;
9. Checking the host employer's work history as it relates to safety and health injury and illness records, to help determine the safety risk level;
10. Maintaining signed documentation of training given by staffing agency and host employer;
11. Providing all temporary employees with staffing agency contact information; and
12. Maintaining an awareness of all applicable OSHA rules and regulations.

Day Labor Staffing Agencies

“Day Labor” is a term used to describe a specific type of temporary employee or staffing agency. Typically, these staffing agencies specialize in providing temporary employees on short notice for short periods of time, sometimes only a day. These staffing agencies take great pride in providing thousands of temporary employees to host employers in order to perform various tasks such as construction, manufacturing, hospitality, restaurant service, auto service, retail support, and waste/recycling.

Because day labor agencies must provide employees for clients on short notice, it is essential that every step is taken to ensure each employee is work-ready. Day labor staffing agencies should follow all the preceding recommendations for temporary employees. There are, however, some additional recommendations that will assist them in ensuring their temporary employees or day laborers are work-ready. Specifically:

1. Work with Arkansas OSHA Consultation and USDOL OSHA Compliance agencies to obtain safety information and make it a part of an established safety program;
2. Obtain safety and health information from the host employer/client and integrate it into the safety training program;
3. Partner with the host employer/client to make sure temporary employees receive specific necessary safety training once they have arrived at the job site;
4. Break down each job assignment, list all potential dangers, and provide the list to each employee;

Host Employer Responsibilities Regarding Employee Work Readiness

9. Discuss potential hazards and at-risk areas with each temporary and vulnerable employee before starting to work;
10. Inform temporary and vulnerable employees that they are required to report all near misses, unsafe acts, unsafe conditions and any type of injury by knowing the following information:
 - a. Where to report;
 - b. Who to report to;
 - c. How to report; and
 - d. When to report.
11. Never pressure staffing agencies to provide untrained temporary and vulnerable employees when trained employees are not available;
12. Never require a temporary or vulnerable employee to rush while performing a job, or to perform a hazardous job with which they are not familiar;
13. Never require temporary or vulnerable employees to perform a job in an unsafe manner in order to obtain a permanent job;
14. Never communicate with temporary and vulnerable employees with threatening statements such as, “You can easily be replaced.”;
15. Stress and enforce the importance of not taking risks or shortcuts to perform jobs;
16. Give staffing agencies an open invitation to the host employer’s safety meetings;
17. Encourage staffing agencies to establish a pre-hire pool of temporary employees that are job-ready;

Host Employer Responsibilities Regarding Employee Work Readiness

18. Discuss with temporary employees and the staffing agency the types of work-related injuries that may occur at specific location(s);
19. Establish a means for temporary employees to make complaints and raise safety issues anonymously;
20. Inform staffing agencies before a temporary employee is transferred to another position;
21. Give constant feedback to temporary employees about their work performance;
22. Explain work rules and policies to the staffing agency, as well as to the temporary and vulnerable employees. This would include work rules and policies covering such topics as how workplace injuries may affect them, their coworkers, families, and employers;
23. Assign positive-minded permanent employees to mentor the temporary employees; and
24. Remind temporary employees of their value to the company's safety program as a "first line of defense" against safety and health hazards in the workplace.

Steps to Helping Bilingual Temporary and Vulnerable Employee to become Job-Ready

Today's workplaces are diverse. Temporary employees, like all employees, come from a variety of backgrounds nationally, culturally, and ethnically. One of the greatest barriers to integrating temporary employees can be language. Special steps must be taken to ensure these employees are properly trained and work-ready. The following steps are recommended:

1. Make sure each person receives and understands the training. (Example: the use of audio/visual aids may be helpful);
2. Assign a mentor to temporary employees who cannot read English;
3. Consider hiring bilingual employees to assist non-English-speaking employees;
4. Utilize a community liaison to assist in communicating with non-English speaking employees;
5. Designate permanent employees who are bilingual to assist employees who need help understanding written information;
6. Determine specific roles the staffing agency and the host employer will have in preparing the candidate to be work-ready;
7. At the employee's request, spend time with non-English speaking individuals to create a comfortable working environment; and
8. If possible, organize a chaplaincy program with a community bilingual chaplain.

Temporary and Vulnerable Employee Responsibilities

Temporary employees also have a role to play to ensure they are work-ready. A temporary employee should:

1. Attend designated safety training in his/her area such as those sponsored by local groups and the Arkansas Department of Labor and Licensing;
2. Always ask questions when training or expectations are not clear;
3. Never perform a job he/she has not been trained to perform;
4. Discuss his/her limitations to perform certain jobs with the staffing agency;
5. Never take shortcuts, unnecessary chances or work at an unsafe pace;
6. Always wear proper safety gear;
7. Report all unsafe acts, unsafe conditions, personal accidents or injuries immediately;
8. Develop a positive attitude toward performing the job in a safe manner;
9. Only follow the directions of the designated lead person;
10. Sign and maintain a training checklist for training verification purposes; and
11. Follow all policies and procedures of the host employer.

Staffing Agency Responsibilities Regarding Employee Work Readiness

The staffing agency should:

1. Establish a working relationship with the host employer. Conduct a plant visitation and evaluate the safety and health program to help establish an effective training initiative. The agency should attend employer safety training and invite host employers to visit their safety training sessions;
2. Ensure temporary and vulnerable employees are provided with staffing agency contact information;
3. Staffing agencies and host employers should design and provide a temporary and vulnerable employee training checklist to verify the training received;
4. Provide a signed training checklist to host employers;
5. Make hazard recognition, hazard abatement and information on potential types of injuries part of the training;
6. Take appropriate steps to make sure temporary and vulnerable employees comprehend the training. Examples of such steps would include feedback, tests and practical demonstrations;
7. Never send a temporary or vulnerable employee to a job unless the employee has been properly trained;
8. Avoid making threatening statements to temporary and vulnerable employees such as, "If you don't work out, you may be removed from the staffing agency's active list";
9. Avoid saying to temporary or vulnerable employees, "If you impress the company you may be hired on as a permanent employee.";
10. Conduct periodic observations of employees to determine they have acquired proper training for their positions;

Staffing Agency Responsibilities Regarding Employee Work Readiness

11. Ensure temporary and vulnerable employees have proper personal protective equipment training according to 1910:132 before starting any job assignment;
12. Thoroughly investigate all near misses, injuries, and accidents affecting temporary and vulnerable employees;
13. Periodically discuss the OSHA recordkeeping requirements with host employers;
14. Verify that host employers have provided a safe workplace for temporary and vulnerable employees as agreed; and
15. Never assign a job to a temporary or vulnerable employee if he or she is not capable of performing all of the associated tasks.

Temporary Employees to Full-Time Employees

A staffing agency and a host employer may hire and place a temporary employee with the intention of promoting the temporary employee to permanent status. Such employees should be provided information in addition to the other information in this handbook. Specifically, the host employer should:

1. Inform the employee that he or she is being considered for a permanent position;
2. Establish an orientation and an evaluation period with all involved; and
3. Integrate temporary and vulnerable employees in the workplace environment by including them in all meetings.