

WHITE PAPER

Necessity and Demand – **Improving Temporary Worker Safety**



Temporary labor has evolved from clerical office work to encompass a much broader spectrum of labor. Low-wage, temporary jobs have become so prevalent they can be found in nearly every sector of the economy today.

In the years following the Great Recession, which ended in June 2009, the annual growth of the temporary labor force far outpaced the growth rate of all employment.

This rapid and continued growth only fueled confusion about responsibility for safety training. It also renewed scrutiny of the industry from the Occupational Safety & Health Administration (OSHA) and labor protection groups. For years, there was an overall lack of clarity, but there have been significant changes – out of both necessity and demand.

In March 2022, temporary employment peaked at nearly 3.2 million workers.

Increased Risks and Injury Rates

It's simple. Growth in the temporary employment sector is primarily driven by sensitivity to pay and benefit cost containment, but also staffing flexibility. Increasingly, it is becoming a leaner way for businesses to operate. But as the temporary workforce expanded into mainstream manufacturing, worker advocacy groups and OSHA became concerned about the hazards and risks faced by this transient workforce, marked by the absence of safety training and personal protective equipment (PPE).

In general, **new workers are at greatly increased risk for work-related injuries**. The [Travelers Insurance 2023 Injury Impact Report](#) found that 34% of workplace injuries occurred during an employee's first year on the job. And when you consider that temporary workers are often "new" multiple times a year, it is easy to see why this employment group is at such high injury risk.

A 2019 study of [workers' comp records in Ohio](#) was consistent with many past studies of temporary workers. Overall, findings have shown that median time loss is higher for temporary workers and claim costs are roughly three times greater than costs for full-time employees, primarily due to a higher frequency of claims.



OSHA Jumps In

On April 29, 2013, at an observance ceremony for Workers' Memorial Day, OSHA Assistant Secretary of Labor Dr. David Michaels addressed the growing concern of temporary worker safety, specifically citing three cases of workers being killed their first day on the job.

That same day, OSHA introduced the [Temporary Worker Initiative \(TWI\)](#) to highlight employers' responsibilities to **ensure temporary workers are protected from work-related injuries and illnesses.**

The **TWI requires that all workers receive the same safety training and equipment**, regardless of their employment status. Staffing agencies and host employers may split up training responsibilities, but temporary workers must be fully trained before they begin work. **If a host employer provides permanent workers with PPE, they must give the same equipment to their temporary workers and train them on how to use and care for it.**

The Temporary Worker Initiative is still in place today. OSHA provides a plethora of information for both [workers](#) and [employers](#) to ensure everyone can be easily made aware of their rights and responsibilities, no matter their role.

In 2014, OSHA signed an alliance with the American Staffing Association, the trade group representing temporary recruitment agencies and outsourcing specialists, to work together to further protect temporary employees from workplace hazards.

Through the alliance, OSHA and ASA conduct outreach to educate workers about their rights and to educate staffing firms on their responsibilities to protect workers under the Occupational Safety and Health Act. ASA also distributes OSHA guidance and information on the recognition and prevention of workplace hazards.

"We want to make sure that at the end of every work shift, **all temporary workers** in the United States **are able to go home safely** to their families."

Dr. David Michaels

– OSHA Assistant Secretary of Labor

2014 press release announcing the OSHA and American Staffing Assoc. alliance



Staffing Agency vs. Host Employer Responsibilities

As noted prior, the **TWI mandates that staffing agencies and host employers are considered jointly responsible for keeping a work environment safe.**

They share some responsibility and are separately responsible for other items.

Of course, not all temporary employees are brought on by staffing agencies. In many cases, this is simply a direct-hire situation for holidays or busy seasons or to act as a “tryout” to ensure the employee is a good fit.

In these situations, the separation of responsibilities clearly no longer applies. All the duties tasked to a staffing agency instead fall to the employer. This can create more work for the employer, but it also removes the middleman between the employer and the temporary worker, creating the potential for easier and quicker communication.



Staffing Agencies and Host Employers must both:

- Enforce OSHA requirements for training, hazard communication (HAZCOM), and recordkeeping
- Communicate with each other
- Provide training to temporary employees
- Have a safety and health program to reduce injuries and illnesses
- Investigate injuries and illnesses, including near-misses

Staffing agencies must:

- Ask about assigned duties so they can provide proper training
- Make sure the host employer has fulfilled all requirements for a safe workplace
- Tell workers how to report an injury and how to receive medical treatment for it
- Keep in contact with temporary workers on long assignments

Host employers must:

- Treat temporary workers like all other employees in terms of training and safety and health protections
- Train workers on emergency procedures and exit routes
- Train workers on how to use and maintain any applicable PPE

Temporary Worker Whistleblower Regulations

Unfortunately, some host employers do not realize they are required to provide temporary workers with the same safety measures that permanent employees receive. This may be due to ignorance, but ignorance is no excuse under the law. If a staffing agency or host employer does not provide temporary employees with a safe work environment, one or both could be fined by OSHA.

Temporary workers who are being forced to work in unsafe environments can report violations [directly to OSHA](#). Employers are legally prohibited from retaliating against workers for reporting injuries or raising concerns about safety.



How Employers Can Protect Their Temporary Workers

While keeping all employees safe should be the goal of any employer, here are five tips to keep in mind when it comes to employing temporary workers.

1 Provide Your Own Training

Some employers are tempted to cut safety training for temporary workers, thinking they can simply pass the buck to the staffing agency. **It is crucial for employers to ensure all employees, no matter their employment status, are fully trained on all potential safety hazards.** Think about it this way: undertrained temporary workers could endanger your full-time employees if they don't understand the potential hazards of a job. That should not be a risk you take.

2 Document All Training

Because training is such a common failure point, if a temporary worker is injured, the first thing inspectors will want to see is your training record. **Your records should include the date your temporary workers were trained, a description of the training given, the topics covered, the trainer's name, and the evaluation method used to determine training effectiveness.**

3 Supply Appropriate PPE

Workers who provide their own PPE may — unintentionally — bring inadequate gear or gear that is in poor condition. **Control the quality of the PPE by providing it yourself, and make sure workers know how to safely use and maintain all equipment.**

4 Use Signs and Labels

Make safety warnings explicit and visible. Workers who are not familiar with the workplace may not remember all precautions and hazard warnings. Label emergency stops, post reminders about lockout/tagout and machine guarding, and be clear about prohibited behaviors, such as operating equipment without safety gear.

5 Supervise Them Closely

Because temporary workers are not familiar with the workplace, they need close supervision – at least at first. Ensure your supervisors are keeping an eye on these workers to make sure they work safely, but also that they are providing the same feedback about safety performance as they would regular workers.

Paying Attention to the Fine Print

The host employer's responsibility should be taken seriously, so **it is advisable to begin recordkeeping as a key component of incorporating temporary workers.** If supervising the temporary worker, host employers must claim any recordable injury to the worker on their OSHA 300 long form.



Since temporary workers are at a greater risk of injury, accidents adversely affect the company's injury rate. Because the agency assumes the workers' compensation claims for an injured employee, added workers' compensation costs cause an inflated experience modification rate (EMR) for the staffing agency. This makes the purchasing of workers' comp insurance more expensive, putting staffing companies at a disadvantage when competing in the marketplace.

As the temporary workforce continues to grow, and governing oversight from OSHA expands in scope and detail to match, expect the **“shared responsibility” mantra** to become more fully defined.



Organizations relying heavily on temporary workers should position themselves proactively to address the concerns associated with safety training for these employees. The same is true for industries seeing a migration of temporary labor into the workforce.

But no matter an employee's status as a temporary worker or a full-time employee, **everyone deserves to work in a safe environment – and employers are required to provide that to their workers.**

At the end of the day, all employers should keep in mind these simple steps when it comes to worker safety:



- Offer a clear and effective safety training program
- Supervise and provide feedback in a consistent manner
- Provide employees with PPE appropriate to their roles
- Maintain detailed documentation of all the above

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