

## Who is a Temp Worker?

"temporary workers" are **workers** hired and paid by a staffing **agency** and supplied to a host employer to perform **work** on a **temporary** basis. In general, **OSHA** will consider the staffing **agency** and host employer to be "joint employers" of the **worker** in this situation

## What is the risk?

Temporary workers are at **increased risk of work-related injury and illness**. In recent months, OSHA has received and investigated many reports of temporary workers suffering serious or fatal injuries, some in their first days on the job. Numerous studies have shown that **new workers** are at greatly increased risk for work-related injury, and **most temporary workers will be "new" workers multiple times a year**. Furthermore, as the American economy and workforce are changing, the **use of temporary workers is increasing** in many sectors of the economy.

## Labor Rights for Temp Workers

Temporary workers are entitled to the same protections under the **Occupational Safety and Health Act of 1970 (the OSH Act)** as all other covered workers. When a staffing agency supplies temporary workers to a business, typically, the staffing agency and the staffing agency's 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

**Staffing agencies** must:

- ensure they are not sending workers to workplaces with hazards from which they are not protected or on which they have not been trained
- ensures host employers provide training to each worker who is required to use PPE.
- be familiar with all potential hazards at the host's workplace, but nevertheless have a duty to diligently inquire and determine what, if any, safety and health hazards are present at their client's workplaces.
  - For example, if a staffing agency is supplying workers to a host where they will be working in a manufacturing setting using potentially hazardous equipment, the agency should take reasonable steps to identify any hazards present, to ensure that workers will receive the required training, protective equipment, and other safeguards, and then later verify that the protections are in place.

## When to Open an Inspection with the Staffing Agency

When a temporary worker is exposed to a violation, the Certified Safety and Health Official (CSHO) should make inquiries into the staffing agency's actual or constructive knowledge of the worksite's hazards - whether the staffing agency knew, or with the exercise of reasonable diligence, could have known about the hazards. The CSHO should review such factors as the terms of the staffing agency-host employer contract, the interaction and communication between the staffing agency and the host employer, the staffing agency's contact with its temporary workers, whether those workers have had any complaints or concerns and whether they have made those concerns known to the employers (and if not, why not).



## How Can OSHA Help?

Workers have a right to a safe workplace. If you think your job is unsafe or you have questions, contact OSHA at 1-800-321-OSHA (6742). It's confidential. We can help. For other valuable worker protection information, such as Workers' Rights, Employer Responsibilities and other services OSHA offers, visit [OSHA's Workers' page](#).

The OSH Act prohibits employers from retaliating against their employees for exercising their rights under the OSH Act. These rights include raising a workplace health and safety concern with the employer, reporting an injury or illness, filing an OSHA complaint, and participating in an inspection or talking to an inspector. If workers have been retaliated or discriminated against for exercising their rights, they must file a complaint with OSHA within 30 days of the alleged adverse action to preserve their rights under section 11(c). For more information, please visit [www.whistleblowers.gov](http://www.whistleblowers.gov).

OSHA also provides help to employers. OSHA's On-Site Consultation Program offers free and confidential occupational safety and health services to small and medium-sized businesses in all states and several territories, with priority given to high-hazard worksites. To locate the OSHA On-Site Consultation Program nearest you, call 1-800-321- 6742 (OSHA) or visit [www.osha.gov/consultation..](http://www.osha.gov/consultation..)