
BOND INFORMATION MEMO

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OSHA Issues Policy Background on the Temporary Worker Initiative

On July 15, 2014, the Occupational Safety and Health Administration (OSHA) issued a [policy memorandum](#) to its Regional Administrators, explaining in greater detail the agency's Temporary Worker Initiative (TWI). The TWI, which was launched on April 29, 2013, is an initiative intended to prevent work-related injuries and illnesses among temporary workers. Employers who have temporary employees hired through staffing agencies should be aware that OSHA has a particular focus on the health and safety of those temporary employees, and should ensure that those temporary employees are provided with proper protective equipment and training to minimize any potential workplace hazards.

Perhaps the most interesting portion of the memorandum is the agency's explanation that "in general, OSHA will consider the staffing agency and host employer to be 'joint employers' of the workers in this situation" and, thus, that both employers will be responsible for protecting the safety and health of the worker. OSHA noted that these "obligations will sometimes overlap" and that — depending on the circumstances of any violations of the Act — the agency will "consider issuing citations to either or both of the employers." Notably, while the memorandum states that a host employer will normally have "primary responsibility for determining the hazards in their workplace and complying with worksite-specific requirements," it adds that the temporary agency or staffing firm also has a "duty to diligently inquire and determine what, if any, safety and health hazards are present at their client's workplaces." The memorandum includes the following 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."

The memorandum indicates that additional bulletins and a compliance directive regarding the TWI will be issued.

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