

Co Chairs:

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Chairperson Tom Marrero facilitated guest speakers from the industry to brief the committee on activities since initiative has been put into place:

ASA – American Staffing Association

Workgroup met on May 7, 2014 and the American Staffing Association (ASA) along with 3 industry representatives to discuss the Temporary Worker Initiative, what has transpired in the last year since the inception of the initiative and challenges associated with the current best practices OSHA has proposed.

Meeting was led off by Steven Dwyer and La Tonia James Rouse from ASA with a presentation regarding their goals. ASA is the trade association for the staffing industry and its members cover approximately 85% of the industry and supply workers to all industry sectors.

Their goal is to educate their members on general safety practices and employment law through webinars and conferences and report to members on OSHA related developments. ASA and OSHA have had webinars regarding the Temporary Worker Initiative, are establishing a good relationship with OSHA and support the initiative. OSHA is working on guidance documents and additional outreach products, with input from ASA. The ASA will enter into an alliance with OSHA to be announced at their annual Staffing Law Conference later this month

While supportive of the Temporary Worker Initiative, they feel that OSHA should do more to educate host employers and that the Best Practices listed on the OSHA website do not always reflect feasible or practical solutions and are not entirely applicable to the construction industry. They discussed some unique aspects of the construction industry and questioned whether there should be separate guidance as indicated throughout the discussion. They also raised concerns that CSHO's have not been given clear guidance on how to conduct investigations involving temporary workers and staffing agencies.

The recent Bulletin released by OSHA on Recordkeeping was discussed and illustrates the responsibilities of who is responsible for recording injuries within the joint employer relationship. Typically OSHA 300 log entries for a temporary worker injured on site are the responsibility of the Host Employer. It is their responsibility and obligation because it is the Host employer who has direct control of the work site and supervision of the temporary worker.

There were three industry representatives present to discuss some of the challenges that construction staffing industries face. Rich Beaumont – True Blue Inc., Ronald Rowen – Tradesman Intl. and Kevin Donavon – Trade Source Inc. They discussed their safety programs that are currently implemented and general training that they provide for their employees. All three discussed their Workman's Comp costs which were their second highest company costs next to payroll and how critical safety awareness and training is to their industry niche.

A consensus within the temporary workers construction industry is that while there are many clients who understand their responsibility there seem to be equal amounts who do not understand their responsibility

to workers safety as the host employer. One important observation is that the “host employer” is absent from the discussion.

OSHA is asking for input from ACCSH about the need for separate guidance for temporary staffing in the construction industry. If ACCSH is to make any plausible recommendations then we need to have input from the host employers and the NACOSH temporary worker workgroup.

Work group members also discussed the need for OSHA to develop additional bulletins; one that more specifically addresses the responsibilities of the host employer, one which can assist the temporary worker and educate them on their rights and responsibilities within the joint employer relationship (such as reporting unsafe conditions to the host and staff agency, reporting injuries or near misses to the host employer and staff, etc.) and one which is specific toward the staffing industry responsibilities and duties

Recommendations for ACCSH to consider for OSHA:

- OSHA should create draft bulletins based on the paragraph above for review at next meeting
- Get host employer stakeholders at the next ACCSH for their input on the issue and to review any bulletins/ Quick Card created by DOC.
- Get ACCSH information and feedback from the NACOSH Temp worker meeting to ensure we are all moving in a harmonious direction.