



As businesses gear up for the holiday shopping season, temporary or seasonal hiring often ramps up. Employers may not be fully aware of the safety regulations associated with such employment. The waters get murkier when temporary workers are hired through a staffing agency. OSHA's booklet, <https://www.osha.gov/temporaryworkers>, helps clarify this hiring practice. In this article, we will discuss OSHA's requirements for maintaining injury and illness records (300 logs), issuing personal protective equipment (PPE), training requirements, and medical record retention for temporary or seasonal employees.

Temporary workers often join companies during their busiest periods. As a result, they are expected to adapt quickly and begin working promptly. However, most are unfamiliar with their host company's safety protocols and industry regulations. Both the staffing agency and you, as the host employer, share responsibility for the safety of seasonal workers. Still, the host employer bears most of the burden. OSHA can issue citations to both the host employer and staffing agency for the same unsafe act or condition under the multi-employer citation policy.

If an incident does occur, only one employer—usually the host employer—should record the injury or illness. This responsibility is based on supervision. Typically, the host employer controls work conditions and directs the worker's activities, providing day-to-day supervision. Although a staffing agency might have a representative at the host site, this does not automatically transfer recordkeeping duties. As long as the host employer maintains daily supervision over the worker, it remains responsible for recording any injuries and illnesses that occur. OSHA 300 logs and forms must be retained for a minimum of five years. (OSHA 3748-03 2014)

Aside from training, which is up next, the most common OSHA citation involving temporary workers relates to the issuance and use of PPE. PPE includes items such as gloves, safety glasses, and shoes, as well as earplugs or muffs, hard hats, respirators, coveralls, vests, and other protective equipment. Just like with full-time employees, a hazard assessment must be conducted before employees are provided with PPE. The host employer typically bears the primary responsibility for selecting, supplying, and ensuring proper use of PPE. The staffing agency may supply some or all PPE and provide PPE training, provided the host employer confirms that the PPE is suitable for the worker's assigned tasks and is provided at no cost to the worker. (OSHA 3780)

The goal of training is to ensure that workers know how to work safely, can identify hazards, and understand the limitations of protective measures. Training must be in a language and vocabulary the worker understands. OSHA standards, such as Hazard Communication, Lockout/Tagout, and Confined Space, require both general awareness and site-specific training. In most cases, the host employer is responsible for site-specific training, while the staffing agency is responsible for awareness training. The host employer is most familiar with the hazards associated with the specific job tasks, machinery, equipment, and processes at its worksite and understands the training required to protect workers from these hazards.



Workers, regardless of their employment status, have the right to know and understand the hazards they may face in the workplace. The primary responsibility for providing site-specific Hazard Communication Standard (HAZCOM) and Lockout/Tagout training lies with the host employer. Host employers must offer information and training that covers identifying worksite-specific chemical hazards, ensuring proper labeling of chemical containers, providing access to Safety Data Sheets (SDSs), and supplying appropriate personal protective equipment (PPE). A critical HAZCOM requirement is that there must be NO BARRIERS to accessing SDSs. OSHA has clarified that requesting documents from a supervisor or lacking computer access if records are stored digitally are considered barriers. (OSHA 3860)

The Lockout/Tagout standard outlines the practices and procedures necessary to prevent the sudden release of hazardous energy when workers are performing service or maintenance activities as authorized employees. If a temporary worker is not engaged in servicing or maintenance but is working in an area where Lockout/Tagout procedures are or may be used, they are considered an affected employee. The difference between authorized and affected employees results in varying training requirements; however, both groups must receive site-specific training on the written plan and procedures. (OSHA 3964)

Employee medical exposure records must be preserved for the duration of employment plus thirty years, and a summary of exposure records must be maintained for thirty years. Medical records for employees who have been employed for less than one year do not need to be retained if they are provided to the employee upon termination of employment. For temporary workers, both the staffing agency and the host employer share responsibility for record retention. If either fails to keep the records, both could be held liable under OSHA's Multi-Employer Citation Policy. (29 CFR 1910.1020)

Are you unsure if your business complies with OSHA's standards for temporary workers and other safety requirements? The Illinois Department of Labor offers free, confidential assistance to small and medium-sized businesses. This includes on-site visits, hazard identification, program development, and limited safety training. These services can improve workplace safety and may reduce workers' compensation insurance costs. For more information, visit Worksafe.illinois.gov or contact Harry (Hap) Hileman at 217-993-2111.