

Evaluation and Contracting—Best Practices Checklist for Host Employers

Evaluation

Prior to writing and signing a contract, HEs and SCs should evaluate all facets of safety and health related to each organization and the jobs TWs are being hired to perform. As part of this process, HEs should do the following:

- Conduct a joint risk assessment.** Conduct a joint risk assessment with the SC, including a review of these items:
 - Task assignments
 - Written job descriptions
 - Anticipated exposures
 - Job hazard analyses
 - Equipment and/or machinery
 - Worksites
- Provide information.** Provide the SC with requested safety data, safety and health program materials, and other information that will allow them to evaluate the safety and health of the worksites.
- Allow site visits.** Invite a representative from the SC to visit the worksites and conduct a walkthrough.
- Ensure commitment to safety and health.** Ensure the SC has a commitment to safety and health, including the following:
 - A process to evaluate job candidates for the necessary qualifications and/or experience
 - An adequate safety and health program, which includes a general safety and health awareness training provided to TWs prior to placing them on an assignment

Contracting

The written contract between the HE and the SC should clearly specify the following information:

- Pertinent job details**
 - Approved tasks and qualifications.** The approved tasks and qualifications as

stated in the written job descriptions, including the following:

- The tasks the TWs are approved to perform
- Any hazardous tasks the TWs will NOT perform and any equipment and/or machinery they are NOT allowed to operate
- The necessary qualifications and/or experience the TWs must have to perform the job
- Hazards and controls.** All anticipated hazards that may be encountered by the TWs and hazard controls that will be in place, including information about safety data sheets (SDSs)
- Training.** The training each employer will provide to the TWs before they start their assignment and in which language(s) it will be offered
- Personal protective equipment.** What personal protective equipment (PPE) will be needed and which employer will: 1) pay for and supply it; 2) ensure it's the appropriate type and fits correctly; 3) conduct a medical evaluation and fit test for all types of PPE that require it; and 4) train the TWs on how to properly use and maintain it before they start their assignment
- Communication and documentation responsibilities**
 - Qualifications and experience.** What documentation the SC will provide to the HE regarding each TW's specific qualifications and/or experience relevant to the tasks to be performed
 - Ongoing risk assessment.** Specific time intervals at which the HE and SC will jointly review all work and worksites to identify potential safety and health hazards and update necessary training and PPE for each TW on an ongoing basis

- Changes to job tasks.** The steps the HE will take in order to make changes to job tasks, including these:
 - Providing an updated written job description to the SC and the TWs and providing an updated job hazard analysis to the SC
 - Updating training and PPE requirements
 - Giving the SC enough notice to evaluate the new tasks (and worksites if applicable) and the ability of the TWs to take on the new tasks
 - Receiving written approval of the change from the SC before TWs undertake the new tasks
- Changes to hazards.** The steps the HE will take for providing the SC with written disclosures of any changes to hazards that occur during the duration of the contract
- Training.** The procedures for maintaining and sharing documentation of safety and health training provided by both employers
- OSHA investigation.** The responsibility of the HE to inform the SC when it is under OSHA investigation and the nature of the complaint

 **Injury and illness reporting, response, and recordkeeping responsibilities**

- Reporting by temporary workers.** Procedures for TWs to report work-related injuries, illnesses, and close-calls and to communicate safety and health concerns to the HE and the SC without fear of retaliation, as well as the procedures for both employers to inform one another immediately after a TW injury, illness, close-call, or concern is reported
- OSHA reporting and recordkeeping.** The responsibility of the HE to report serious TW injuries and illnesses to OSHA and to record TW injuries and illnesses on their OSHA 300 Log
- Coordinating medical treatment and return to work.** The general procedures for coordinating medical treatment and return to work (if applicable) following a TW injury or illness

- Fulfilling record requests.** Which employer will make injury and illness records available upon the request of a TW or worker representative

 **Other aspects of workplace safety and health**

- Supervision.** Which employer is responsible for providing direct supervision of the TWs
- Peer mentors.** The process by which each TW may be paired with an experienced and knowledgeable permanent worker to serve as their mentor or “go to” person and how the process will be overseen and periodically reviewed by mid- and senior-level managers from both employers
- Workers’ compensation.** Which employer is required to verify and pay for workers’ compensation coverage for the TWs during the duration of the contract
- Infectious disease prevention and response.** How the HE and the SC will protect TWs from infectious diseases; HEs should apply the same infectious disease prevention and response policies and protections to TWs that are applied to the HE’s own employees.
- Medical surveillance and screening.** The responsibility of the HE to conduct medical surveillance and screening of the TWs if they are exposed to a workplace condition that requires it and to share the results with the SC and the TWs
- Secure sites.** If the TWs will be placed at secure worksites, how the HE and SC will work together to establish a protocol for the TWs and SC representatives to gain access to the sites, including protocols to ensure personal security
- Ensuring standard and consistent work practices.** Processes in place to ensure that standard and consistent work practices are documented, taught, and enforced
- Tracking effectiveness.** Ways to track the effectiveness of safety and health policies and practices of both employers.

Training for Temporary Workers and Their Worksite Supervisors—Best Practices Checklist for Host Employers

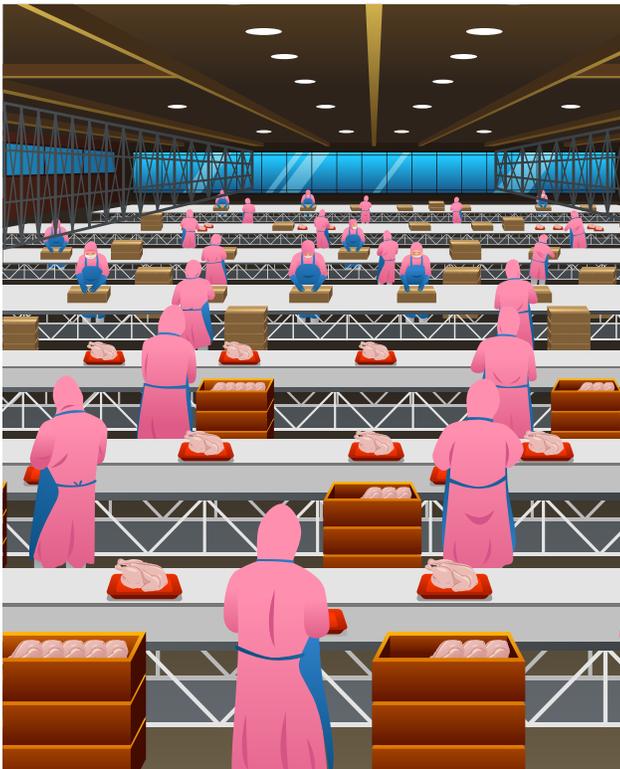
Temporary Worker Training

Site- and task-specific safety and health training should be provided for all TWs before they start a new assignment or start new jobs/tasks on existing assignments. Site- and task-specific training for TWs should include information on the following topics:

- Approved tasks and qualifications.** The approved tasks and qualifications as stated in the written job descriptions, including:
 - The tasks the TWs are approved to perform with an emphasis that the TWs should not perform any new tasks without the HE first obtaining written approval from the SC
 - Any hazardous tasks the TWs will NOT perform and any equipment and/or machinery they are NOT allowed to operate
- Hazard identification and control.** How to recognize site- and task-specific hazards and understand the best ways to reduce and/or eliminate them, including the location of SDSs and how to obtain copies
- Personal protective equipment.** Required PPE, including this information:
 - Which employer will: 1) pay for and supply it, 2) ensure it's the appropriate type and fits correctly, and 3) conduct a medical evaluation and fit test for all types of PPE that require it
 - How to properly don, doff, adjust, and maintain it, as well as its limitations and shelf life (or provide a review of this information if the SC has already provided this training as stated in the written contract)
- OSHA laws.** Employer responsibilities and workers' rights and responsibilities under OSHA law, including the *Right to Refuse Dangerous Work* (<https://www.osha.gov/workers/right-to-refuse>) and *Whistleblower Protection Rights* (<https://www.osha.gov/Publications/OSHA3781.pdf>), with an emphasis that TWs have the same rights and responsibilities as non-TWs
- First aid.** How to obtain first-aid treatment
- Emergency procedures.** Site- and task-specific emergency procedures, including exit routes
- Reporting safety and health incidents and concerns.** The responsibility of the TWs to report all work-related injuries, illnesses, and close-calls and to communicate safety and health concerns as soon as possible to both the HE and the SC, including the following:
 - Procedures for how to do so
 - What to expect after reporting
 - An emphasis that they will not be punished or looked down upon for doing so
- Secure sites.** If the TWs will be placed at secure worksites, how to gain access to the sites, including protocols to ensure personal security
- Safety and health program participation.** How the TWs can participate in the HE's safety and health program, including safety meetings/committees, toolbox talks, scheduled trainings, and hazard-specific programs

In relation to safety and health training for TWs, HES should also do the following:

- Assess knowledge.** Have the TWs complete a knowledge assessment (in a language they understand) to ensure they understand key concepts from site- and task-specific safety and health training before starting the assignment.
 - If gaps in knowledge are found, repeat training and reassess the workers' knowledge.
- Document training.** Document the date-when site- and task-specific training for the TWs is completed, the names of workers trained, and the names of the instructors.
 - Provide copies of site- and task-specific training documentation to the SC upon request.



Evaluate staffing company training materials. Review the general safety and health awareness training provided by the SC to determine if it is adequate and includes these items:

- Specific details of the assigned job
- A basic overview of employer responsibilities and workers' rights and responsibilities
- Common hazards and protections, including any PPE provided by the SC
- If the general safety and health awareness training provided by the SC is not sufficient, the HE should document and communicate this to the SC with a recommendation for what additional training the SC should provide.

Supervisor Training

In addition to providing site- and task-specific training to TWs, HEs should also provide training to those who will be supervising the work of TWs. This training should include information on the following topics:

- Approved tasks.** The approved tasks as stated in the written job descriptions, including the following:
 - The tasks the TWs are approved to perform with an emphasis that the TWs should not perform any new tasks without the HE first obtaining written approval from the SC
 - Any hazardous tasks the TWs will NOT perform and any equipment and/or machinery they are NOT allowed to operate
- Changes to job tasks.** The process for modifying job tasks as described in the written contract
- Mentoring and supervision.** Their responsibility to provide the TWs with supervision that is identical or equivalent to that provided to the HE's own employees performing the same or similar work and the potential need to provide extra mentoring and supervision to new TWs who may be inexperienced with the assigned tasks and unfamiliar with the worksites
- OSHA laws.** Employer responsibilities and workers' rights and responsibilities under OSHA law, including the *Right to Refuse Dangerous Work* (<https://www.osha.gov/workers/right-to-refuse>) and *Whistleblower Protection Rights* (<https://www.osha.gov/Publications/OSHA3781.pdf>), with an emphasis that TWs have the same rights and responsibilities as non-TWs
- Communication and reporting.** How to communicate with the TWs about their performance and safety-related behavior and encourage them to report all work-related injuries, illnesses, close-calls, and safety and health concerns as soon as possible
- Joint responsibilities.** The safety and health responsibilities of the HE and the SC, including those pertaining to training, PPE, hazard communication, and injury and illness reporting, response, and recordkeeping as specified in the written contract.

Injury and Illness Reporting, Response, and Recordkeeping—Best Practices Checklist for Host Employers

Reporting

With regards to reporting of TW injuries and illnesses, HEs should do the following:

- Promote injury and illness reporting.** Ensure the TWs are aware of procedures to report work-related injuries, illnesses, and close-calls and are encouraged to communicate safety and health concerns without fear of retaliation.
- Inform staffing companies.** Inform the SC immediately if a TW experiences a work-related injury, illness, or close-call.
- Report to OSHA.** Report fatalities to OSHA within 8 hours and injuries and illnesses involving amputation, loss of an eye, or in-patient hospitalization within 24 hours. Reporting requirements vary in states with OSHA-approved state plans, so it is important to check state-specific occupational safety and health laws (<https://www.osha.gov/stateplans/>).

Response

With regards to responding to TW injuries and illnesses, HEs should do the following:

- Conduct joint incident investigations.** Engage in partnership with the SC to conduct thorough investigations of TW injuries, illnesses, and close-calls, including involvement of the affected workers, in order to determine the following:
 - The root causes
 - Corrective actions
 - Opportunities to improve their respective injury and illness prevention programs
- Coordinate medical treatment and return to work.** Ensure TWs and their supervisors are aware of the general procedures for coordinating medical treatment and return to work (if applicable) following a work-related injury or illness.

Recordkeeping

With regards to recordkeeping of TW injuries and illnesses, HEs should do the following:

- Record on OSHA 300 Log.** Record TW injuries and illnesses on their OSHA 300 Log.
- Complete staffing company documentation.** Complete SC documentation of the incident as required by the SC's workers' compensation carrier (for example, a Supervisor's Report of Injury/Illness Form).
- Fulfill record requests.** Coordinate with the SC to make injury and illness records available upon request of a TW or worker representative as indicated in the written contract.

