



Temporary Worker Initiative

Hazard Communication

This is part of a series of guidance documents developed under the Occupational Safety and Health Administration's (OSHA's) Temporary Worker Initiative (TWI). This Initiative focuses on compliance with safety and health requirements when **temporary workers** are employed under the joint employment of a **staffing agency** and a **host employer**.

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, commonly referred to as the **host employer**, are joint employers of those workers. Both employers are responsible for determining the conditions of employment and for complying with the law. In this joint employment structure, questions regarding employer responsibility for particular safety and health protections are common. This bulletin addresses how to identify who is responsible for providing **hazard communication information and training** to temporary workers.

Workers have the right to know and understand the hazardous properties of the chemicals in the workplace to which they may be exposed. They also have the right to all pertinent information that will enable them to work with or around such chemicals in a safe manner. The Hazard Communication Standard (HCS), [29 CFR 1910.1200 \(h\)](#), requires all employers to provide information and training to their employees about the hazardous chemicals to which they may be exposed at the time of their initial assignment and whenever a new hazard is introduced into their work area.

Employers must also maintain a written hazard communication program at their facility as required by the HCS, [29 CFR 1910.1200 \(e\)](#). The written program should include requirements for labels and other forms of warning, safety data sheets (SDSs), and information and training. The HCS applies to any chemical known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in any foreseeable emergency.

Hazard Communication for Temporary Workers

Staffing agencies and host employers share control over temporary employees, and are therefore jointly responsible for ensuring that these employees are effectively informed and trained regarding exposure to hazardous chemicals.

As a recommended practice, the staffing agency and host employer should discuss responsibility for each aspect of hazard communication training and inform the other employer when the hazard communication training is completed. The details of the particular training to be performed can be clearly stated in the language of the contract between the employers and in the host employer's written hazard communication program. [See also [1910.1200 \(e\)\(2\)](#)]. While employers cannot

discharge or subcontract their legal responsibilities to another party, the host employer may specify the qualifications required for temporary workers, including generic hazard communication training, in its contract with the staffing agency.

Hazard communication training must be completed before the worker begins work on a project and before a new chemical hazard is introduced that the worker has not been trained on before. Additionally, the training must be in a language and vocabulary the worker understands. Depending on the industry, worksite, and job duties involved, other OSHA standards that also require site-specific training may be applicable.

Host Employer Responsibilities

The host employer holds the primary responsibility for providing site-specific hazard communication information and training on chemical hazards in the workplace to temporary employees since it uses or produces the hazardous chemicals and creates and controls the work process. The host employer is therefore best suited to inform employees of the chemical hazards specific to the workplace environment through site-specific training. This responsibility includes identifying and communicating information about worksite-specific chemical hazards, ensuring appropriate labeling of chemical containers, providing access to SDSs, and providing appropriate personal protective equipment (PPE). The HCS training provided to temporary workers should be identical or equivalent to the training given to the host employers' own employees. While the staffing agency may have a representative at the host employer's worksite, the presence of that representative does not transfer responsibilities for site-specific training to the staffing agency.

Staffing Agency Responsibilities

Staffing agencies must, at a minimum, provide generic hazard communication information and training to their employees to explain HCS requirements applicable to different occupational settings that the temporary employees are expected to encounter¹. The training should include information on labels and other forms of warning, the format and content of SDSs, and other employee information and training required by the HCS. Workers should be trained so that they have a basic ability to identify potentially hazardous chemicals, and staffing agencies must ensure that their employees understand their rights whenever hazardous chemicals are present in their work area. This training will enable workers to understand key components of the Hazard Communication standard regardless of where they work.

The staffing agency also has a duty to inquire and verify that the host employer has adequately fulfilled its shared training responsibilities for assigned employees. To fulfill this obligation, the staffing agency should take reasonable steps and have a reasonable basis for believing that the host employer's hazard communication training adequately addresses the potential chemical hazards to which employees may be exposed to at the host's worksite. To ensure that the host employer provides appropriate and sufficient information and training regarding hazardous chemicals, the staffing agency should become familiar with the hazards at the host employer's worksite. The staffing agency may choose to review the host employer's hazard communication program and training and/or conduct a walkthrough of the worksite to accomplish this. Staffing agencies should also maintain communication with their workers and the host employer so that they are alerted to additional or newly-created site-specific workplace hazards that may need to be addressed.

1. See [OSHA CPL 02-02-079](#), page 73, *Inspection Procedures for the Hazard Communication Standard*, July 9, 2015.

Example Scenario*

The example provided below is fictitious but describes what may happen when temporary workers are not adequately provided hazard communication information and training for their job assignments by the staffing agencies and host employers.

The engine shop of Neptune Shipyard (NS) was refurbishing parts of a ship engine and needed additional workers to clean engine parts to meet a project deadline. NS had a contract with Temp Staffing, a staffing agency, to provide the extra workers to perform paint stripping. Temp Staffing hired ten workers, informed them they would be cleaning engine parts, and gave them general safety training before sending them over to NS.

At the shipyard, the temporary workers were tasked with wiping down the engine parts with a chemical that strips away rust and paint. The workers only knew that it was a stripping solution, and that they were to spray it on and then wipe it off with rags. The solution was provided in bottles and jugs that had no labels except for the words "Paint Stripper" written on the containers with permanent marker. After a couple of days, a handful of the temporary workers began to develop rashes on their hands and arms. As more time passed, other workers developed rashes. When the temporary workers complained, NS provided gloves.

After several days, the temporary workers began developing respiratory problems that they believed were tied to the paint stripping solution. NS was unresponsive to the temporary workers' requests for additional details on the solution they were using. The temporary workers informed Temp Staffing of their concerns, which resulted in the staffing agency requesting the solution's Safety Data Sheet (SDS) from NS. When NS provided the SDS, the SDS did not indicate that the paint stripper was associated with respiratory issues. However, when a Temp Staffing representative visited the site for a meeting with the temporary workers, she saw that other workers in the engine shop were working with other chemicals. Temp Staffing requested the SDSs for those chemicals but NS refused. The Temp Staffing representative left the site but continued negotiating with NS for the SDSs. Workers from Temp Staffing continued their assigned work in the NS engine shop.

Analysis

Temp Staffing fulfilled its responsibility for providing the generic safety training, but failed to provide generic hazard communication information and training and neglected its initial duty of performing some inquiry to identify the specific chemicals its workers would be using. Since the staffing agency knew the workers would be paint stripping, it should have inquired about the chemicals to be used and ensured that NS provided appropriate PPE and site-specific hazard communication information and training on working with the chemicals before the work began. Further, because a representative visited the worksite and noted other employees working with additional chemicals and that NS refused to provide the other SDSs, the staffing agency failed to ensure the shipyard provided site-specific hazard communication information and training and related protections to the temporary workers. As a last resort, they could have removed the temporary employees from the worksite until NS provided the other SDSs and abated any associated hazards. Temp Staffing may be subject to OSHA citations for not providing generic hazard communication information and training.

Neptune Shipyard was responsible for the site-specific hazard communication information and training and failed to provide it. NS supervises and controls the day-to-day work of the temporary employees at its facility. It is in the best position to provide the hazard communication information and training applicable to its workplace. For this failure to provide appropriate site-specific hazard communication information and training, NS may be subject to OSHA citations.

NS also refused to provide SDSs to the workers and to Temp Staffing even though the HCS requires employers to provide such information to employees. For the refusal to provide the SDSs and its improper container labeling, NS may be subject to OSHA citations.

**Note: The company names in this scenario are fictitious. Any resemblance to real companies is entirely coincidental.*

State Plans

Twenty-eight states and U.S. territories have their own OSHA-approved occupational safety and health programs called State Plans. These State Plans have and enforce their own occupational safety and health standards that must be at least as effective as OSHA's, but may have different or additional requirements. A list of the State Plans and more information are available at: www.osha.gov/dcsp/osp.

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) or visit OSHA's main web page at www.osha.gov. 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 at www.osha.gov/workers.

For more information on Temporary Workers visit OSHA's Temporary Workers' page at www.osha.gov/temp_workers.

For more information on Hazard Communication Training visit the Hazard Communication webpage at www.osha.gov/hazcom. This webpage contains a number of training aids, including QuickCards™ on labels, SDSs, and pictograms. OSHA also created a fact sheet to explain the training required under the 2012 Hazard Communication Standard, aligned with the UN Globally Harmonized System

of Classification and Labelling of Chemicals. This fact sheet is available at www.osha.gov/Publications/OSHA3642.pdf

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.

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 across the country, with priority given to high-hazard worksites. On-site Consultation services are separate from enforcement and do not result in penalties or citations. Consultants from state agencies or universities work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing and improving safety and health management systems. To locate the OSHA On-site Consultation Program nearest you, call 1-800-321-6742 (OSHA) or visit www.osha.gov/consultation.

Disclaimer: This bulletin is not a standard or regulation, and it creates no new legal obligations. It contains recommendations as well as descriptions of mandatory safety and health standards. The recommendations are advisory in nature, informational in content, and are intended to assist employers in providing a safe and healthful workplace. The *Occupational Safety and Health Act* requires employers to comply with safety and health standards and regulations promulgated by OSHA or by a state with an OSHA-approved state plan. In addition, the OSH Act's General Duty Clause, Section 5(a)(1), requires employers to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm.

For more information



www.osha.gov (800) 321-OSHA (6742)



U.S. Department of Labor