

OSHA's Temporary Worker Initiative Two Years Later

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On April 29, 2013, the Occupational Safety and Health Administration (“OSHA”) launched the Temporary Worker Initiative (“TWI”) with the purpose of increasing its focus on temporary workers in order to highlight employers’ responsibilities to ensure these workers are protected from workplace hazards. A temporary worker is defined by OSHA as one hired and paid by a staffing agency and supplied to a host employer to perform work on a temporary basis. In this situation, OSHA summarily opines that the staffing agency and host employer are “joint employers.” Since its inception, there have been at least 24 reported cases (from OSHA press releases) where citations have been issued under the TWI. After two years of OSHA’s enforcement under the initiative, some general observations can be made. Initially, as the charts that follow reveal, host employers are generally issued more citations and larger fines than staffing agencies.

More specifically, one can group these known 24 TWI cases into 5 classifications of possible citations: (1) essentially equal treatment as to the host and staffing agency; (2) both the staffing agency and the host are cited, but the host has substantially more additional citations; (3) both are cited, but the staffing agency has substantially more citations; (4) only the host is cited; and (5) only the staffing agency is cited.

Our summary charts for each of these five classifications are detailed in the full alert - to read it, click on the PDF below.

[OSHAs-Temporary-Worker-Initiative-Two-Years-Later.pdf](#)

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