

Matt Deffebach HR Magazine: OSHA Citations Under Temporary Worker Initiative Expected to Continue

By Matthew Thomas Deffebach | January 27, 2017

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The Occupational Safety and Health Administration (OSHA) generally considers host employers and staffing agencies to be "joint employers" under its Temporary Worker Initiative (TWI), but host employers frequently receive more citations and steeper fines for safety violations, according to a survey by law firm Haynes Boone.

[Matthew Deffebach](#), an attorney with the firm's Houston office, said he expects OSHA to keep issuing citations under the TWI in 2017.

"A lot of initiatives will continue for a while, even with the new administration," he said in an interview with SHRM Online. "There will be changes with top-level folks, but you're not going to see a lot of turnover with the investigators in the trenches."

... OSHA's view that host employers and staffing agencies are joint employers for TWI purposes creates challenges for the workplace, Deffebach said.

Businesses usually want to avoid treating temporary workers like employees so they aren't subjected to employer obligations under wage-and-hour and other labor-related laws.

OSHA, however, has taken the position that both hosts and agencies are responsible for compliance efforts because, while the staffing agency supplies the paychecks, the host employer assigns the work and controls operations in the physical workplace.

This is a tough issue for employers because most are using temporary staff when they have a surge in workload so that they are removed from some of the same obligations they have for their employees, Deffebach said.

Excerpted from *HR Magazine*. To read the full article, please [click here](#).