

## Matthew Deffebach in Business Insurance: OSHA Stays the Course on Temporary Worker Safety Initiatives

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December 20, 2018 Matthew Deffebach

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*Business Insurance* quoted Haynes Boone Partner [Matthew Deffebach](#) in an article about the recent guidance from the U.S. Occupational Safety and Health Administration (OSHA) concerning the lockout/tagout training requirements for temporary workers.

Here is an excerpt:

The latest guidance released in November covers the application of OSHA's lockout/tagout standard, which addresses the unexpected energization and startup of machinery and is one of the top five cited OSHA violations every year, to temporary workers.

"I was surprised to see it, quite frankly," said Matthew Deffebach, Houston-based partner and head of the labor and employment practice group at law firm Haynes Boone LLP. "I thought under the current administration that we might not see as much emphasis on temporary workers as we did under the previous administration."

If a temporary worker is not performing servicing or maintenance, but is or may be working in an area where lockout/tagout procedures may be utilized, then he or she is considered an affected employee, just as the worker would be if he or she was actually performing the service or maintenance activities, with training requirements included in the standard applicable to both scenarios, according to the guidance.

"For a lot of employers, particularly those that have sophisticated machinery, they're probably not using a lot of temp workers to actually work on the machines, but it does raise that issue where OSHA says in the guidance that if those temp workers are working in proximity where there might be work on a machine, they're considered affected employees under the regulation," Deffebach said. "Affected employees still have to receive training on what's happening with energy isolation. They have to understand that they're not authorized to work on the machines."

"If this is going to become a point of emphasis, given how frequently lockout/tagout is cited, you could see an uptick in activity and citations, which just seems like a strange thing to come out of this current administration," Deffebach said.

To read the full article, click [here](#).