

MIOSHA Fact Sheet



Employer Responsibilities to Protect Temporary Workers

To ensure that there is a clear understanding of each employer's role in protecting employees, MIOSHA recommends that the temporary staffing agency and the host employer set out their respective responsibilities for compliance with applicable MIOSHA standards in their contract. Including such terms in a contract will ensure that each employer complies with all relevant regulatory requirements, thereby avoiding confusion as to the employer's obligations.

Joint Responsibility

While the extent of responsibility under the law of staffing agencies and host employers is dependent on the specific facts of each case, staffing agencies and host employers are **jointly responsible** for maintaining a safe work environment for temporary workers - including, for example, ensuring that MIOSHA's training, hazard communication, and recordkeeping requirements are fulfilled.

MIOSHA could hold both the host and temporary employers responsible for the violative condition(s) - and that can include lack of adequate training regarding workplace hazards. Temporary staffing agencies and host employers share control over the worker and are jointly responsible for temporary workers' safety and health.

MIOSHA has concerns that some employers may use temporary workers as a way to avoid meeting all their compliance obligations under the MIOASH Act and other worker protection laws; that temporary workers get placed in a variety of jobs, including the most hazardous jobs; that temporary workers are more vulnerable to workplace safety and health hazards and retaliation than workers in traditional employment relationships; that temporary workers are often not given adequate safety and health training or explanations of their duties by either the temporary staffing agency or the host employer. Therefore, it is essential that *both* employers comply with all relevant MIOSHA requirements.

Both Host Employers and Staffing Agencies Have Roles

Both host employers and staffing agencies have roles in complying with workplace health and safety requirements and they *share* responsibility for ensuring worker safety and health.

A key concept is that each employer should consider the hazards it is able to **prevent and correct**, and in a position to **comply** with MIOSHA standards. For example: staffing agencies might provide general safety and health training, and host employers provide specific training tailored to the workplace equipment and associated hazards.

- The key is **communication** between the agency and the host to ensure that the necessary protections are provided.

LEO is an equal opportunity employer/program.



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- Staffing agencies have a duty to inquire into the conditions of their workers' assigned workplaces. They must ensure that they are sending workers to a safe workplace.
- Ignorance of hazards is not an excuse.
- Staffing agencies need not become experts on specific workplace hazards, but they should determine what conditions exist at their client (host) agencies, what hazards may be encountered, and how best to ensure protection for the temporary workers.
- The staffing agency has the duty to inquire and *verify* that the host has fulfilled its responsibilities for a safe workplace.
- And, just as important: Host employers *must treat temporary workers like any other workers* in terms of training and safety and health protections.

How Can MIOSHA Help?

Workers have a right to a safe workplace. If you think your job is unsafe or have questions, contact MIOSHA at 800-TO-MIOSH or 800-866-4674. It is confidential. We can help. For other valuable worker protection information, such as Workers' Rights, Employer Responsibilities, and other services MIOSHA offers, visit www.michigan.gov/miosha.

MIOSHA also provides help to employers. MIOSHA's On-Site Consultation Program offers free and confidential occupational safety and health services to small and medium-sized businesses, with priority given to high-hazard worksites. For additional training and assistance, please contact the Consultation Education and Training Division at www.michigan.gov/cetrca.

MIOSHA Publications for Temporary Workers

[Injury & Illness Recordkeeping Requirements for Temporary Workers Fact Sheet](#) 

[Training Fact Sheet \(GISHD #003\)](#)

Resources

[Federal OSHA Temporary Worker Webpage](#)