

Protecting the Safety and Health of Workers in Nonstandard Work Relationships

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**Lawrence “Day” Davis’
first day at work**



What would you do?



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Why Are Temp Workers At High Risk of Injury?

- All the reasons John just mentioned
- New workers are at **greatly** increased risk.

U. S. DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS

ROYAL MEEKER, Commissioner

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NUMBER 234

INDUSTRIAL ACCIDENTS AND HYGIENE SERIES NO. 18

THE SAFETY MOVEMENT IN THE
IRON AND STEEL INDUSTRY
1907 TO 1917

LUCIAN W. GRANET
ED.
HENRICH S. HANNA



JUNE, 1918

WASHINGTON
GOVERNMENT PRINTING OFFICE
1918

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TABLE 51.—AVERAGE NUMBER OF PRESS HANDS AND OF EMPLOYEES IN OTHER OCCUPATIONS IN THE METAL TRADES INJURED PER DAY AFTER BEGINNING WORK ON MACHINE, BY SEX.

Occupation.	Average number injured per day.				
	1st day.	2d day to end of 1st week.	2d week to end of 1st month.	2d month to end of 6th month.	7th month to end of 1st year.
Press hands:					
Males.....	77	13	3	0.78	0.21
Females.....	252	33	4	.71	.26
Total.....	329	46	7	1.49	.47
Other occupations:					
Males.....	89	25	8	3.00	1.00
Females.....	42	12	2	.69	.32
Total.....	131	37	10	3.69	1.32
All occupations:					
Males.....	166	38	11	3.00	1.00
Females.....	294	45	6	1.00	.57
Total.....	460	83	17	4.00	1.57

This table shows a very great excess of accident occurrence on the first day on the machine. If this could be placed on a rate basis, it would be still more striking.

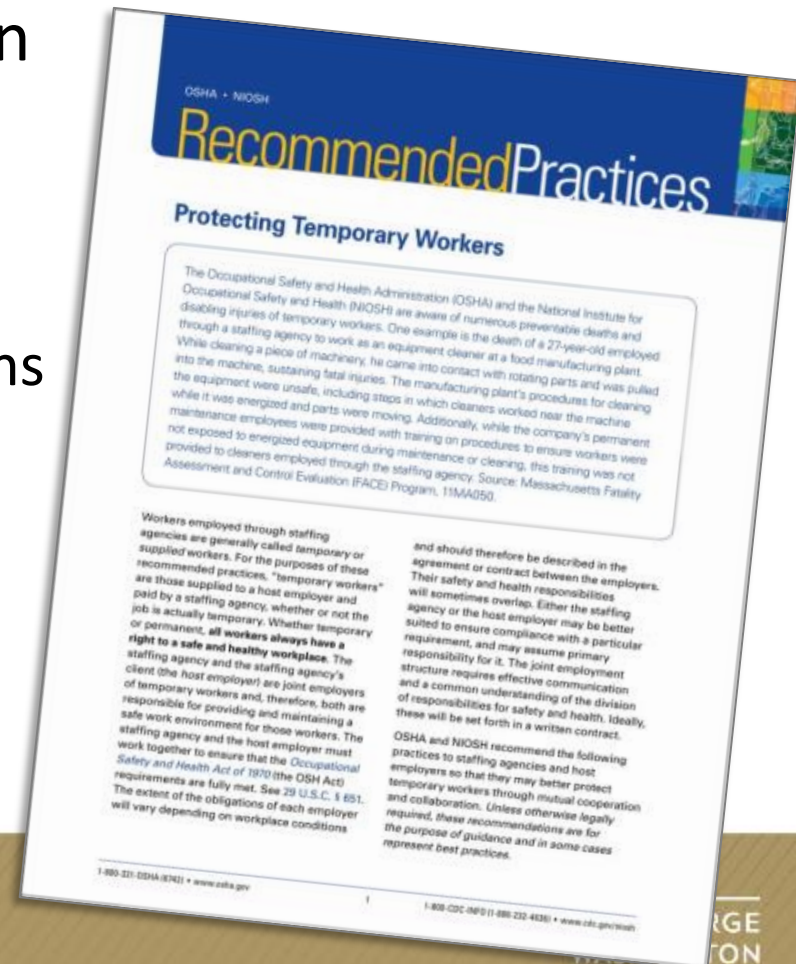
Source: Safety Movement in Iron and Steel Industry 1907-1917. US Dept. of Labor/Bureau of Labor Statistics, 1918.

Why Are Temp Workers At High Risk of Injury?

- All the reasons John just mentioned
- New workers are at **greatly** increased risk.
- Host employers don't have the same commitment to temporary employees as to permanent ones.
- Employer who bears the risk of the injury (staffing agency) does not control safety and health investment.

OSHA Temporary Worker Initiative

- Extensive outreach and education, with American Staffing Association
 - Recommended Practices
 - Compliance Assistance Bulletins
- In all inspections, ask about temp workers' presence, hazardous exposures, and training they have received.



Joint Employment

Legally, both the host employer
and the staffing agency are employers
of the temporary worker.

Shared control over worker = Shared responsibility for worker

Voluntary Accreditation Program



An Initiative of the
American Staffing Association
and National Safety Council

Workers at Multi-Employer Sites



BP Texas City Explosion in 2015. 15 dead, 180 injured

OSHA's Multi-Employer Citation Policy (MECP)

- Creating employer
- Exposing employer
- Correcting employer
- Controlling employer

How Many Workers are Misclassified?

- Proportion of construction workers misclassified in
 - North Carolina: 35.2%
 - Texas: 37.7%
 - Florida: 15.5%
- More than 500,000 in those 3 states, alone

EU Terminology: “Bogus Self-Employment”

Gig Economy



Some Short-Term Solutions

- Stronger OSHA Enforcement and Penalties
 - Criminal Penalties for C-Suites and Directors
- Stronger Enforcement against Misclassification
- No More Contracts for Labor Law Violators
- Bill of Rights for Temp Workers
- Increased Liability for Host Employers

Longer Term: Duty of Care

“You are responsible for the health and safety of those in your workplace, including visitors. And, if you’re self-employed, you’re responsible for your own safety and the safety of others.”