

ESSB 6122 - H COMM AMD

By Committee on Labor & Workplace Standards

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17
4 RCW to read as follows:

5 (1) Before the assignment of an employee to a worksite employer,
6 a staffing agency must:

7 (a) Inquire about the worksite employer's safety and health
8 practices and hazards, and when five or more employees will be
9 assigned to a single worksite, also make reasonable efforts to visit
10 the worksite employer's actual workplace where the employees will be
11 working to assess the safety conditions, observe workers engaged in
12 their tasks, and review the worksite employer's safety program;

13 (b) Provide training to the employee for general industry hazards
14 the employee may encounter at the worksite employer. Industry
15 training must be completed annually, in the preferred language of the
16 employee, and must be provided at no expense to the employee. The
17 training date and training content must be maintained by the staffing
18 agency and provided to the employee upon request;

19 (c) Transmit training documentation to the worksite employer;

20 (d) Provide the department's hotline number for the employee to
21 call to report safety hazards and concerns as part of the employment
22 materials provided to the employee; and

23 (e) Inform the employee who the employee should report safety
24 concerns to at the workplace.

25 (2) Before the employee engages in work for the worksite
26 employer, the worksite employer must:

27 (a) Document and inform the staffing agency about anticipated job
28 hazards likely encountered by the staffing agency employee;

29 (b) Review industry training provided by the staffing agency to
30 determine if the training is appropriate for hazards encountered in
31 the worksite employer's jobsite location. If the worksite employer

1 determines that the training is not appropriate, the worksite
2 employer must provide all necessary training;

3 (c) Document if the determination is made that the training is
4 adequate for the expected hazards likely encountered by the staffing
5 agency employees; and

6 (d) Document and maintain records of supplemental training and
7 provide the training records to the staffing agency and the employee
8 within forty-eight hours of providing the training.

9 (3) If the worksite employer changes the job tasks and new
10 hazards may be encountered, the worksite employer must:

11 (a) Inform both the staffing agency and the employee; and

12 (b) Inform both the staffing agency and the employee of job
13 hazards not previously covered before the employee undertakes the new
14 tasks and update personal protective equipment and training for the
15 new job tasks, if necessary.

16 (4) A staffing agency and employee may refuse a new job task at
17 the worksite when the task has not been reviewed or if the employee
18 has not had appropriate training to do the new task.

19 (5) A worksite employer must allow a staffing agency to visit any
20 worksite where the staffing agency's employees are working to observe
21 and confirm the information related to job tasks and hazards.

22 (6) A worksite employer that supervises an employee of a staffing
23 agency must provide worksite specific training to the employee and
24 must allow a staffing agency to visit any worksite where the staffing
25 agency's employees are or will be working to observe and confirm the
26 worksite employer's training and information related to the
27 worksite's safety and health practices and hazards.

28 (7) The definitions in this subsection apply throughout this
29 section unless the context clearly requires otherwise.

30 (a) "Staffing agency" means an individual, company, corporation,
31 or partnership, that procures or provides temporary employment to a
32 person who then works under the supervision or direction of a
33 worksite employer. "Staffing agency" does not include a "farm labor
34 contractor" as defined in RCW 19.30.010.

35 (b) "Worksite employer" means an individual, company,
36 corporation, or partnership with which a staffing agency contracts or
37 otherwise agrees to furnish persons for temporary employment in the
38 industries described in sectors 23 and 31 through 33 of the North
39 American industry classification system.

1 (8) This section does not change any existing worksite employer
2 or staffing agency responsibility as an employer to provide a place
3 of employment free from recognized hazards or to otherwise comply
4 with this chapter and other employment laws.

5 (9) A staffing agency or worksite employer may not retaliate
6 against a staffing agency employee who reports safety concerns.

7 NEW SECTION. **Sec. 2.** (1) The department of labor and industries
8 must review three years of industrial injury claims related to
9 staffing agencies' employees. By December 1, 2023, the department of
10 labor and industries must provide a report to the appropriate
11 committees of the legislature with its findings regarding the claims
12 and a recommendation for a financial assessment charged to the
13 worksite employers so that worksite employers are also impacted
14 financially from claims related to their worksites by staffing
15 agencies' employees. The financial assessment is separate from
16 industrial insurance premiums and experience rating calculations.

17 (2) For the purposes of this section, the definitions in section
18 1(7) of this act apply unless the context clearly requires
19 otherwise."

20 Correct the title.

EFFECT: Requires staffing agencies to inquire about all worksite
employers' practices and hazards, instead of only those worksite
employers with five or more employees to which a visit was not
feasible. Changes the requirement that staffing agencies make every
reasonable effort to visit certain worksites to a requirement that
staffing agencies make reasonable efforts to visit. Changes the
purpose of the worksite visit to include observation of workers
engaged in their tasks.

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