
ENGROSSED SUBSTITUTE SENATE BILL 6122

State of Washington

66th Legislature

2020 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Keiser, Kuderer, and Wilson, C.)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to protecting temporary workers; adding a new
2 section to chapter 49.17 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

8 (a) Make every reasonable effort when five or more employees will
9 be assigned to a single worksite, to visit the worksite employer's
10 actual workplace where the employees will be working to review the
11 safety and health practices and hazards of the worksite employer;
12 when a visit to the workplace is not feasible, the staffing agency
13 must inquire about the safety and health practices and hazards;

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

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

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

4 (e) Inform the employee who the employee should report safety
5 concerns to at the workplace.

6 (2) Before the employee engages in work for the worksite
7 employer, the worksite employer must:

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

10 (b) Review industry training provided by the staffing agency to
11 determine if the training is appropriate for hazards encountered in
12 the worksite employer's jobsite location. If the worksite employer
13 determines that the training is not appropriate, the worksite
14 employer must provide all necessary training;

15 (c) Document if the determination is made that the training is
16 adequate for the expected hazards likely encountered by the staffing
17 agency employees; and

18 (d) Document and maintain records of supplemental training and
19 provide the training records to the staffing agency and the employee
20 within forty-eight hours of providing the training.

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

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

24 (b) Inform both the staffing agency and the employee of job
25 hazards not previously covered before the employee undertakes the new
26 tasks and update personal protective equipment and training for the
27 new job tasks, if necessary.

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

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

34 (6) A worksite employer that supervises an employee of a staffing
35 agency must provide worksite specific training to the employee and
36 must allow a staffing agency to visit any worksite where the staffing
37 agency's employees are or will be working to observe and confirm the
38 worksite employer's training and information related to the
39 worksite's safety and health practices and hazards.

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

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

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

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

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

19 NEW SECTION. **Sec. 2.** (1) The department of labor and industries
20 must review three years of industrial injury claims related to
21 staffing agencies' employees. By December 1, 2023, the department of
22 labor and industries must provide a report to the appropriate
23 committees of the legislature with its findings regarding the claims
24 and a recommendation for a financial assessment charged to the
25 worksite employers so that worksite employers are also impacted
26 financially from claims related to their worksites by staffing
27 agencies' employees. The financial assessment is separate from
28 industrial insurance premiums and experience rating calculations.

29 (2) For the purposes of this section, the definitions in section
30 1(7) of this act apply unless the context clearly requires otherwise.

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