

---

**Labor & Workplace Standards  
Committee**

---

**HB 1206**

**Brief Description:** Protecting temporary workers.

**Sponsors:** Representatives Berry, Bronoske, Ramos, Fitzgibbon, Davis, Lovick, Thai, Ortiz-Self, Ormsby, Simmons, Chopp, Callan, Valdez, Macri and Harris-Talley; by request of Department of Labor & Industries.

**Brief Summary of Bill**

- Establishes specific standards under the Washington Industrial Safety and Health Act for staffing agencies and worksite employers regarding training, assessing hazards, sharing information, and other requirements.

**Hearing Date:** 1/26/21

**Staff:** Trudes Tango (786-7384).

**Background:**

Washington Industrial Safety and Health Act.

Washington is a "state plan state" for purposes of the federal Occupational Safety and Health Administration. As a state plan state, Washington assumes responsibility for occupational safety and health in the state under the Washington Industrial Safety and Health Act (WISHA), which is administered by the Department of Labor and Industries (Department).

Under the WISHA, the Department must adopt rules regulating practices or processes reasonably necessary or appropriate to provide safe or healthful employment. The Department has adopted general standards that apply to most industries, as well as standards that apply only to specific industries.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

If the Director of the Department determines that an employer has violated a safety or health standard, the Director must in most cases issue a citation and impose a penalty. Where two or more employers may share liability for violations, such as in the case of staffing agencies providing temporary workers, the Department applies policies outlined in a directive.

In general, the staffing agency must ensure employees receive all required training and personal protective equipment, but may fulfill its obligation by taking reasonable steps to ensure the worksite employer provides the training and the personal protective equipment. The worksite employer may be cited for violations when it is responsible for supervising or controlling the staffing agency's employees. In some cases, both employers may be cited.

### **Summary of Bill:**

Provisions specific to temporary workers in construction and manufacturing industries are adopted. A "staffing agency" is an organization that recruits and hires its own employees and temporarily assigns them to work for another organization under that other organization's supervision. A "worksite employer" is an entity that contracts with a staffing agency to provide temporary employment in the construction and manufacturing industries.

#### Staffing agency responsibilities

Before assigning an employee to a worksite employer, a staffing agency must:

- Inquire about the worksite employer's safety and health practices and hazards at the actual workplace in order to assess the: safety conditions, worker's tasks, and worksite employer's safety program. The agency may visit the actual worksite.
- Provide general awareness safety training to the employee for industry hazards the employee may encounter. Training must be in the preferred language of the employee and provided at no cost to the employee.
- Transmit training documentation to the worksite employer at the start of the contract;
- Provide the employee with the Department's hotline number for reporting safety concerns; and
- Inform the employee who to report safety concerns to at the workplace.

If the staffing agency becomes aware of existing job hazards that are not mitigated by the worksite employer, the agency must make the employer aware, urge the employer to correct it, and document these efforts, otherwise the agency must remove the worker from the worksite.

#### Worksite employer responsibilities

Before the employee engages in work for the worksite employer, the worksite employer must:

- Document and inform the staffing agency about anticipated job hazards;
- Review the staffing agency's training to determine if it addresses recognized hazards for the worksite employer's industry;
- Provide specific training tailored to the particular hazards at the workplace; and
- Document and maintain records of site-specific training, and within three business days of

providing training, provide confirmation to the staffing agency.

If the worksite employer changes the job tasks or work location and new hazards may be encountered, the worksite employer must inform the staffing agency and employee of job hazards not previously covered and update personal protective equipment and training for the new job tasks, if necessary.

A worksite employer that supervises a staffing agency employee must provide worksite specific training to the employee and allow a staffing agency to visit any worksite where the staffing agency's employees are or will be working to observe and confirm the worksite employer's training and information related to the job tasks, safety and health practices, and hazards.

A staffing agency or employee may refuse a new job task when the task has not been reviewed or for inappropriate training.

Other

A staffing agency or worksite employer may not retaliate against an employee who reports safety concerns.

The provisions do not diminish existing responsibilities of the worksite employer or staffing agency. Both entities are responsible for compliance with the WISHA.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.