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**SENATE BILL 5218**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Keiser, Stanford, Das, Hasegawa, Kuderer, Nguyen, and Wilson, C.; by request of Department of Labor & Industries

Read first time 01/14/21. Referred to Committee on Labor, Commerce & Tribal Affairs.

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

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) Inquire about the worksite employer's safety and health  
9 practices and hazards at the actual workplace where the employee will  
10 be working to assess the safety conditions, workers tasks, and the  
11 worksite employer's safety program; these activities are required at  
12 the start of any contract to place workers and may include visiting  
13 the actual worksite. If, during the inquiry or anytime during the  
14 period of the contract, the staffing agency becomes aware of existing  
15 job hazards that are not mitigated by the worksite employer, the  
16 staffing agency must make the host employer aware, urge the host  
17 employer to correct it, and document these efforts, otherwise the  
18 staffing agency must remove the temporary workers from the worksite;

19 (b) Provide training to the employee for general awareness safety  
20 training for recognized industry hazards the employee may encounter  
21 at the worksite employer. Industry hazard training must be completed,

1 in the preferred language of the employee, and must be provided at no  
2 expense to the employee. The training date and training content must  
3 be maintained by the staffing agency and provided to the employee  
4 upon request;

5 (c) Transmit training documentation to the worksite employer,  
6 whether electronically or on paper, at the start of any contract with  
7 the worksite employer;

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

11 (e) Inform the employee who the employee should report safety  
12 concerns to at the workplace.

13 (2) This section does not diminish 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. Both entities are  
17 responsible for compliance with this chapter and the rules enacted  
18 pursuant to this chapter.

19 (3) Before the employee engages in work for the worksite  
20 employer, the worksite employer must:

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

23 (b) Review the safety and health awareness training provided by  
24 the staffing agency to determine if it addresses recognized hazards  
25 for the worksite employer's industry;

26 (c) Provide specific training tailored to the particular hazards  
27 at their workplaces; and

28 (d) Document and maintain records of site-specific training and  
29 provide confirmation that the training occurred to the staffing  
30 agency within three business days of providing the training.

31 (4) If the worksite employer changes the job tasks or work  
32 location and new hazards may be encountered, the worksite employer  
33 must:

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

35 (b) Inform both the staffing agency and the employee of job  
36 hazards not previously covered before the employee undertakes the new  
37 tasks and update personal protective equipment and training for the  
38 new job tasks, if necessary.

1 (5) A staffing agency or employee may refuse a new job task at  
2 the worksite when the task has not been reviewed or if the employee  
3 has not had appropriate training to do the new task.

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

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

12 (a) A "staffing agency" is an employer as defined in this chapter  
13 and means an organization that recruits and hires its own employees  
14 and temporarily assigns those employees to perform work or services  
15 for another organization, under such other organization's  
16 supervision, to: (i) Support or supplement the other organization's  
17 workforce; (ii) provide assistance in special work situations  
18 including, but not limited to, employee absences, skill shortages, or  
19 seasonal workloads; or (iii) Perform special assignments or projects.

20 (b) "Worksite employer" is an employer as defined in this chapter  
21 and means an individual, company, corporation, or partnership with  
22 which a staffing agency contracts or otherwise agrees to furnish  
23 persons for temporary employment in the industries described in  
24 sectors 23 and 31 through 33 of the North American industry  
25 classification system.

26 (8) A staffing agency or worksite employer may not retaliate  
27 against a staffing agency employee who reports safety concerns.

28 (9) The department may enact rules to implement this section.

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