



Temp Employees: Employer Responsibilities

Recently, the U.S. Department of Labor announced an initiative to further protect temporary workers from workplace safety and health hazards. As a result, OSHA inspectors have been directed to emphasize temporary worker safety during compliance inspections and to track information on public and private workplaces that utilize temporary workers.

"Temporary workers" are defined as workers who are supplied to a host employer and paid by a staffing agency.

In this issue of Looking SHARP, we'll ask and answer some of the most common questions about protecting temporary workers.

Q: Why is OSHA emphasizing temporary worker safety?

A: OSHA has concerns that some employers may use temporary workers as a way to avoid meeting all their compliance obligations under the OSH Act and other worker protection laws; that temporary workers get placed in the most hazardous jobs and are more vulnerable to workplace safety and health hazards and retaliation than traditional workers; and temps are not given adequate safety and health training by either the temporary staffing agency or the host employer.

Q: Which employer should provide safety and health

training? The staffing agency or the host employer?

A: Both the host employer and staffing agency have roles in complying with workplace safety and health requirements and share a responsibility for worker safety and health, including training. In most cases, the staffing agency will provide general safety and health training, however, the host employers must provide training on hazards and policies that are specific to the workplace.

When it comes to the Hazard Communication Standard, the host employer holds the primary responsibility for training because the host employer:

- uses or produces chemicals
- creates and controls the hazards
- is best suited to inform workers of chemical hazards specific to the workplace

Q: If a hazard/violation was identified, which employer would be cited?

Both the host and the staffing agency could be held responsible for violative condition(s) - and that could include a lack of adequate training regarding workplace hazards.

Q: What are some recommended "best practices" staffing agencies and employers can follow to ensure temporary



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Di-Clo No-Go?: The Importance of Reading the Label

Paints, glazes, and coatings are designed to protect surfaces, so intentionally removing old coatings has always been a laborious process. Labor-intensive, yes, but it shouldn't be dangerous. Yet at least fourteen people have died since 2000 from the use of methylene chloride, a.k.a. dichloromethane, (DCM) or Di-Clo. Di-Clo is popular because of its effectiveness—the clear solvent's chemistry allows it to dissolve nearly anything organic. Against paint, it rapidly penetrates and causes the paint film to swell, causing it to crack, buckle, or flake off. The problem is that Di-Clo is noxious, heavier than air, toxic, and highly flammable...Di-Clo is the nuclear bomb of paint strippers—sure it works on everything, but the fallout (no pun intended) leaves something to be desired.

The fatalities occurred in stripping and refinishing bathtubs, which magnifies the problem: a small, hard-to-ventilate room plus a basin to hold the heavy vapors is a nasty combination. Assuming it doesn't suffocate you, Di-Clo can cause headaches, dizziness, nausea, respiratory irritation, and chemical burns to the skin, as well as long-term effects. Even better, when your body tries to filter out DCM from your blood, it produces carbon monoxide as a by-product. "Basic" paint strip-

OSHA Publishes Bulletin on Recordkeeping Requirements for Temp Workers

OSHA has released a new educational bulletin for staffing agencies and host employers on current requirements for recording injuries and illnesses of temporary workers. The new [Recordkeeping Bulletin](#), which is part of OSHA's Temporary Worker Initiative, addresses how to identify which employer is responsible for recording these work-related injuries and illnesses on the OSHA 300 log.

"The *Recordkeeping Bulletin* is the first of many materials we are releasing and helps clarify which employers are responsible for reporting injuries and illnesses," said Dr. David Michaels, assistant secretary of labor for occupational safety and health. "These materials will provide valuable information for both host employers and staffing agencies on how they can work together to make sure their workers are properly trained and protected."

For more information, read the [news release](#) and visit [OSHA's temporary worker page](#).



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Source: OSHA

Temporary Employees *(Continued from page 1)*

workers are protected?

A: First, staffing agencies and host employers should each have a safety and health program and ensure that temporary workers are addressed in them. The program should identify hazard and develop protective measures for temporary workers. The program should address: 1) management commitment, 2) employee involvement (including temporary employees), 3) work site analysis and hazard assessment, as well as hazard prevention and control, and 4) training at all levels from first line employees to top management.

Next, both employers should define the scope of work in the contract: defining the scope of the temporary workers' duties discourages tasking workers to perform work they are unqualified and untrained to perform, which may carry a higher degree of risk.

Third, both employers should conduct new project/job safety and health orientations and training. The host employer and staffing agency should work together to ensure all workers are given an orientation before work begins that includes information on the applicable general safety and health topics and work site specific issues.

Keeping in touch, is important for the staffing agency and the host employer. They need to communicate how they will address the safety and health for shared workers.

workers.

Q: When a temporary worker gets hurt, who is responsible for recording the injury or illness on the OSHA Log?

A: The recordkeeping standard requires first that employers have a policy on how and when to report injuries and illnesses and employees must be trained on procedures. Employees have a right to report injuries and anything or anyone who violates that right may be engaging in discrimination under Section 11(c) of the Act.

Injury and illness records are a valuable source of information to aid in identifying hazards. The responsibility to record is based upon who supervises the temporary worker's day-to-day tasks. The OSHA regulation on recordkeeping addresses this issue specifically. For example, when the host employer has full supervisory control over employees, the host employer is responsible for injury and illness recording and reporting. When only the temporary staffing agency exercises day-to-day supervision over employees, the temporary staffing agency is responsible for injury and illness recording. Day-to-day supervision occurs when "in addition to specifying the output, product or result to be accomplished by the person's work, the employer supervises



the details, means, methods and processes by which the work is to be accomplished."

Q: Some of the temporary workers we may hire are Hispanic. Are we required to train them in Spanish?

A: Training must be in a language the worker understands. Both the temporary agency and the host employer are responsible for ensuring that employees are effectively informed and trained regarding hazards at the workplace.

Q: What is the staffing agency's obligation as far as determining the hazards in the host employers' workplaces?

A: The staffing agency has the duty to inquire and verify that the host has fulfilled its responsibilities for a safe workplace.

Q: Does the host employer have to treat temporary workers differently than their own employees?

A: Host employers must treat temporary workers like any other workers in terms of training and safety and health protections.

For more information on ways to improve workplace safety and ensure temporary workers, as well as permanent employees are provided a safe and healthful workplace, contact the Oklahoma Department of Labor at (405) 521-6140 or 1-888-269-5353 or visit our web site at www.labor.ok.gov. You can also find additional information from Federal OSHA at www.osha.gov.

Source: US Department of Labor & OSHA

The Father of Traffic Safety

William Phelps Eno was an American business man responsible for many of the earliest innovations in road safety and traffic control. He is often called, "*The Father of Traffic Safety*".

Born in 1858, automobiles were rare until Eno was an older man, but horse-drawn carriages were already causing significant traffic problems in areas like Eno's home town of New York City. In 1900, he wrote a piece of traffic safety entitled "*Reform in Our Street Traffic Urgently Needed*".

In 1903, he wrote a city traffic code for New York, the first such code in the world. He also designed traffic plans for London and Paris. Among the innovations Eno is credited with are the stop sign, the pedestrian crosswalk, the traffic circle, and the one-way street.

Not a bad legacy for a man who never drove a car...



Source: Wikipedia & Enos Center for Transportation

Di-Clo No-Go? *(Continued from page 1)*

pers are typically 60-99% DCM with methanol and other solvents; “aircraft-grade” extra-strength stripper is nearly pure Di-Clo with a dash of methanol and/or xylene.

Is it illegal to use Di-Clo? No. Di-Clo can be used safely, but it takes special precautions. There’s an entire OSHA standard (1910.1052) for dealing with the risks of methylene chloride, but the best place to start is by looking at the (material) safety data sheet, the SDS. A glance through the sheet reveals that DCM soaks through most “rubber” gloves, so special laminate gloves are required. It’s such a good solvent that cartridge respirators aren’t much help either; if forced ventilation isn’t enough, employees would need an air-supplying respirator.

Safer alternatives, however, do exist: diluted or gelled mixtures, other organic solvents such as N-methyl pyrrolidone (NMP), methanol, toluene, or MEK; soy ester or citrus-oil based products; or benzyl alcohol bases. Alternatives will typically lack the wide spectrum effectiveness and will likely be safer but not inherently safe; they may still be a respiratory hazard and/or flammable. Or avoid using chemicals and use heat or sanding, though those can carry risks of fire or spreading lead paint. Whenever possible, match the chemical to the job. We all grumble about “one size fits all” consumer products, so why do it with chemicals? There’s no free lunch, but reading through the SDS and evaluating the risks, benefits, and drawbacks of any chemical ahead of time, you can find what works best for you and your company...and keep your employees safe.

Source: Old House Journal, June 2001 & NIOSH

Look Who’s Lookin’ SHARP!

In this issue of Looking SHARP we’d like to recognize the creme de la creme of companies with exceptional safety and health programs, all of whom have earned the right to be called SHARP. The currently certified companies include:

Transformer Disposal Specialists, Cust-O-Fab, Inc. T&L Foundry, Thermal Engineering International, Acord Transportation, Inc., Aleris Recycling, Inc., SMC Technologies, Pelco Structural, Teleflora, Autoquip Corporation.

Companies currently working toward renewal of SHARP certification include: Port City Metal Services, DrillRight Technologies, Sweeper Metal Fabricators, Henningsen Cold Storage, Air Power Systems, and Cameron Glass.

Sadly, this is a short list. Do you know a company that might be interested in pursuing SHARP? It’s not an easy process, but the benefits can include: improved quality, lower production costs, better employee morale, fewer injuries and illnesses, lower operating costs, and higher profits. Share this newsletter with them, and encourage them to call or [e-mail!](#)

The Writer’s Block: Now and Later

by Alex Putnam



Putnam

If you’re scratching your head at the date on this issue, don’t worry: it’s not you, it’s us. While **Looking SHARP** is theoretically quarterly, we are a few issues behind. Our priorities mandate our focus and attention on providing on-site consultation with the many companies who’ve made the commitment to be proactive and ask for help.

If you made a request and haven’t heard from us, don’t fret; you’ll be hearing from us soon. We appreciate your patience. If you have scheduling concerns or changes in your needs, feel free to let us know. If you have specific questions or things that need to be answered on a short term, feel free to call or e-mail us. It doesn’t have to wait.

In fact, that seems to be a recurring theme this issue. You don’t have to wait to train new or temporary employees. You don’t have to wait for the next safety meeting to bring up potential hazards. You don’t have to wait for a consultation visit to start improving your safety and health program (and even then, we can steer you towards resources to help until we can get out there in person). And you really shouldn’t wait for Federal OSHA enforcement to show up...statistically speaking, you could be waiting a while. And even then, as some can attest, price tag aside, Federal OSHA may only focus on a little snippet of your operation.

As society seems to get faster and the internet zooms to every phone, it’s even easier to set aside the things that can’t get done fast. And while consumer goods have to be safe going out the door, there’s no such stipulation for business or industrial machinery—things may be different in Europe, or the manufacturer might not want to provide any safety features for fear of litigation. It’s up to you to configure it safely, provide the right tools, and train employees. Don’t wait to do it right the first time. The alternative isn’t worth it.

Things That Make You Go ‘Huh’?: ‘The Walking, Texting Dead’

Do you have any ‘text zombies’ at your workplace? A new study shows that, just like their fictional TV and movie counterparts, *text zombies* walk differently, making them more likely to fall and possibly suffer an injury.

The study by researchers at the University of Queensland in Australia is the first to compare the impact of typing and reading text on a cell phone on walking.

The findings: People reading text or typing on a cell phone while walking move more slowly and rigidly and are less likely to walk in a straight line. This puts them at a greater risk of tripping, falling, or bumping into objects or people.

Lead author, Dr. Siobhan Schabrun said when study participants were texting, “People walk like robots. They try to keep their head straight so their eyes can stay on the phone. “The more rigid people are, the more likely they are to fall,” Schabrun adds.

While more and more businesses are banning texting while driving, few have taken the next step to ban texting while walking, though, it might be worth considering. Whether your facility has production machinery or warehouse space, can you imagine the potential for injuries when someone walks and texts?

Source: NY Times

Safety Isn't Just 'Somebody Else's Problem'

Here's the quick and brutal truth of who's responsible for your safety: you. It's not the same thing as saying "everyone is responsible," because when "everyone is responsible", no one is. Even if you have a person with "safety" in their job title, each employee, dependent on their job title and station, should have some small individual responsibility to uphold. A safety manager is there for guidance, identifying issues, and focusing the big picture, not just for doing walkthroughs or picking up after people.

Why's it matter? Poor quality costs. Injuring workers costs a lot of money, and it's not just the obvious medical bills. There's lost time, worker's comp, wages, the cost of any replacement or retraining, lost production or schedule delays, investigation and admin costs, plus any legal costs and immaterial costs like morale and good will. Even assuming the worst, that "the boss" only cares about money, that injury that was incurred trying to save a \$4000 widget might end up being a \$40,000 injury. If possible, bug your HR or manager and see if they can do the math and see how much a recent days-away injury cost the company, and have them couch in terms that matter: lost productivity hours, products/unit shipped to make up for the loss, etc.

People are imperfect, and will make mistakes. And if even if many injuries are the immediate result of unsafe behavior, the injuries and accidents we see are generally the "perfect storm" of when other problems stack up behind it. Fixing the other problems is generally easier than changing people. People will choose what rules they follow, consciously or not. Sometimes we don't understand them (or know about them) or are distracted, or at some level think the benefits outweigh the risks, and sometimes, the rules just don't make sense to us or seem outdated or not applicable to us. As a kid, I always got into trouble for asking why certain rules existed and then being frustrated with hearing "they just do". Rules that are well-advertised, applicable, and at least seem to have a purpose are always easier to swallow.

People also have an inbuilt preference for perceived expediency over perceived safety. Whether we know it or not, we unconsciously evaluate risk vs. reward on

almost anything we do, but that evaluation is from our point of view...we can overestimate rewards or underestimate dangers without being conscious of our mistakes. And sometimes, whether explicit or implicit, it seems like "work quickly" can elbow out "work safely". But as much as they like output, your employer generally doesn't want you taking reckless chances.

With all that human nature working against them, a lone person wearing the "safety hat" can't do it alone. So what can you do to aid in your own safety?

•**Help with self-inspections.** When cleaning up, swap with a co-worker, or better yet, someone from a different department. While there may be technical knowledge differences, an outsider isn't going to have the same set of biases and preconceptions. The reason I find so many hazards during consultations isn't because companies are negligent, but because the people working in those areas either don't know what a hazard looks like given a different backdrop or have seen it so often they filter it out as "normal"—either way, they couldn't see them.

•**If there's something that seems wrong, report it.** If there's a hazard or an issue, report it, don't let it slip by the wayside and be forgotten. If you're

doing something that absolutely cannot wait (chances are it can), write yourself a note to remind yourself (or else short-term memory will find other things to remember) and report it as soon as possible thereafter. Those quirks, malfunctions, and trips to the first-aid cabinet? Those are indicators of something that isn't right. They don't have to be to the "safety hat", either. When in doubt, check with your first-tier supervisor or line lead. They can often address it or get it fixed quickly.

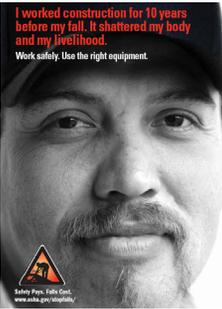
•**Practice good housekeeping.** Unless you work in a family-owned business, chances are your mother doesn't work in your workplace. Pick after yourself, put tools away, watch electrical cords, and keep floors and work areas free of clutter, trash, and as clean as you can. Housekeeping doesn't take any technical knowhow, and it's consistently one of the cheapest and most effective safety "improvements" any business can make.

•**If you don't feel comfortable, ask for help.** Stereotypes about guys being too proud to ask for direc-

"An SEP," he said, "is something that we can't see, or don't see, or our brain doesn't let us see, because we think that it's somebody else's problem. That's what SEP means. Somebody Else's Problem. The brain just edits it out, it's like a blind spot." – Douglas Adams

Safety Stand-Down Scheduled

Federal OSHA recently announced a National Fall Prevention Stand-Down scheduled for June 2-6, 2014. The purpose of the National Fall Prevention Stand-Down is to raise awareness of preventing fall hazards in construction. Fatalities caused by falls from elevation continue to be a leading cause of death for construction workers, accounting for 269 of the 775 construction fatalities recorded in 2012. Each of these deaths were preventable.



What is a safety stand-down? It's a voluntary event for employers to talk directly to employees about fall hazards and to reinforce the importance of fall prevention. Efforts by the oil and gas industry in Oklahoma were

so effective in reducing deaths in the oil industry with a safety stand-down, that other industries are seeing the benefits of utilizing safety stand-downs to better promote safety and health in their own industries.

How do you conduct a Safety Stand-Down? Construction companies conduct a safety stand-down by stopping work and providing focused "tool box talks" on safety topics such as ladder safety, protective methods, the company's safety policies, goals and expectations, as well as project safety goals. Managers are encouraged to plan a stand-down for their workplace or job sites any time during the week of June 2-6, 2014.

The goal is to have over 25,000 employers and 500,000 workers participate in a stand-down. If this goal is met, it will mean almost 1 out of 10 construction workers will be impacted by these efforts.

Who can participate? Participants may include trade associations, employers, federal, state and local governmental agencies, and consumer/labor-management interest organizations, sub-contractors and independent contractors.

OSHA is partnering with key groups to assist with this effort, including NIOSH, ASSE, the National Safety Council and OTI Education Centers across the US.

Employers will be able to provide feedback and download certificates of participation.

For more information, visit the OSHA web page at www.osha.gov.

Source: OSHA

Don't Wait for the Red Thread

Synthetic nylon/polyester web slings are becoming increasingly popular in the workplace for lifting, dragging, tie downs, and rigging. They're versatile, soft on expensive or easy-to-scratch loads, flexible, highly resistant to water and mildew, and above all, lightweight—steel chains and wire rope get tiring to lug around. They are not, however, impervious.

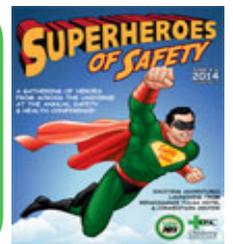
A popular feature is a series of red threads nestled inside the material—the theory being like the blue colored bristles on a certain brand of toothbrush, when a sling is worn down or damaged to reveal the red threads, it's time to replace it. An internal safety bulletin that was popularly passed around offices a year ago showed that a safety audit of slings marked as containing red "core yarns" did not contain them. The lesson? Such safety features are a bonus, not a crutch.

Based on 1910.184, the general industry standard for lifting slings, any sling should be visually inspected before use at least on a daily basis. If it looks questionable, replace it; fraying, major cuts, burns, or snarls may not be enough to reveal a red thread (assuming of course, that your sling has one), but they may be enough to compromise the strength of the strap. The same applies to other forms of slings: if it's visibly damaged, missing a tag, or the load limit is unreadable, don't use it. For any lifting or rigging, the limit is the rated load capacity of the weakest piece, the proverbial "weakest link". Repairing slings, beyond reaffixing tags or markings, is usually a bad idea: stresses accumulate at irregularities or fractures, so that rip, cut, or broken link will remain a problem area, and the original rating only applied to the original configuration with the structural integrity intact. Likewise, any hooks, buckles, accessories, or "below the hook" lifting devices like spreader bars should be both rated and looked over for defects or damage before use.

Synthetic slings aren't invincible: they tend to have problems with heat, acid, or alkali, and cuts can be a perennial concern. If your slings (or any tool for that matter) are frequently damaged, it's worth investigating. It may not be right for the job, or you may need to change your loading/rigging practices. In the end, use your best judgment; if looks shoddy, it probably is—you don't have to wait for the red thread to tell you that.

Sources: *Vertikal.net* & OSHA

Make plans now to attend the Oklahoma Safety Council's 2014 Safety & Health Conference - June 4-6 in Tulsa. For more info go to www.oksafety.org



Somebody Else's Problem *(continued from page 5)*

tions aside, no one's a mind reader, and we may make assumptions about experience, gear, and knowledge that aren't true. "Manning up" and asking can get you extra training or mentorship, clarification about your duties, or getting the right tools for the job instead of trying to make do. "Asking for directions" may be not always be popular, but couch it in terms of wanting to do your job right.

•**Establish good habits.** This is the hard one. Every culture has its norms and habits and a workplace is no exception. Buzzwords aside, safety really shouldn't be a "priority" (your priorities will change day to day), it should be a value: a norm for the company and good habits at the personal level. But just like it's possible to kick a smoking habit, you can consciously notice and stop unsafe workplace habits.

•**Ask why (*within reason*) and make suggestions.** That workplace rule or practice from the 1960's might

still be applicable, or it might only have really applied to a process that was discontinued twenty years ago. If it seems pointless, it may have a good reason behind it that just isn't well communicated, or it could be junk that needs to be updated; "we've always done it like this" is a copout. You might also be your workplace's expert on say...forging left-handed trumble flanges and the person writing the rule may have lacked your expertise. You may have a better way or can make a suggestion that will make life easier...and safer for you and your coworkers.

Your safety and your coworkers' safety isn't somebody else's problem. It's yours. Even if you don't have a fancy nametag, or technical training, or have "responsible for safety" in your job description, you can get involved in the things that affect you. It's easier than you'd think.



Source: *Fabricating & Metal Working On-Line*

Looking SHARP is a quarterly publication by the Oklahoma Department of Labor, OSHA Consultation Division. This publication is intended to assist employers pursuing SHARP Certification with improving safety and health conditions in their workplaces. If you have questions and/or suggestions for future issues, or if you would like to subscribe to our email version of Looking SHARP, contact the editor, Alex Putnam, via email at Alex.Putnam@labor.ok.gov, or call at (405) 521-6146.

Twenty-five (25) copies of this publication were produced by the Oklahoma Department of Labor, as authorized by Labor Commissioner Mark Costello, at a production cost of \$1.28 to the taxpayers of Oklahoma. Copies have been deposited with the Oklahoma Department of Libraries Publications Clearinghouse.



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