



Protecting Temporary Workers: Best Practices for Host Employers

NORA Construction Sector Council Meeting
November 16, 2022

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Link to document:

[Protecting Temporary Workers: Best Practices for Host Employers](#)

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The findings and conclusions in this report are those of the authors and do not necessarily represent the official position of the Centers for Disease Control and Prevention.



AMERICAN SOCIETY OF
SAFETY PROFESSIONALS



American Staffing Association

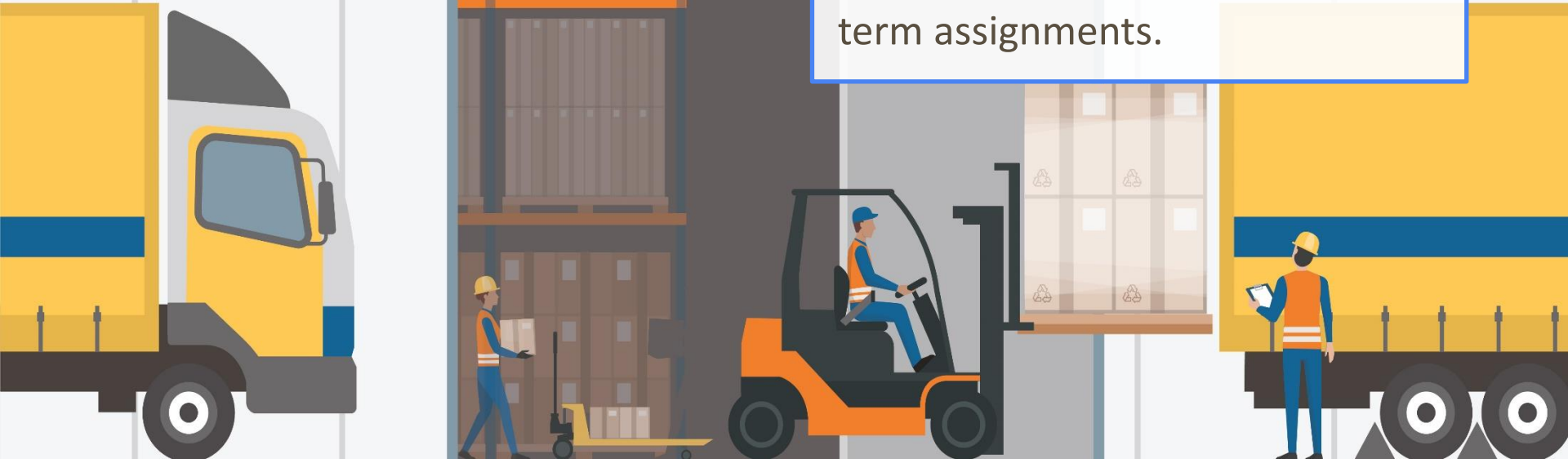


Contingent Workers

Workers with a job they do not expect to last or describe as temporary.

Temporary (Agency) Workers

Workers who are employed by a staffing company and assigned to work for a host employer, including both short- and long-term assignments.



NORA Services Sector Council

The screenshot shows a web browser displaying the NORA Services Sector Council page. The browser's address bar shows the URL <https://www.cdc.gov/nora/councils/serv/d...>. The page features a dark red header with the text "National Occupational Research Agenda (NORA)". Below the header, a breadcrumb trail reads "NORA > NORA Home Page > NORA Councils". To the right of the breadcrumb are social media icons for Facebook, Twitter, LinkedIn, and YouTube. A search bar labeled "Advanced Search" is located in the top right corner. On the left side, a navigation menu includes "NORA Home Page" and "NORA Councils" (which is expanded to show categories like "Agriculture, Forestry and Fishing", "Cancer, Reproductive, Cardiovascular, and Other Chronic Disease Prevention", "Construction", "Healthcare and Social Assistance", and "Hearing Loss Prevention"). The main content area is titled "NORA Services Sector Council" and features a large image of a worker in a red helmet using a chainsaw on a tree. Below the image is a dark banner with the NORA logo and the text "NORA Services Sector Council". At the bottom of the page, there are four light gray buttons: "Research Agenda", "Protecting Temporary Workers", "Council Members", and "Meetings".

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National Occupational Research Agenda (NORA)

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 NORA Services Sector Council

Research Agenda

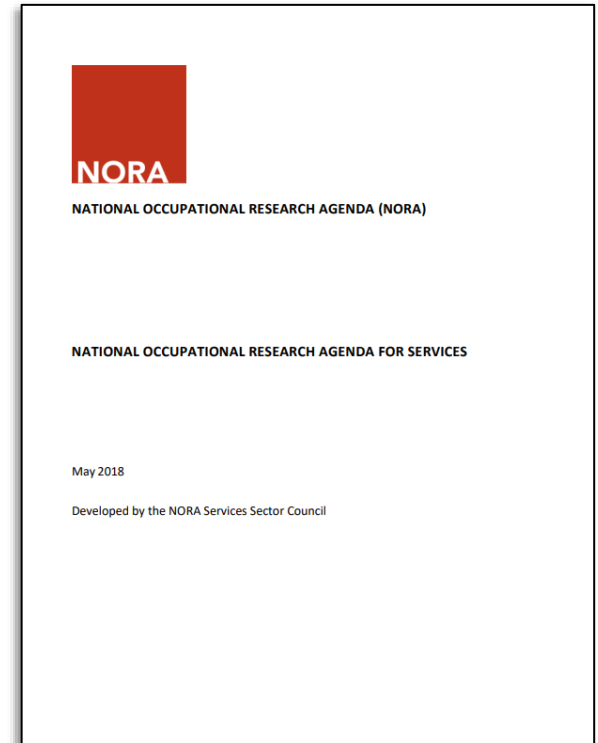
Protecting Temporary Workers

Council Members

Meetings

NORA for Services Objectives

1. Reduce the incidence and severity of traumatic injuries
2. Develop, test, and disseminate intervention programs to prevent and reduce musculoskeletal disorders
3. Reduce injuries and illnesses among contingent workers
4. Reduce incidence of chronic disease
5. Reduce hearing loss



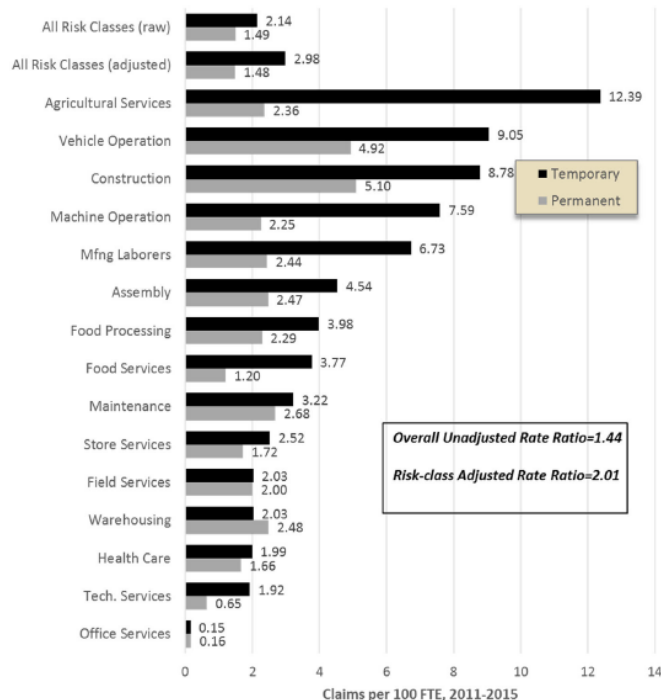
NORA Services Sector Council Contingent Workers Workgroup (CWW)

Goal: To raise awareness about safety and health hazards and protective factors for contingent workers



Evidence of Increased Risk for Temporary Workers

Lost workday claims rate per 100 FTE, by risk class and adjusted rate ratio, 2011-2015, WA⁴

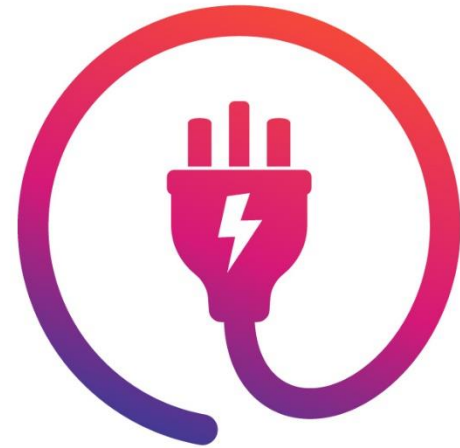


Some contributing factors:

- Hazardous jobs
- Young/inexperienced/new workers
- Overrepresentation of racial and ethnic minorities
- Workers' fear of speaking up
- Unclear employer responsibilities regarding occupational safety and health (OSH)
- Host employer reluctance to invest in OSH
- Lack of OSH training, PPE, etc.

3-Pronged Approach of the Contingent Workers Workgroup

- Safety awareness campaigns focus
 - Host employers
 - Staffing companies
 - Temporary workers



Temporary Workers | Oc x + v
https://www.osha.gov/temp_workers/

 UNITED STATES
DEPARTMENT OF LABOR

Occupational Safety and Health Administration

CONTACT US FAQ A TO Z INDEX ENGLISH ESPAÑOL

OSHA ▾ STANDARDS ▾ TOPICS ▾ HELP AND RESOURCES ▾

SEARCH OSHA

Protecting Temporary Workers

Employer Responsibilities to Protect Temporary Workers

To ensure that there is a clear understanding of each employer's role in protecting employees, OSHA recommends that the temporary staffing agency and the host employer set out their respective responsibilities for compliance with applicable OSHA standards in their contract. Including such terms in a contract will ensure that each employer complies with all relevant regulatory requirements, thereby avoiding confusion as to the employer's obligations.

Joint Responsibility

While the extent of responsibility under the law of staffing agencies and host employers is dependent on the specific facts of each case, staffing agencies and host employers are *jointly responsible* for maintaining a safe work environment for temporary workers - including, for example, ensuring that OSHA's training, hazard communication, and recordkeeping requirements are fulfilled.

OSHA could hold both the host and temporary employers responsible for the violative condition(s) - and that can include lack of adequate training regarding workplace hazards. Temporary staffing agencies and host employers share control over the worker, and are therefore jointly responsible for temporary workers' safety and health.

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 a variety of jobs, including the most hazardous jobs; that temporary workers are more vulnerable to workplace safety and health hazards and retaliation than workers in traditional employment relationships; that temporary workers are often not given adequate safety and health training or explanations of their duties by either the temporary staffing agency or the host employer. Therefore, it is essential that *both* employers comply with all relevant OSHA requirements.

Both Host Employers and Staffing Agencies Have Roles

Both host employers and staffing agencies have roles in complying with workplace health and safety requirements and they share responsibility for ensuring worker safety and health.

A key concept is that each employer should consider the hazards it is in a *position to prevent and correct*, and in a position to *comply* with OSHA standards. For example, staffing agencies might provide general safety and health training, and host employers provide specific training tailored to the particular workplace equipment/hazards.

Workers' Rights

Highlights

- Recommended Practices: Protecting Temporary Workers
- Policy Background on the Temporary Worker Initiative
- Temporary Worker Initiative (TWI) Bulletin No. 1 - Injury and Illness Recordkeeping Requirements
- Temporary Worker Initiative (TWI) Bulletin No. 2 - Personal Protective Equipment
- Temporary Worker Initiative (TWI) Bulletin No. 3 - Whistleblower Protection Rights
- Temporary Worker Initiative (TWI) Bulletin No. 4 - Safety and Health Training
- Temporary Worker Initiative (TWI) Bulletin No. 5 - Hazard Communication
- Temporary Worker Initiative Bulletin No. 6 - Bloodborne Pathogens
- Temporary Worker Initiative Bulletin No. 7 - Powered Industrial Truck Training
- Temporary Worker Initiative Bulletin No. 8 - Respiratory Protection
- Temporary Worker Initiative Bulletin No. 9 - Noise Exposure and Hearing Conservation

[OSHA Temporary Worker Initiative \(TWI\)](#)



Protecting Temporary Workers: Best Practices for Host Employers

Beyond
Compliance
for a
Safer,
Healthier
Workforce



Document Organization and Contents



EXAMPLE—INJURY AND ILLNESS REPORTING, RESPONSE, & RECORDKEEPING

Scenario:
 WXY Staffing has 125 TWs working at Generic Assembly, a manufacturing facility. The SC provides an on-site manager at Generic Assembly's facility to manage the TWs' payroll and attendance and to provide counseling when needed. Generic Assembly provides day-to-day supervision of the TWs. One of the TWs sustains a back strain while lifting a 25 lb. part. Generic Assembly contacted WXY Staffing as soon as possible to inform them of the injury. The TW went to a clinic and returned with a work restriction of no lifting over 20 lbs. WXY Staffing placed the TW in a job with a different HE that did not require lifting over 20 lbs. until she recovered and was able to return to her original job at Generic Assembly.

Recommended practices:
 Since the restriction keeps the TW from performing one or more of their "routine job functions" (activities the TW regularly performs at least once per week), the injury is considered recordable. Since Generic Assembly provides day-to-day supervision of the TWs, the injury should be recorded on their OSHA 302 Log, including the number of restricted days worked. According to the 2014 OSHA/NIOSH Recommended Practices: Protecting Temporary Workers document, day-to-day supervision occurs when the employer controls "the means and manner of the temporary employee's work" (p. 31). Even though WXY Staffing provided the injured TW with restricted duty outside of Generic Assembly's facility, the injury is still recorded on Generic Assembly's OSHA 302 Log, including the number of restricted days worked. If no restricted duty was provided by either Generic Assembly or WXY Staffing, it will be classified as a case involving days away from work and the days away counted on Generic Assembly's OSHA 302 Log.

Generic Assembly did the right thing by informing WXY Staffing of the injury as soon as possible. In addition, both parties should engage in a partnership to conduct a thorough investigation, including involvement of the affected workers, in order to determine the root cause/s of the injury and agree on a course of corrective steps both parties can take to prevent similar injuries from occurring in the future.

By following these recommended practices, Generic Assembly will adhere to and go beyond compliance with OSHA's reporting and recordkeeping requirements and reduce the likelihood that other workers, including both temporary and permanent, will experience back strain injuries (which can be very costly) in the future.

SECTION 7 - Appendix

APPENDIX

Evaluation & Contracting—Checklist for Host Employers

Evaluation
 Prior to writing and signing a contract, HEs and SCs should evaluate all facets of safety and health related to each organization and the jobs TWs are being hired to perform. As part of this process, HEs should:

- ☐ **Job risk assessment.** Conduct a joint risk assessment with the SC, including a review of all:
 - ☐ Task assignments;
 - ☐ Written job descriptions;
 - ☐ Anticipated exposures;
 - ☐ Job hazard analyses;
 - ☐ Equipment and/or machinery; and
 - ☐ Workarea(s).
- ☑ **Provide information.** Provide the SC with requested safety data, safety and health program materials, and other information that will allow them to evaluate the safety and health of the worksite.
- ☑ **Site visit.** Invite a representative from the SC to visit the workersite and conduct a walkthrough, and
- ☑ **Ensure commitment to safety and health.** Ensure the SC has a commitment to safety and health, including:
 - ☐ A drug testing program;
 - ☐ A process to evaluate job candidates for the necessary qualifications and/or experience; and
 - ☐ An adequate safety and health program, which includes a general safety and health awareness training provided to TWs prior to placing them on an assignment.

Contracting
 The written contract between the HE and the SC should clearly specify:

- ☑ **Preferred job details, including:**
 - ☐ Approved tasks and qualifications. The approved tasks and qualifications as stated in the written job description(s), including:
 - ☐ The tasks the TWs are approved to perform;
 - ☐ Any hazardous tasks the TWs will NOT perform and any equipment and/or machinery they are NOT allowed to operate; and
 - ☐ The necessary qualifications and/or experience the TWs must have to perform the job;
 - ☐ Hazards and controls. All anticipated hazards that may be encountered by the TWs and hazard controls that will be in place, including the location of safety data sheets (SDS) and how the TWs can obtain copies;
 - ☐ Training. The training each employer will provide to the TWs before they start their assignment and in which language it will be offered; and
 - ☐ Personal protective equipment. Whether and what personal protective equipment (PPE) will be needed and which employer will pay for and supply it, ensure it's the appropriate type and fit correctly, conduct a medical evaluation and fit test for all types of PPE that require it, and train the TWs on how to properly use and maintain it before they start their assignment.
- ☑ **Communication and documentation responsibilities, including:**
 - ☐ Qualification and experience. What documentation the SC will provide to the HE regarding each TW's specific qualifications and/or experience relevant to the tasks to be performed;
 - ☐ Ongoing risk assessment. Specific intervals of time for when the HE and SC will jointly review all work and workites to identify potential safety and health hazards and update necessary

Evaluation & Contracting

- Prior to contracting with staffing company, host employers should:
 - Review all job tasks, job hazard analyses, equipment/machinery, and worksites with the staffing company to identify potential exposures and necessary protections, training, and personal protective equipment (PPE)
 - Provide requested safety data and other information to the staffing company
 - Invite staffing company to visit worksite(s) for safety appraisal
 - Ensure staffing company has a commitment to safety, including a process to evaluate job candidates for the necessary qualifications and/or experience

Evaluation & Contracting

- Joint OSH responsibilities between the host employer and the staffing company should be set forth in a written contract, including:
 - Pertinent job details (e.g., approved tasks, required training and PPE)
 - Communication and documentation responsibilities
 - Injury and illness reporting, response, and recordkeeping responsibilities, and
 - Other aspects of OSH (supervision responsibilities, medical surveillance and screening)

Training for Temporary Workers and Their Worksite Supervisors

Site- and task-specific safety and health training for temporary workers should be:

- Provided for all temporary workers on new assignments or new jobs/tasks on existing assignments
- Identical or equivalent to the training provided to permanent employees

Training topics:

- Approved tasks
- Hazard identification and control
- PPE
- OSHA laws
- First aid and emergency procedures
- Reporting injuries and concerns

Other Training Recommendations

- Conduct a knowledge assessment and retrain if necessary
- Review general safety and health training provided by staffing company
- Train supervisors of temporary workers about
 - Approved tasks and procedures for changing job tasks
 - Supervision responsibilities and needs
 - Joint safety and health responsibilities of the staffing company and the host employer
 - How to effectively communicate with temporary workers and make them feel comfortable speaking up about safety concerns

Injury and Illness Reporting, Response, and Recordkeeping

- Reporting:
 - Inform the staffing company immediately of injuries/illnesses
 - Report fatalities and required injuries to OSHA
- Responding:
 - Conduct joint incident investigations with the staffing company and affected workers and implement preventive measures
 - Communicate procedures for accessing medical treatment and return to work (if applicable)
- Recordkeeping:
 - Record temporary worker injuries/illnesses on OSHA 300 log

Checklists

Protecting Temporary Workers: Best Practices for Host Employers

SECTION 7: Appendix

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Evaluation and Contracting—Best Practices Checklist for Host Employers

Evaluation

Prior to writing and signing a contract, HEs and SCs should evaluate all facets of safety and health related to each organization and the jobs TWs are being hired to perform. As part of this process, HEs should do the following:

- Conduct a joint risk assessment. Conduct a joint risk assessment with the SC, including a review of these items:
 - Task assignments
 - Written job descriptions
 - Anticipated exposures
 - Job hazard analyses
 - Equipment and/or machinery
 - Worksites
- Provide information. Provide the SC with requested safety data, safety and health program materials, and other information that will allow them to evaluate the safety and health of the worksites.
- Allow site visits. Invite a representative from the SC to visit the worksites and conduct a walkthrough.
- Ensure commitment to safety and health. Ensure the SC has a commitment to safety and health, including the following:
 - A process to evaluate job conditions for the necessary qualifications and/or experience
 - An adequate safety and health program, which includes a general safety and health awareness training provided to TWs prior to placing them on an assignment

Contracting

The written contract between the HE and the SC should clearly specify the following information:

- Personnel job details
- Approved tasks and qualifications. The approved tasks and qualifications as

stated in the written job descriptions, including the following:

- The tasks the TWs are approved to perform
- Any hazardous tasks the TWs will NOT perform and any equipment and/or machinery they are NOT allowed to operate
- The necessary qualifications and/or experience the TWs must have to perform the job

- Hazards and controls. All anticipated hazards that may be encountered by the TWs and hazard controls that will be in place, including information about safety data sheets (SDS).

- Training. The training each employer will provide to the TWs before they start their assignment and in which language(s) it will be offered

- Personal protective equipment (PPE). Personal protective equipment (PPE) will be needed and which employer will: 1) pay for and supply it; 2) ensure it's the appropriate type and fits correctly; 3) conduct a medical evaluation and fit test for all types of PPE that require it; and 4) train the TWs on how to properly use and maintain it before they start their assignment

Communication and documentation responsibilities

- Qualifications and experience. What documentation the SC will provide regarding each TW's specific qualifications and/or experience relevant to the tasks to be performed
- Ongoing risk assessment. Specific time intervals at which the HE and SC will jointly review all work and workites to identify potential safety and health hazards and update necessary training and PPE for each TW on an ongoing basis

16

Protecting Temporary Workers: Best Practices for Host Employers

SECTION 7: Appendix

Training for Temporary Workers and Their Worksite Supervisors—Best Practices Checklist for Host Employers

Temporary Worker Training

Site- and task-specific safety and health training should be provided for all TWs before they start a new assignment or start new jobs/tasks on existing assignments. Site- and task-specific training for TWs should include information on the following topics:

- Approved tasks and qualifications. The approved tasks and qualifications as stated in the written job descriptions, including:
 - The tasks the TWs are approved to perform with an emphasis that the TWs should not perform any new tasks without the HE first obtaining written approval from the SC
 - Any hazardous tasks the TWs will NOT perform and any equipment and/or machinery they are NOT allowed to operate

- Hazard identification and control. How to recognize site- and task-specific hazards and understand the best ways to reduce and/or eliminate them, including the location of SDSs and how to obtain copies

- Personal protective equipment. Required PPE, including this information:
 - Which employer will: 1) pay for and supply PPE; 2) ensure it's the appropriate type and fits correctly; and 3) conduct a medical evaluation and fit test for all types of PPE that require it

- How to properly don, doff, adjust, and maintain it, as well as its limitations and shelf life (or provide a review of this information if the SC has already provided this training as stated in the written contract)

- OSHA laws. Employer responsibilities and workers' rights and responsibilities under OSHA law, including the Right to Refuse Dangerous Work ([https://www.osha.gov/workers/right-to-refuse/](https://www.osha.gov/workers/right-to-refuse)) and Whistleblower Protection Rights (<https://www.osha.gov/Publications/OSHA7471.pdf>), with an emphasis that TWs have the same rights and responsibilities as non-TWs

- First aid. How to obtain first-aid treatment
- Emergency procedures. Site- and task-specific emergency procedures, including exit routes
- Reporting safety and health incidents and concerns. The responsibility of the TWs to report all work-related injuries, illnesses, and close-calls and to communicate safety and health concerns as soon as possible to both the HE and the SC, including the following:
 - Procedures for how to do so
 - What to expect after reporting
 - An emphasis that they will not be punished or looked down upon for doing so

- Secure sites. If the TWs will be placed at secure workites, how to gain access to the sites, including protocols to ensure personal security

- Safety and health program participation. How the TWs can participate in the HE's safety and health program, including safety meetings/committees, toolbox talks, scheduled trainings, and hazard-specific programs

- Personal protective equipment. Required PPE, including this information:
 - Which employer will: 1) pay for and supply PPE; 2) ensure it's the appropriate type and fits correctly; and 3) conduct a medical evaluation and fit test for all types of PPE that require it

- How to properly don, doff, adjust, and maintain it, as well as its limitations and shelf life (or provide a review of this information if the SC has already provided this training as stated in the written contract)

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17

Protecting Temporary Workers: Best Practices for Host Employers

SECTION 7: Appendix

Injury and Illness Reporting, Response, and Recordkeeping—Best Practices Checklist for Host Employers

Reporting

With regards to reporting of TW injuries and illnesses, HEs should do the following:

- Promote injury and illness reporting. Ensure the TWs are aware of procedures to report work-related injuries, illnesses, and close-calls and are encouraged to communicate safety and health concerns without fear of retaliation.
- Inform staffing companies. Inform the SC immediately if a TW experiences a work-related injury, illness, or close-call.
- Report to OSHA. Report fatalities to OSHA within 8 hours and injuries and illnesses involving amputation, loss of an eye, or inpatient hospitalization within 24 hours. Reporting requirements vary by state with OSHA-approved state plans, so it is important to check state-specific occupational safety and health laws (<https://www.osha.gov/ostates/plans/>).

Response

With regards to responding to TW injuries and illnesses, HEs should do the following:

- Conduct joint incident investigations. Engage in partnership with the SC to conduct thorough investigations of TW injuries, illnesses, and close-calls, including involvement of the affected workers, in order to determine the following:
 - The root causes
 - Corrective actions
 - Opportunities to improve their respective injury and illness prevention programs
- Coordinate medical treatment and return to work. Ensure TWs and their employers are aware of the general procedures for coordinating medical treatment and return to work (if applicable) following a work-related injury or illness.

Recordkeeping

With regards to recordkeeping of TW injuries and illnesses, HEs should do the following:

- Record an OSHA 300 Log. Record TW injuries and illnesses on their OSHA 300 Log.
- Complete staffing company documentation. Complete SC documentation of the incident as required by the SC's workers' compensation carrier (for example, a Supervisor's Report of Injury/Illness Form).
- Fulfill record requests. Coordinate with the SC to make injury and illness records available upon request of a TW or nuclear representative as indicated in the written contract.



20

Slide Deck for Staffing Companies

Protecting Temporary Workers: Best Practices for Host Employers

Slide Deck for Use by Staffing Companies to Educate Host Employers

INSERT DATE

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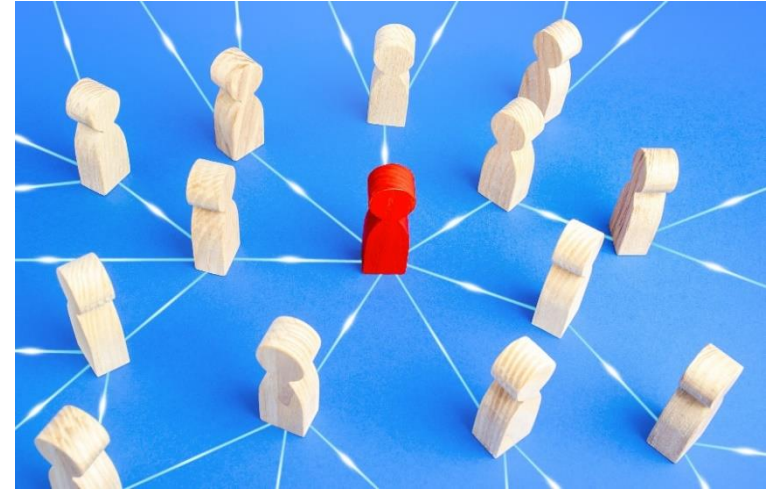
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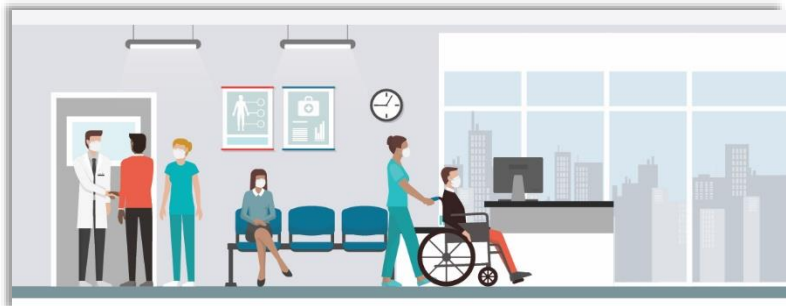
Dissemination Strategy

- NIOSH Update (press release)
- NIOSH From the Director's Desk article
- CDC Feature article
- Release webinar
- Email campaign/dissemination toolkit
- Social media promotions
- Internal and external meetings/conferences
- NIOSH Science Blog
- Trade journals/safety publications
- Checklist in OSHA/NIOSH Small Business Handbook
- Partner dissemination

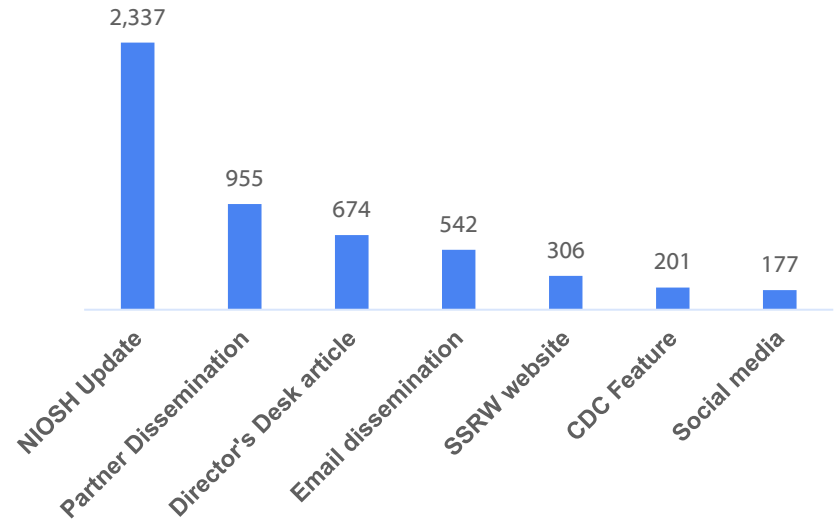


Tracking Metrics (as of 7/18/22-10/18/22)

- 5,428 page views
- Downloads
 - Document: 858
 - Checklists: 523
 - Slide deck: 413



Number of Page Views by Dissemination Activity



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Thank you!

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The findings and conclusions in this report are those of the authors and do not necessarily represent the official position of the Centers for Disease Control and Prevention.



Discussion Questions

- Do you have any suggestions for how we can further disseminate and promote the adoption of these best practices?
- Are there any OSH issues that are specific to temporary workers in the CON industry?
- Are there any resources we could develop that would help protect temporary workers in the CON industry?