

ACCSH Temporary Worker Initiative Workgroup

December 1, 2015

Co-Chairs: Thomas Marrero Jr.; Jeremy Bethancourt

The meeting began with discussion of the recent NACOSH Temporary Worker Initiative (TWI) draft (initially began in April 2015) for the Injury Illness Prevention Program (I2P2). According to sources on NACOSH, including co-chair Marrero, this draft was constructed to assist OSHA in their efforts to address the TWI and to create guidelines that may assist host employer, staffing agencies, and other employers who supply workers efforts, to continue to keep workers safe. The committee also discussed expanding the TWI (similar to NACOSH) to address other forms of temporary labor that was different than the host employer / staffing agency relationship which is more relevant in the construction industry. These types of employment are considered by most to be, day laborers, workers hired through other contractors or sub tiers who act similar to staffing agencies that do not provide safety training or oversight, also known by the term "labor pimps" and, any other labor arrangements that are not direct employer/employee relationship as understood by the IRS guidelines. Within this discussion, it was agreed that a separate document for these types of workers would be the foundation of ACCSH's efforts, thereby created by subsequent telephonic work group meetings. Those documents would be anticipated as very beneficial to assist smaller employers on their responsibilities of what needs to be done when hiring and supervising these types of labor.

It was anticipated that the NAHB representative, Rob Matuga, and others, would provide input toward the documents as a means of acting as a voice and thereby assistance to small employers. The NAHB presented the committee with an insurance company handout that may assist in the effort that could be used as a guideline. The handout was mainly focused on employee compliance and understanding and the consensus from the workgroup was that there needs to be a guidance documents for employers that aligned of complimented a similar type of document as the one presented by the NAHB.

It was discussed that ACCSH and NACOSH should align committee efforts and accomplishments to ensure efforts are not duplicated. Current co-chairs are subsequently part of the NACOSH work group on the TWI and can provide consistence collaboration on ACCSH efforts. It is a recommendation that NACOSH have at least one of their member participate in a similar manner to ACCSH thereby streamlining the efforts of both Congressionally mandated committees.

Motions/Recommendation to ACCSH by the Work Group:

1. To recommend to ACCSH that the NACOSH drafted document (in its current revised form) be reviewed by ACCSH work group for inclusion, modification, etc. as a document for consideration by OSHA into the current I2P2 Program Management Guidelines for industry (including

construction). Request that OSHA provide us feedback on their intention and rational one way or the other.

2. Verify from OSHA (Dr. Michaels) that ACCSH TWI should have a similar mandate as that of NACOSH to include multi-employers and their diverse relationships of employers to workers on any given worksite and how those workers are supplied to the job.
3. To verify with DOC that ACCSH work group TWI can hold monthly meetings to continue progress to assist OSHA and Dr. Michaels on the TWI.
4. To **AGAIN** request that Wage and Hour participate and work with OSHA (and thereby the work group) in determining where they (wage and hour) can provide support for workers in this demographic to be treated fairly.