

New Study Says Temporary Workers at High Risk of Injury



When safety professionals talk about vulnerable workers, they're usually referring to young and new workers. But a recent study by the [Institute for Work & Health \(IWH\)](#) has identified another vulnerable group—temporary workers.

The study notes that, in Ontario, temporary agencies are considered the “employers” of temp workers and thus have all of the workplace safety duties to those workers that employers have under the OHS laws.

But the agencies can't manage the actual health and safety conditions their workers face because they don't control the work or own the work site. And although agencies might inspect the workplace before placing workers in it, work conditions and hazards can change from day to day. Plus, agency staff generally lack the occupational health appraisal skills of formally trained safety inspectors. So they don't always recognise safety hazards.

Temporary agencies generally rely on workers to “speak up” about day-to-day work conditions. But the study found that these under-employed workers were reluctant to mention worksite hazards for fear of risking the job placement and, in some cases, offending the client employer if there was a possibility of being hired fulltime.

Agency workers also have no systematic way to provide input on work-related health and safety conditions because although agencies have hundreds of employees, in practice, they're not required to have JHSCs. And even when agencies do become aware of a worksite safety hazard, they can't do much about it except withdraw or "ask nicely" for improvements.

Temporary agencies did provide generic OHS training to workers, noted the study, while the client employers were supposed to show workers around the site and provide site- and hazard-specific training. But temp workers rarely get such training.

In addition, it's easy for temporary agencies to legitimately access loopholes in the workers' comp system to avoid being penalized for injuries to their workers.

Bottom Line

The study concluded that although temporary workers face relatively high OHS risks, they have less OHS protection than regular workers. But this issue isn't about "bad apples." It's a broad "structural" issue about loopholes and incentives that leave temporary workers vulnerable.

The study's recommendations:

- The workers' comp system should be changed to give client employers an incentive to better protect *all* workers, including temporary workers.
- JHSC requirements should apply to temporary agencies.
- The MOL should conduct more proactive inspections of workplaces that regularly employ a lot of temporary workers.

Liability for Injuries to Temporary Workers

If you regularly employ temporary workers in your workplace, you should take steps to ensure that they're safe while

working there. Don't assume that if a temporary worker gets hurt, the employment agency will be on the hook—your company could be liable for an OHS violation.

Example: A grocery store in Ontario brought in a truck driver from a temporary employment agency. The driver hadn't gotten formal training on using a lifting device he was asked to operate. While trying to manoeuvre the device, he put it in reverse and drove it off the dock, breaking his ankle and hurting his arm. The grocery store—not the temp agency—was held responsible for the driver's injuries and charged with an OHS violation. It pleaded guilty to failing to ensure that the lifting device was only operated by a competent person or by a worker accompanied and instructed by a competent person, and was fined \$75,000. [*LOEB Canada Inc.*, MOL News Release, May 8, 2006].

Does your workplace employ temporary workers' If so, what steps do you take to protect their health and safety'