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**ENGROSSED SUBSTITUTE SENATE BILL 6122**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Keiser, Kuderer, and Wilson, C.)

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 49.17 RCW to read as follows:

(1) Before the assignment of an employee to a worksite employer, a staffing agency must:

(a) Make every reasonable effort when five or more employees will be assigned to a single worksite, to visit the worksite employer's actual workplace where the employees will be working to review the safety and health practices and hazards of the worksite employer; when a visit to the workplace is not feasible, the staffing agency must inquire about the safety and health practices and hazards;

(b) Provide training to the employee for general industry hazards the employee may encounter at the worksite employer. Industry training must be completed annually, in the preferred language of the employee, and must be provided at no expense to the employee. The training date and training content must be maintained by the staffing agency and provided to the employee upon request;

(c) Transmit training documentation to the worksite employer;

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

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

(2) Before the employee engages in work for the worksite employer, the worksite employer must:

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

(b) Review industry training provided by the staffing agency to determine if the training is appropriate for hazards encountered in the worksite employer's jobsite location. If the worksite employer determines that the training is not appropriate, the worksite employer must provide all necessary training;

(c) Document if the determination is made that the training is adequate for the expected hazards likely encountered by the staffing agency employees; and

(d) Document and maintain records of supplemental training and provide the training records to the staffing agency and the employee within forty-eight hours of providing the training.

(3) If the worksite employer changes the job tasks and new hazards may be encountered, the worksite employer must:

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

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

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

(5) A worksite employer must allow a staffing agency to visit any worksite where the staffing agency's employees are working to observe and confirm the information related to job tasks and hazards.

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

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

(a) "Staffing agency" means an individual, company, corporation, or partnership, that procures or provides temporary employment to a person who then works under the supervision or direction of a worksite employer. "Staffing agency" does not include a "farm labor contractor" as defined in RCW 19.30.010.

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

(8) This section does not change any existing worksite employer or staffing agency responsibility as an employer to provide a place of employment free from recognized hazards or to otherwise comply with this chapter and other employment laws.

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

NEW SECTION. **Sec.**  (1) The department of labor and industries must review three years of industrial injury claims related to staffing agencies' employees. By December 1, 2023, the department of labor and industries must provide a report to the appropriate committees of the legislature with its findings regarding the claims and a recommendation for a financial assessment charged to the worksite employers so that worksite employers are also impacted financially from claims related to their worksites by staffing agencies' employees. The financial assessment is separate from industrial insurance premiums and experience rating calculations.

(2) For the purposes of this section, the definitions in section 1(7) of this act apply unless the context clearly requires otherwise.

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