

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1206

Chapter 37, Laws of 2021

67th Legislature
2021 Regular Session

TEMPORARY WORKERS—SAFETY

EFFECTIVE DATE: July 25, 2021

Passed by the House February 23, 2021
Yeas 67 Nays 30

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 29, 2021
Yeas 38 Nays 11

DENNY HECK

President of the Senate

Approved April 14, 2021 3:20 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1206** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 15, 2021

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1206

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Berry, Bronoske, Ramos, Fitzgibbon, Davis, Lovick, Thai, Ortiz-Self, Ormsby, Simmons, Chopp, Callan, Valdez, Macri, and Harris-Talley; by request of Department of Labor & Industries)

READ FIRST TIME 02/09/21.

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

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17
5 RCW to read as follows:

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

8 (a) Inquire about the worksite employer's safety and health
9 practices and hazards at the actual workplace where the employee will
10 be working to assess the safety conditions, workers tasks, and the
11 worksite employer's safety program; these activities are required at
12 the start of any contract to place workers and may include visiting
13 the actual worksite. If, during the inquiry or anytime during the
14 period of the contract, the staffing agency becomes aware of existing
15 job hazards that are not mitigated by the worksite employer, the
16 staffing agency must make the host employer aware, urge the host
17 employer to correct it, and document these efforts, otherwise the
18 staffing agency must remove the temporary workers from the worksite;

19 (b) Provide training to the employee for general awareness safety
20 training for recognized industry hazards the employee may encounter
21 at the worksite. Industry hazard training must be completed, in the

1 preferred language of the employee, and must be provided at no
2 expense to the employee. The training date and training content must
3 be maintained by the staffing agency and provided to the employee
4 upon request;

5 (c) Transmit a general description of the training program
6 including topics covered to the worksite employer, whether
7 electronically or on paper, at the start of the contract with the
8 worksite employer;

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

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

14 (2) This section does not diminish any existing worksite employer
15 or staffing agency responsibility as an employer to provide a place
16 of employment free from recognized hazards or to otherwise comply
17 with this chapter and other employment laws. Both entities are
18 responsible for compliance with this chapter and the rules enacted
19 pursuant to this chapter.

20 (3) Before the employee engages in work for the worksite
21 employer, the worksite employer must:

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

24 (b) Review the safety and health awareness training provided by
25 the staffing agency to determine if it addresses recognized hazards
26 for the worksite employer's industry;

27 (c) Provide specific training tailored to the particular hazards
28 at their workplaces; and

29 (d) Document and maintain records of site-specific training and
30 provide confirmation that the training occurred to the staffing
31 agency within three business days of providing the training.

32 (4) If the worksite employer changes the job tasks or work
33 location and new hazards may be encountered, the worksite employer
34 must:

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

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

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

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

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

12 (a) A "staffing agency" is an employer as defined in this chapter
13 and North American industry classification system 561320 and means an
14 organization that recruits and hires its own employees and
15 temporarily assigns those employees to perform work or services for
16 another organization, under such other organization's supervision,
17 to: (i) Support or supplement the other organization's workforce;
18 (ii) provide assistance in special work situations including, but not
19 limited to, employee absences, skill shortages, or seasonal
20 workloads; or (iii) Perform special assignments or projects.

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

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

29 (9) The department may enact rules to implement this section.

Passed by the House February 23, 2021.

Passed by the Senate March 29, 2021.

Approved by the Governor April 14, 2021.

Filed in Office of Secretary of State April 15, 2021.

--- END ---