
SUBSTITUTE SENATE BILL 6122

State of Washington

66th Legislature

2020 Regular Session

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

READ FIRST TIME 02/07/20.

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

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) Make every reasonable effort to visit the worksite employer's
9 actual workplace where the employee will be working to review the
10 safety and health practices and hazards of the worksite employer;

11 (b) Provide training to the employee for general industry hazards
12 the employee may encounter at the worksite employer. Industry
13 training must be completed annually, in the preferred language of the
14 employee, and must occur during paid work hours and at no expense to
15 the employee. The training date and training content must be
16 maintained by the staffing agency and worksite employer and provided
17 to the employee upon request; and

18 (c) Transmit training documentation to the worksite employer.

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

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

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

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

11 (d) Document and maintain records of supplemental training and
12 provide the training records to the staffing agency and the employee.

13 (3) If the worksite employer changes the job tasks, the worksite
14 employer must:

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

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

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

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

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

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

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

39 (b) "Worksite employer" means an individual, company,
40 corporation, or partnership with which a staffing agency contracts or

1 otherwise agrees to furnish persons for temporary employment in the
2 industries described in sectors 23 and 31 through 33 of the North
3 American industry classification system.

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

8 NEW SECTION. **Sec. 2.** (1) The department of labor and industries
9 must review three years of industrial injury claims related to
10 staffing agencies' employees. By December 1, 2023, the department of
11 labor and industries must provide a report to the appropriate
12 committees of the legislature with its findings regarding the claims
13 and a recommendation for a financial assessment charged to the
14 worksite employers so that worksite employers are also impacted
15 financially from claims related to their worksites by staffing
16 agencies' employees. The financial assessment is separate from
17 industrial insurance premiums and experience rating calculations.

18 (2) For the purposes of this section, the definitions in section
19 1(7) of this act apply unless the context clearly requires otherwise.

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