

Description

Often companies must use the services of outside agencies to fulfill workload needs. Usually this means a relationship with a temporary agency or an independent outside contractor. Before beginning such a relationship, there should be a contract in place between the host employer and the agency or contractor. That contract should include uniform requirements for contractor orientation, coordination, and administrative practices.

The contract is designed to clarify everything involved in the job. If a host employer takes on certain responsibilities for controlling the work of the temporary or contract employees, it can become liable for payroll taxes, overtime, benefits, and complying with immigration laws. A well-written contract can limit these responsibilities. However, the supervisors/managers must make sure that the contract provisions are followed.

Objectives

After your training program, the trainees should be able to:

- Explain contract conditions.
- Discuss how to limit the host employer's legal liabilities.
- Identify the controlling employer.
- Discuss concerns if the host employer controls the work.
- Explain the anti-discrimination laws for temporary workers.
- Discuss the safety responsibilities.
- Review independent contractor employers' requirements.
- Review host employers' requirements.
- Discuss previous training considerations.
- Describe OSHA requirements for information sharing.
- Explain security concerns.
- Discuss recordkeeping issues.

Audience

Many times it is the company supervisors who must make sure that the provisions of the contract between the company and the independent contractor are followed. Therefore, the supervisor must have a good understanding of the company's contract responsibilities and liabilities.

Requirements

Communication, common sense, and safety concerns need to be top priorities throughout your relationship with the contractors. Although there is no single OSHA regulation that covers an employer's relationship with outside contractors, several regulations do have sections that address contractor issues. These include:

- Ionizing radiation (1910.1096)
- Process safety management of highly hazardous chemicals (1910.119)
- Hazardous waste operations and emergency response (HAZWOPER) (1910.120)
- Permit-required confined spaces (1910.146)
- Lockout/tagout (1910.147)
- Portable fire extinguishers (1910.157)
- Welding (1910.252)
- Electric power generation, transmission & distribution (1910.269)
- Grain handling facilities (1910.272)
- Hazard communication (1910.1200)