

PUBLICATION

Does Your Oil and Gas Company Use Temporary Workers?

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OSHA has issued a new memorandum regarding the use of temporary workers. In the memorandum, OSHA states that it will be reviewing the use of temporary workers during every inspection.

OSHA has already been particularly interested in the oil and gas industry. In 2011, OSHA issued a special emphasis program allowing for increased inspections in the oil and gas industry for Region VI (covering Arkansas, Louisiana, Oklahoma, and Texas, and those worksites in New Mexico covered by the federal plan) and recently, in 2013, targeted inspections for the Bakken Shale region have occurred. The temporary worker enforcement initiative means that OSHA can greatly expand the scope of any inspection where there are temporary workers being employed. As part of the inspection process, this will allow greater review of training under a variety of standards, such as the confined space standard, lockout/tagout standard, hazardous communication standard and the list goes on. Additionally, there will be specific reviews of personal protective equipment ("PPE") use at the worksite by temporary workers. If your company employs temporary workers or you are an agency that supplies workers to companies, be aware that OSHA will be looking at this issue with new scrutiny. Here are some brief pointers:

- Ensure that temporary workers are properly trained (in a language they understand) prior to the start of work and that they understand the requirements for performing the work safely.
- Prior to employing temporary workers, clarify who will take responsibility for training - either the company of the staffing agency, but remember, it is the employer who ultimately controls the day to day activity of the worker that will be held accountable by OSHA for violations.
- Make sure that there is sufficient PPE for every worker at a worksite, whether they are a temporary or permanent employee.