



Temporary Worker Initiative

Safety and Health in Shipyard Employment

This is part of a series of guidance documents developed under the Occupational Safety and Health Administration's (OSHA's) Temporary Worker Initiative (TWI). This Initiative focuses on compliance with safety and health requirements when **temporary workers** are employed under the joint employment of a **staffing agency** and a **host employer**.

Shipyard employment operations expose workers to various hazards from industrial operations such as steel fabrication, welding, abrasive blasting, electrical work, pipefitting, rigging, stripping, and coating applications, as well as the operation and servicing of complex machinery and equipment. The hazards associated with these work activities are heightened because they are often performed outdoors in all kinds of weather, onboard vessels, in confined or enclosed spaces, below deck, on scaffolds, and on busy and crowded docks filled with workers, equipment and material.

The safe coordination of these work activities is also complicated by the fact that most shipyards are multiple employer worksites where shipyard employees, ship's crew, temporary workers, contractors, and subcontractors work side-by-side and often on the same ship's systems at the same time. The combination of these factors presents a potential risk of injury for workers, whether they are working on vessels or at landside operations.

Many OSHA standards include specific safety and health training requirements to ensure that workers have the necessary skills and knowledge to safely perform their work. These requirements reflect OSHA's principle that training is an essential part of an effective safety and health program for protecting workers from injuries and illnesses.

Many fatal incidents occurred when workers, particularly temporary workers, were not provided timely training necessary to do their job safely.

[Appendix A](#) of this document provides recommended training topics and resources for shipyard employment work that align with OSHA standards.

Requirements

Temporary workers are entitled to the same protections under the *Occupational Safety and Health Act of 1970* (the OSH Act) as all other covered workers. When a staffing agency supplies temporary workers to a business, typically the staffing agency and the staffing agency's client, commonly referred to as the **host employer**, are joint employers of those workers. Both employers are jointly responsible for determining the conditions of employment and complying with the law. In these joint employment situations, questions regarding how each employer can fulfill their duty to comply with the standard are common. This bulletin addresses what both the staffing agency and the host employer can do to provide safety and health training to temporary workers, including training on how to report an injury or illness, as required under OSHA standard 29 CFR 1904.35.

The staffing agency and the host employer share the responsibility for training temporary workers. Training must be completed before the worker begins work and in a language and vocabulary the worker understands. The training requirements will vary depending on potential hazards, location of the worksite and assigned duties. As a recommended practice, the staffing agency and host employer should discuss responsibility for each aspect of training, as well as inform the other employer when training is completed.

The specific type of training to be performed should be clearly stated in the language of the contract between the employers. While employers cannot discharge or subcontract their legal responsibilities to another party, the host employer may specify the qualifications required for temporary workers in its contract with the staffing agency. However, neither employer may avoid their ultimate responsibilities under the OSH Act by requiring another party to perform them.

In most cases, the **host employer** is responsible for site-specific training and the **staffing agency** is responsible for generic safety and health training. It is the responsibility of both the staffing agency and the host employer to be familiar with applicable OSHA standards, comply with all training requirements, and determine and agree upon the generic safety training that the staffing agency will provide to temporary workers and the corresponding site-specific training requirements to be provided by the host. The goal is to ensure that workers know how to do their work safely, are able to identify hazards, and understand control and protective measures.

Under OSHA's recordkeeping requirement both the staffing agency and the host employer are responsible for ensuring that the temporary employees are involved in the recordkeeping system by training temporary employees on the reporting process for all work-related injuries or illnesses, and setting up a system for the temporary workers to report work-related injuries and illnesses promptly (29 CFR 1904.35(b)). The employer that supervises employees on a day-to-day basis (usually the host employer) must record the work-related injuries and illnesses of the temporary workers (29 CFR

1904.31(b)(2)). If the staffing agency is not the employer responsible for recording the work-related injuries or illnesses, it should establish notification procedures to ensure that when a worker informs one employer of an injury or illness, the other employer is apprised as well. Neither the host employer nor the staffing agency should have any policies or programs that discourage the reporting of injuries, illnesses, or hazards.

Joint Responsibilities

Hazard Assessments

The staffing agency and the host employer should jointly assess all worksites for potential hazards to which the temporary worker might foreseeably be exposed during assigned work. These assessments (or job hazard analyses) will provide for the identification and elimination of potential safety and health hazards through training, work practices, and necessary protective equipment for each worker. Staffing agencies need not become experts on specific workplace hazards, but should determine what conditions exist at the worksite, what hazards may be encountered, and how to best ensure protection for the temporary workers. See TWI Bulletin #5 — Hazard Communication¹ for additional information.

Employers must provide and ensure the proper use and maintenance of personal protective equipment (PPE) when it is required by OSHA standards or by the employer. The host employer will usually have the primary responsibility for selecting, providing, and ensuring the use of adequate PPE for each process or operation workers are assigned. See TWI Bulletin #2 — Personal Protective Equipment² for additional information.

The host employer is usually best situated to perform the hazard assessment required for determining if PPE is necessary and will likely have already done so for its permanent staff (29 CFR 1915.152(b)).

1. TWI Bulletin #5 — Hazard Communication — www.osha.gov/Publications/OSHA3860.pdf

2. TWI Bulletin #2 — Personal Protective Equipment — www.osha.gov/Publications/OSHA3780.pdf

Medical Screening and Surveillance

When medical screening or surveillance is a requirement for task assignments, the host employer is often in the best position to be aware of those requirements and offer medical services for temporary workers. However, if the host employer assumes this responsibility, the staffing agency, as the employer of record, must ensure that the records of the required medical screening or surveillance are maintained (29 CFR 1910.1020(d)(1)(i)). At a minimum, the host employer must inform the staffing agency about the medical screening and surveillance requirements and the medical services it has offered the temporary workers. See TWI Bulletin #9 — Noise Exposure and Hearing Conservation³ for additional information.

Incident, Injury, and Illness Investigations

Both the host employer and staffing agency should conduct thorough investigations of incidents that occur on the job, including injuries, illnesses, and near-misses, in order to determine the root cause(s), what immediate corrective actions are necessary, and what opportunities exist to improve injury and illness prevention programs. It is critical that both the host employer and staffing agency are jointly engaged and communicating when conducting these investigations. See TWI Bulletin #1 — Injury and Illness Recordkeeping Requirements⁴ for additional information.

Host Employer Responsibilities

The host employer is usually in the best position to provide site-specific training because it generally controls the means, methods and processes by which the work is accomplished, and so is familiar with the associated hazards. Also, while the host employer may take the lead on performing the worksite hazard assessment (or job hazard analysis), it should share the results with the

staffing agency and should also allow the staffing agency to conduct its own assessment. The host employer should provide the staffing agency with all screening and surveillance requirements for assigned tasks. The host employer should also partner with and allow access to the staffing agency when investigations are conducted.

Staffing Agency Responsibilities

The staffing agency is typically responsible for providing generic safety and health training so that its employees have a basic ability to identify hazardous situations, report hazards, injuries and illnesses, and understand their rights if confronted with a hazardous situation at a worksite. The staffing agency is also responsible for ensuring that employees receive proper site-specific training. In order to fulfill this obligation, the staffing agency must have a reasonable basis for believing that the host employer's training adequately addresses the potential hazards to which employees will be exposed at the host employer's worksite. If the staffing agency has reason to believe the site-specific training is not adequate, the agency should inform the host employer and work with the employer to provide adequate training. Alternatively, the staffing agency may elect to remove their workers from the host employer's worksite if identified hazards are not corrected.

While the staffing agency may have a representative at the host employer's worksite, the presence of that representative does not transfer responsibilities for site-specific training to the staffing agency. The staffing agency should conduct a walkthrough of the worksite to identify tasks that temporary employees will perform and any hazards related to those tasks. However, the employer originally responsible for the particular training (determined by supervision and control over the workers and hazards) must still ensure that the workers complete the training and that the training is adequate before work begins. Staffing agencies must evaluate the host employer's worksite, ensure they understand medical screening and surveillance requirements, and conduct post-incident and illness investigations.

3. TWI Bulletin #9 — Noise Exposure and Hearing Conservation Bulletin — www.osha.gov/Publications/OSHA3953.pdf

4. TWI Bulletin #1 — Injury and Illness Recordkeeping Requirements Bulletin — www.osha.gov/temp_workers/OSHA_TWI_Bulletin.pdf

Example Scenario

The examples provided below are intended to portray what often happens when temporary workers are not adequately trained for their job assignments or when appropriate coordination between host employers and staffing agencies is absent.

SCENARIO #1

Staffing Company B received a request from Shipping Company A to supply general production workers. Staffing Company B, in advance of the production workers' first day on the job, provided the temporary workers with general health and safety training. Upon starting work with Shipping Company A, the temporary workers were assigned a variety of tasks that included rigging, forklift operations, and fire watch. Later that week, a representative of Staffing Company B received a text message from one of their workers stating concern that they were tasked with rigging loads. The temporary workers had no such experience, nor were they trained to perform this type of work. Before Staffing Company B had the chance to discuss this concern with Shipping Company A, a hoisted load fell during rigging operations and injured one of the temporary workers.

ANALYSIS #1

Rigging is a critical part of shipyard employment. Riggers prepare ships' equipment, components or sections for lifting by cranes, hoists or other material handling equipment. Improper rigging of a load or a rigging failure can expose riggers and other nearby workers to potential hazards. Riggers must be:

- Trained to understand the hazards associated with the assigned task;
- Qualified to do assigned work and comply with proper procedures;
- Aware of the surface conditions upon which a crane is operating;
- Familiar with the various and correct rigging techniques and rigging equipment (e.g., slings, shackles, hooks, hoists, blocks);
- Able to anticipate problems before they occur; and
- Aware of the weight of the load and understand the rated capacities of the crane and any rigging gear.

Staffing agencies are obligated to provide workers with training on generic safety and health topics, and verify that they understand the elements included in the training. Additionally, staffing agencies must inform workers that they have the right to refuse to do work they reasonably believe to be dangerous, or if they have not been adequately trained, and should contact the staffing agency immediately.

Host employers must provide temporary workers with safety training that is identical or equivalent to that provided to their own workers assigned to perform the same or similar work.

Staffing Company B and Shipping Company A were jointly responsible for training the temporary workers. The shipping company controls the workers' activities in and around the shipyard, and, therefore, was in the best position to provide site-specific training on rigging. The staffing agency also had a responsibility to ensure the site-specific training was provided and completed by Shipping Company A.

SCENARIO #2

Shipyards C needed 10 welders for a short-term increase in production, which Staffing Company B provided for the job. During welding operations, fumes drifted up into the breathing zone of the temporary workers. There was no mention of a respiratory protection program in Shipyards C's contract with Staffing Company B, nor were respirators provided to the temporary workers. A week later, a temporary worker mentioned to a representative of Staffing Company B that the air was contaminated during welding and that respiratory protection had not been provided. When Staffing Company B discussed this with Shipyards C, the yard refused to supply the temporary workers with respirators, or discuss conducting an evaluation of potential respiratory hazards.

ANALYSIS #2

Since welding has the potential to result in air contamination and overexposure hazards for workers, employers must conduct an evaluation of the workplace for worker exposure to welding fumes (1910.134 (d)(1)(iii)). This evaluation must include a reasonable estimate of employee exposures to welding fumes and, if required, respirators must be provided along with the implementation and administration of all elements of a respiratory protection program. Shipyards C, which controls the worksite, was in the best position to identify and control overexposures (e.g., engineering or administrative controls). They were also best suited to select, provide, and maintain adequate respiratory protection, if the hazard evaluation so required.

Staffing Company B should have initially ensured that its employees' potential overexposure to air contaminants was assessed before they were placed in a potentially hazardous environment. They could have verified that the shipyard had instituted an adequate respiratory protection program that complies with OSHA standards, including, but not limited to:

- Evaluate respiratory hazards;
- Supply and maintain, respirators when required; and
- Provide medical evaluations, fit-testing, and training to workers.

In Scenario #2, Staffing Company B discovered Shipyards C's lapse in worker protection and addressed the issue with Shipyards C. However, Shipyards C refused to implement a respiratory protection program. Staffing Company B could remedy the issue by either implementing the missing elements of the program themselves, or withdrawing their temporary workers from the site until the protections were provided.

If Shipyards C was not equipped to provide respirators, they could have negotiated for Staffing Company C to provide the respirators and any other program elements that they could reasonably rely on the staffing agency to provide (e.g., fit tests and medical evaluations). In such a case, Shipyards C would have had to ensure that the respirators provided by Staffing Company C were adequate for the worksite's hazards. Additionally, Shipyards C, with its knowledge and control over the hazards at their establishment, would have primary responsibility for implementing the program because it was in the better position to do so.

Shipyards and other related worksites commonly have workers who are employed by a host employer, contractor or subcontractor, or other sources. These "other sources" often include workers assigned by staffing agencies to work at specific "host" worksites under the direction and control of the host employer. Examples include unskilled laborers or skilled trade workers from a staffing agency who may be placed in either short or long term assignments with a host

employer or other contractor. In these circumstances, it is important that each employer (staffing agency included) and contractor consider how work activities can affect the safety of other workers at the job site.

Effective communication and coordination among multiple employers means that each employer and their workers are aware of:

- The types of hazards that may arise from the work being done on-site by workers employed by contractors, subcontractors, or staffing agencies;
- The procedures or measures needed to avoid or control exposure to these hazards; and
- How to contact the host employer, contractor, subcontractor, or staffing agency if they have a safety concern.

This communication and coordination can be accomplished by openly and regularly exchanging information about hazards present on-site and the hazard control measures in place. Additionally, host employers, contractors, subcontractors, and staffing agencies should coordinate planning and scheduling associated with their work so that any conflicts or program differences can be resolved to avoid negative impact on worker safety or health.

MULTIPLE EMPLOYER SCENARIO

A staffing agency provided a shipyard employer with a temporary worker to assist in washing the wing tanks of a grain-carrying ship. A screw conveyor ran through each wing tank. Prior to cleaning, a shipyard employee locked out the screw conveyors to prevent unexpected start up. While the temporary worker was inside one of the tanks, standing on its screw conveyor, a member of the ship's crew, who was unaware that anyone was inside the tank, activated the conveyor. The screw conveyor crushed and killed the temporary worker. Although a lockout procedure was in effect for the employee washing the tank, this information was not conveyed to the other employees, nor was there any coordination between employers about the tasks being performed.

MULTIPLE EMPLOYER ANALYSIS

Responsibilities for the control of hazardous energy must be assigned to all employers, and all employers must be held accountable for discharging those responsibilities properly within their scope ([29 CFR 1915.89](#)). At times, temporary workers are hired for non-routine, specialized work, or as workloads fluctuate (e.g., hiring a temporary worker to wash the wing tanks of a grain-carrying ship). Before entering the shipyard or worksite, contractors, subcontractors and staffing agencies and their workers should be aware of:

- The previous work or tasks accomplished and the types of hazards that may be present at the job site;
- The procedures or measures they need to use to avoid or control exposure to these hazards; and
- How to communicate with the host employer, contractor, subcontractor, or staffing agency to share worksite information, and report an injury, illness, incident, or safety concern.

For this particular multiple employer worksite scenario, each employer was responsible for the control of hazardous energy. The host employer and the outside employer (being the vessel owner or representative) should have informed each other, in addition to the staffing agency, of their respective lockout and tagout procedures, ensuring that their employees understood, and complied with, all restrictions and prohibitions for the control of hazardous energy.

For additional guidance and example scenarios dealing with multiple employers, see OSHA Directive [CPL02-00-124](#).

State Plans

Twenty-eight states and U.S. territories have their own OSHA-approved occupational safety and health programs called State Plans. State Plans have and enforce their own occupational safety and health standards that are required to be at least as effective as OSHA's, but may have different or additional requirements. A list of the State Plans and more information are available at: www.osha.gov/dcsp/osp.

How Can OSHA Help?

Workers have a right to a safe workplace. If you think your job is unsafe or you have questions, contact OSHA at 1-800-321-OSHA (6742) or visit www.osha.gov. It's confidential. We can help. For other valuable worker protection information, such as Workers' Rights, Employer Responsibilities and other services OSHA offers, visit OSHA's Workers' page at www.osha.gov/workers.

For more information on Temporary Workers, visit OSHA's Temporary Workers' page at www.osha.gov/temp_workers.

The OSH Act prohibits employers from retaliating against their employees for exercising their rights under the OSH Act. These rights include raising a workplace health and safety concern with either employer, reporting an injury or illness, filing an OSHA complaint, and participating in an inspection or talking to an inspector. If workers have been retaliated or discriminated against for exercising their rights, they must file a complaint with OSHA within 30 days of the alleged adverse action to preserve their rights under Section 11(c). For more information, visit www.whistleblowers.gov.

OSHA also provides help to employers. OSHA's On-Site Consultation Program offers free and confidential occupational safety and health services to small and medium-sized businesses in all states and several territories, with priority given to high-hazard worksites. On-Site Consultation services are separate from enforcement and do not result in penalties or citations. Consultants from state agencies or universities work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing and improving safety and health programs. To locate the OSHA On-Site Consultation Program nearest you, call 1-800-321-6742 (OSHA) or visit www.osha.gov/consultation.

Appendix A — Recommended Training Topics and Resources for Shipyard Employment Work

TOPICS	RESOURCES
Worker Rights	
• The right to a safe and healthful workplace • The right to complain or request hazard correction from employers • The right to file a complaint with OSHA • The right to be free from retaliation	• Temporary Workers' Rights Pamphlet • Temporary Worker Initiative (TWI) Bulletin No. 3 – Whistleblower Protection Rights
Walking & Working Surfaces	
• Walking Surfaces • Working Surfaces • Guarding of Deck Openings & Edges • Access to Vessels • Access to Dry Docks & Marine Railways • Housekeeping	• Safety While Working Alone in Shipyards • Shipyard Employment eTool – Access and Guarding of Work Surfaces • Shipyard Employment eTool – Housekeeping
Personal Protective Equipment	
• Hierarchy of Controls • Site & Task Specific PPE Requirements (must be based on workplace hazard assessment) • Payment for PPE • When the PPE is necessary	• Temporary Worker Initiative (TWI) Bulletin No. 2 — Personal Protective Equipment • Eye Protection against Radiant Energy during Welding and Cutting in Shipyard Employment • OSHA Safety and Health Topics Page — Personal Protective Equipment
Fall Protection/Scaffolding	
• Scaffolds and Staging • Ladders • Personal Fall Arrest Systems	• Safe Work Practices For Marine Hanging Staging • Aerial Lift Fall Protection Over Water • Fall Protection Safety for Commercial Fishing • Hanging Staging (Marine) OSHA eTool
Electrical	
• 1915.181 — Subpart L (all four paragraphs) • Lockout / Tags Plus – More detailed for authorized employees – Less detailed for affected employees • Electrical Hazard Recognition (Arc Flash, Arc Blast, Electrical Shock)	• Control of Hazardous Energy Lockout/Tags-Plus • Shipboard Electrical • General Working Conditions in Shipyard Employment — Lockout/Tags-Plus Coordinator and Log

TOPICS	RESOURCES
Confined & Enclosed Spaces	
• Definitions of Confined & Enclosed Spaces • Confined Space Entry Permits, Warning & Labels • Cleaning & Other Cold Work • Hot Work • Maintenance of Safe Conditions • Confined Space Rescue Plan	• Ventilation in Shipyard Employment • Hot Work — Welding, Cutting and Brazing • Abrasive Blasting Hazards in Shipyard Employment • Safely Performing Hot Work on Hollow or Enclosed Structures in Shipyards • Hot Work Safety on Hollow or Enclosed Structures • Confined Space Safety on Commercial Fishing Vessels
Fire Protection	
• Facility Fire Safety Plan • Alarms and Warnings • Evacuation Procedures • Fire Watch Responsibilities	• Fire Watch Safety during Hot Work in Shipyards • Shipyard Fire Protection Frequently Asked Questions • Fire Protection in Shipyard Employment
Hazard Communication	
• Product Labels • Safety Data Sheet (SDS) • Pictograms	• Hazard Communication: Hazard Communication in the Maritime Industry • Oil Spill Response: Training Marine Oil Spill Response Workers under OSHA's Hazardous Waste Operations and Emergency Response Standard • OSHA Safety and Health Topics Page — Hazard Communication
Machine Guarding	
• Nip Points • Pinch Points • Point Of Operation • Methods of Safeguarding • Powered Hand Tools	• Shipfitting • OSHA Safety and Health Topics Page — Machine Guarding
Crane Safety	
• Suspended Loads • Safe Zones • Pedestrian and Motor Vehicle Traffic – Driving Policy – Safe Walking Zones	• OSHA Directive — Maritime Cargo Gear Standards and 29 CFR Part 1919 Certification, CPL 02-01-055 • OSHA Safety and Health Topics Page — Crane, Derrick and Hoist Safety

TOPICS	RESOURCES
Hazardous Waste	
• Shipyard Rules/Practices • Policy for Bringing Materials/Chemicals on the Yard • Policy for the Storage of Material/Chemicals • Reporting Spills • Emergency Contacts	• Shipyard Employment Hazards during the Repair and Maintenance of Refrigeration Systems on Vessels • OSHA Safety and Health Topics Page — Hazardous Waste
Radiation Safety	
• Policy • Shipyard Rules • Signs • Prerequisite Training Associated with the Job Being Performed	• Eye Protection against Radiant Energy during Welding and Cutting in Shipyard Employment • OSHA Safety and Health Topics Page — Radiation
Injury Reporting and Recordkeeping	
• Reporting Policy and Discrimination • Responsibilities	• Temporary Worker Initiative (TWI) Bulletin No. 1 — Injury and Illness Recordkeeping Requirements • OSHA Injury and Illness Recordkeeping and Reporting Requirements Page • OSHA “Tool Bag” Directive, CPL 02-00-157 Shipyard Employment

Disclaimer: This bulletin is not a standard or regulation, and it creates no new legal obligations. It contains recommendations as well as descriptions of mandatory safety and health standards. The recommendations are advisory in nature, informational in content, and are intended to assist employers in providing a safe and healthful workplace. The *Occupational Safety and Health Act* requires employers to comply with safety and health standards and regulations promulgated by OSHA or by a state with an OSHA-approved state plan. In addition, the [OSH Act’s General Duty Clause, Section 5\(a\)\(1\)](#), requires employers to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm.



U.S. Department of Labor

