Chapter 296-801 WAC
PROTECTING TEMPORARY WORKERS

Last Update: 7/21/26

WAC

296-801-098 Purpose and scope.
296-801-099 Definitions.
296-801-100 Staffing agency requirements.
296-801-110 Worksite employer requirements.

WAC 296-801-098 Purpose and scope. Chapter 296-801 WAC provides health and safety requirements for staffing agencies and worksite (or host) employers consistent with RCW 49.17.490 Temporary workers—Safety—Staffing agency and worksite employer duties. The requirements in this chapter are limited to employers classified under the North American Industry Classification System (NAICS) in Sectors 23 (construction), 31 through 33 (manufacturing), and code 561320 (temporary help services).

Notes: 1. The NAICS is maintained by the U.S. Census Bureau (https://www.census.gov/naics/).
2. Washington state employers can typically find their NAICS code, by using the business lookup tool on the Washington state department of revenue's website (https://dor.wa.gov/).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 26-15-109 (Order 26-05), s 296-801-098, filed 7/21/26, effective 8/21/26. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.490. WSR 22-18-080, § 296-801-098, filed 9/6/22, effective 10/7/22.]

WAC 296-801-099 Definitions. Staffing agency. An employer whose business is classified under the North American Industry Classification System (NAICS) 561320 industry sector. In general, these organizations recruit and hire employees and temporarily assigns those employees to perform work or services for another organization, under such other organization's supervision, to:

(a) Support or supplement the other organization's workforce;

(b) Provide assistance in special work situations including, but not limited to, employee absences, skill shortages, or seasonal workloads; or

(c) Perform special assignments or projects.

Worksite (also referred to as host) employer. An employer with which a staffing agency contracts or otherwise agrees to furnish persons for temporary employment in the industries described in NAICS sectors 23 (construction industry sector), and 31 through 33 (manufacturing industry sector).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.490. WSR 22-18-080, § 296-801-099, filed 9/6/22, effective 10/7/22.]

WAC 296-801-100 Staffing agency requirements. Before the assignment of an employee to a worksite employer, a staffing agency must:

(1) Inquire about the worksite employer's safety and health practices and hazards at the actual workplace where the employee will be working to assess the safety conditions, workers tasks, and the worksite employer's safety program; these activities are required at the

start of any contract to place workers and may include visiting the actual worksite. If, during the inquiry or anytime during the period of the contract, the staffing agency becomes aware of existing job hazards that are not mitigated by the worksite employer, the staffing agency must make the host employer aware, urge the host employer to correct it, and document these efforts, otherwise the staffing agency must remove the temporary workers from the worksite;

(2) Provide training to the employee for general awareness safety training for recognized industry hazards the employee may encounter at the worksite. Industry hazard training must be completed, in the preferred language of the employee, and must be provided at no expense to the employee. The training date and training content must be maintained by the staffing agency and provided to the employee upon request;

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

(4) Provide the department's hotline number (1-800-4BE-SAFE, or 1-800-423-7233 and using option 2, then option 2 again to report unsafe working conditions) for the employee to call to report safety hazards and concerns as part of the employment materials provided to the employee; and

(5) Inform the employee who the employee should report safety concerns to at the workplace.

Note: A staffing agency or employee may refuse a new job task at the worksite when the task has not been reviewed or if the employee has not had appropriate training to do the new task.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 26-15-109 (Order 26-05), s 296-801-100, filed 7/21/26, effective 8/21/26. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.490. WSR 22-18-080, § 296-801-100, filed 9/6/22, effective 10/7/22.]

WAC 296-801-110 Worksite employer requirements. (1) Before each temporary employee engages in work for the worksite employer, the worksite employer must:

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

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

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

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

(2) If at any time during the period of the contract the staffing agency notifies the worksite employer of job hazards that are not mitigated, the worksite employer must address them and ensure correction.

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

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

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

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.490. WSR 22-18-080, § 296-801-110, filed 9/6/22, effective 10/7/22.]