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Temporary Worker Initiative

Powered Industrial Truck Training

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**.

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 considered joint employers of those workers. Both employers are 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 powered industrial truck training to temporary workers under OSHA general industry standard [29 CFR 1910.178\(l\)](#), *Powered Industrial Trucks* or [29 CFR 1926.602\(d\)](#) in construction (the standard).

Powered industrial trucks, commonly called forklifts, fork trucks, lift trucks, pallet jacks, and order pickers are used in many industries, primarily to move materials. They can be driven by an operator or controlled remotely by a walking operator. There are many types of powered industrial trucks and each has its own unique characteristics and some inherent hazards.

Training

The standard requires employers to develop and implement a training program based on the general principles of safe-truck operation, the types of vehicle being used in the workplace, the hazards of the workplace created by the use of the vehicle, and general safety requirements. To be effective, training must address the unique characteristics of the type of vehicle the temporary worker is being trained to operate.¹ Prior to operating a powered industrial truck, employers must ensure that each operator has successfully completed the training. Trained operators must show that they can perform the job safely and proficiently by demonstrating these skills in a workplace evaluation.

Training must consist of a combination of the following:

- Formal instruction (e.g., lecture, discussion, interactive computer learning, video training, documents);
- Practical training (demonstrations and exercises performed by the trainee);
- Refresher training;
- Evaluation of the operator's performance in the workplace; and
- Certification of training and evaluation.

1. Whether a temporary or permanent worker, it is a violation of Federal law for anyone under 18 years of age to operate a forklift. See 29 CFR part 570, www.osha.gov/dts/shib/shib093003.html.

Host Employer and Staffing Agency Responsibilities

The host employer and staffing agency share responsibility for training temporary workers in operating powered industrial trucks. The training requirements for a powered industrial truck operator are performance-oriented. This permits employers to tailor a training program to the characteristics of the workplace and the specific types of powered industrial trucks operated.² Determining the best way to protect workers from injury largely depends on the type of truck operated and the hazards of the worksite. While both the host employer and the staffing agency are responsible for ensuring that the employee is properly trained in powered industrial truck operations, the employers may decide that a division of the responsibility may be appropriate.

As a recommended practice, the staffing agency and host employer should jointly review the task assignments and job hazards that would include the type(s) of powered industrial trucks workers will operate to identify and eliminate potential safety and health hazards. The details of the training and protections each employer will provide can be clearly established in the language of the contract between the host employer and the staffing agency. However, neither employer may avoid its ultimate responsibilities under the OSH Act by requiring another party to perform them.

Generally, the staffing agency is responsible for generic powered industrial truck training and the host employer is in the best position to provide the necessary site-specific powered industrial truck training and evaluation, as the host employer is most familiar with the equipment being used and controls the conditions of the worksite. Such training and evaluation should be the same as that provided to the host employer's own employees in the same jobs. Both staffing agencies and host employers must ensure that temporary workers receive proper generic and site-specific

training and evaluation. It is the staffing agencies' obligation to take reasonable steps to inquire about the host employer's training program and have a reasonable basis for believing that the host employer's powered industrial truck training adequately addresses the potential hazards of operating powered industrial trucks to which its employees might be exposed at the host employer's worksite.

Refresher training is required whenever an operator demonstrates a deficiency in the ability to safely operate the powered industrial truck or an incident involving a powered industrial truck has occurred. The need for refresher training may be recommended by the staffing agency if the temporary worker is involved in an incident, but the need for refresher training is usually best determined and provided by the host employer.

If the staffing agency supplies trained powered industrial truck operators, the host employer must still verify that training and provide site-specific information and training on the particular types of powered industrial trucks and working conditions present at the worksite. The host employer must also conduct a workplace evaluation of each operator supplied by the staffing agency. The extent of the training and evaluation provided by the host is based upon the operators' past experience and may not need to be duplicated or as extensive as the initial training and evaluation.³

Employers must certify that each operator receives the training and evaluation, and also re-evaluate each operator at least once every three years. If the staffing agency is providing trained powered industrial truck operators, it may be in the best position to keep training and evaluation records. In such cases, the host employer may choose, but is not required, to maintain or store additional copies of the powered industrial truck training records of temporary workers. However, the host employer must know where the training and evaluation records are located and they must be accessible to an OSHA compliance officer during an inspection. As a recommended practice, the host employer and

2. Use of seatbelts: *Employers are required to train employees in all operating instructions, warnings, and precautions listed in the operator's manual for the type of vehicle which the employee is being trained to operate. Therefore, operators must be trained in the use of operator restraint systems (seatbelts) when it is addressed in the operating instructions. See: CPL-02-01-028, Compliance Assistance for the Powered Industrial Truck Operator Training Standards.*

3. See 1910.178(l)(5); CPL 2-1.28A Training, Evaluation, and Certification by a Third Party; and Frequently Asked Questions About Powered Industrial Truck Operator Training at www.osha.gov/dte/library/pit/pit_q-a.html.

staffing agency may agree to share training records to ensure both parties are able to verify that the training is completed.

Communication between the staffing agency and host employer is essential to ensure that the worker is competent in the operation of the powered industrial trucks being used. In addition, communication between the staffing agency and the temporary worker is crucial to ensure that the worker is not being assigned to work with

powered industrial trucks that he or she may not be competent to operate. If the staffing agency determines that their workers are operating powered industrial trucks and are not trained or are inadequately trained, then the staffing agency should inform the host employer so that the host employer provides adequate site-specific powered industrial truck operator training, provide the training itself, or remove its workers from the host employer's worksite.

Example Scenario*

A warehousing and distribution company, MWC Distributors (MWC), needs workers to fill orders for an upcoming surge in production. The company contracts with Temp Staffing to provide warehouse workers to pick up orders and load trucks. Temp Staffing supplies five temporary workers previously trained in the general operation of powered industrial trucks, including sit-down order picker trucks, and sends them to work on site at MWC. Prior to the work commencing, Temp Staffing meets with MWC to review the tasks and type of equipment the workers will operate. At the meeting, MWC learns from Temp Staffing that the workers were previously trained and operated the same type of picker trucks as the ones they would operate at MWC. However, the parties agree that the temporary workers would still need site-specific training at MWC's worksite.

At the worksite, a supervisor from MWC assigns the temporary workers to the warehouse area to move pallets of metal parts to the loading dock area. The supervisor reviews the site-specific aspects of the warehouse including equipment, traffic flow, and loading operations with the temporary workers. He also provides the workers with an overview of the picker truck and emphasizes the mandatory use of seat belts while operating the trucks.

After a few days, one of the temporary workers operating the picker truck hits a stack of pallets on the warehouse floor when turning too sharply around a corner. The worker's vision is obscured by the height of the load being carried. There are no injuries, but the pallet being transported overturns. After the incident, MWC determines that refresher training and evaluation is in order for that temporary worker operating the truck to ensure that he is competent in its operation.

Analysis

MWC and Temp Staffing have a joint responsibility to ensure that temporary workers are protected from hazards of operating powered industrial trucks. In this scenario, the two companies communicated prior to sending workers to the site and reviewed the scope of work, equipment, and the necessary training. While MWC provided the required site-specific instruction, it should have also determined whether the workers were competent to operate the picker trucks. MWC may be subject to OSHA citation(s) under the powered industrial truck standard's training requirements for failing to evaluate the worker's competency before operating the equipment.

Temp Staffing provided training to workers in the general use of powered industrial trucks and also verified the type of equipment to be used at MWC. However, because Temp Staffing may not have provided adequate training or evaluated the workers' competency, Temp Staffing may also be subject to an OSHA citation under the powered industrial truck standard's training requirements for failing to provide adequate generic training and failing to ensure the worker's competency was evaluated before beginning work.

Although the two companies did not discuss evaluation of the workers, they did communicate prior to the work commencing, and they discussed training and the tasks to be performed. Following the incident, MWC did appropriately conduct the required refresher training and evaluation of the temporary worker operating the equipment.

**The company names used in this scenario are fictitious. Any resemblance to real companies is entirely coincidental.*

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 OSHA's main web page at 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 www.osha.gov/workers.

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

For information on powered industrial truck training visit:

- Safety and Health Topics, Powered Industrial Trucks-Forklifts — www.osha.gov/SLTC/powerindustrialtrucks
- E-Tools Powered Industrial Trucks (Forklifts), Training Assistance — www.osha.gov/SLTC/etools/pit/assistance
- Powered Industrial Trucks-Operator Training (MS PowerPoint Presentation) — www.osha.gov/dte/library/pit/ppt/pit-pp97.ppt
- Sample Daily Checklists for Powered Industrial Trucks — www.osha.gov/dte/library/pit/daily_pit_checklist.html

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, please visit www.whistleblowers.gov.

OSHA also provides help to employers. OSHA's On-site Consultation Program offers free and confidential advice 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 management systems. To locate the OSHA On-site Consultation Program nearest you, call 1-800-321-6742 (OSHA) or visit www.osha.gov/consultation.

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.

For more information



www.osha.gov (800) 321-OSHA (6742)



U.S. Department of Labor