

Staff leasing and occupational safety



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Introduction

This publication provides basic information on the obligations and rights of a staffing service company (later referred to as a “staffing company”), a company using a temporary agency worker (later referred to as a “user company”) and a temporary agency worker based on the Occupational Safety and Health Act and the Occupational Health Care Act. Although the workplace survey and the assessment of work hazards are placed under the obligations of the staffing company in this publication, the user company should also familiarise itself with these chapters.

In temporary agency work, the employee works under the management and supervision of the user company outside the premises of their actual employer. In addition to companies, temporary agency work is also used by communities and public actors. In temporary agency work, the employer’s occupational safety obligations are the responsibility of both the actual employer (staffing company) and the user company. The occupational safety and health liability in temporary agency work is,

thus, divided between the staffing company and the user company. Attached to the publication is a summary of the key tasks of both parties.

Subcontracting must be distinguished from the leasing of labour, as it differs significantly from temporary agency work in terms of occupational safety obligations. The main principle in subcontracting is that both employers are responsible for the occupational safety of their own employees, and the employers do not have the right to supervise the work of each other’s employees. This publication does not apply to subcontracting.

This publication is intended for staffing companies, user companies and temporary agency workers. Its purpose is to help ensure occupational safety in temporary agency work. The forms included in the publication can be used as such or applied to the workplace’s own use. Examples of good practices are also given at the end of the publication.

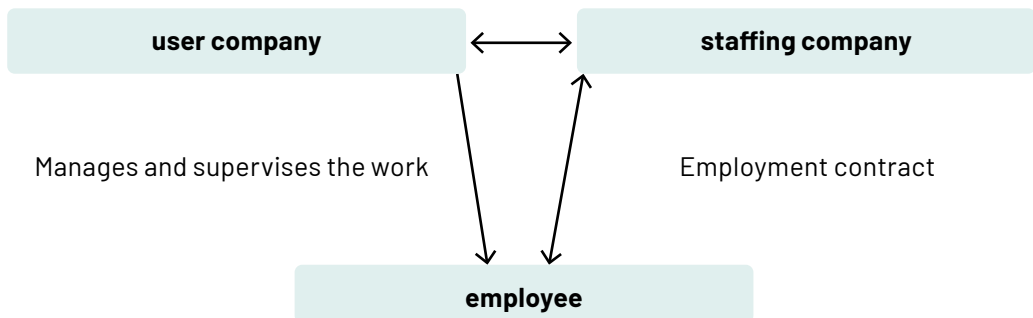
General provisions

In addition to what is stated in the publication, both the staffing company and the user company must take into account the general provisions related to occupational safety in

- the Occupational Safety and Health Act (738/2002)
- the Occupational Health Care Act (1383/2001)
- the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006)
- the Workers' Compensation Act (459/2015)
- the Young Workers' Act (998/1993)
- sector-specific collective agreements and the related occupational safety and health co-operation agreements.

In addition, it is good to familiarise oneself with, for example, the contents of the Non-Discrimination Act (1325/2014) and the Equality Act (609/1986; the Act on Equality between Women and Men). It must also be taken into account that remuneration and other terms and conditions of employment are determined by law and the collective agreement applicable to temporary agency work at any given time.

Agree on temporary agency work (so-called customer agreement)



Special characteristics of temporary agency work

The staffing company acts as the temporary agency worker's employer. It transfers the employee to another company (user company). A transfer always requires the employee's consent. The user company becomes responsible for work management and supervision. The key special characteristics of temporary agency work are related to the relationship between the employer, the employee and the user company and the resulting rights and obligations.

Key concepts

- The staffing company and the user company have an assignment relationship.
- The staffing company and the temporary agency worker have an employment relationship.
- The user company has the right to manage and the responsibility to supervise the temporary agency worker.

In temporary agency work, the duration of assignments varies. In short-term assignments, this may mean a high turnover rate of temporary agency workers in the user company and, from the temporary agency worker's point of view, frequently changing workplaces. Particular attention should be paid to the flow of information, as temporary agency work always involves three parties.

Shared occupational safety and health responsibility

In temporary agency work, the staffing company and user company share the responsibility for occupational safety and health. This means that both the staffing

company and the user company are obligated to ensure that the work is carried out safely and that the work does not pose a risk to the employees' health.

// In temporary agency work, the occupational safety and health responsibility is divided

During the assignment, the user company has the main responsibility for occupational safety, as it manages and supervises the work and organises the conditions related to workplace safety and health, such as work equipment and workspaces, as well as their cleanliness and orderliness. Sector-specific requirements related to the work must be taken into account.

The staffing company acts as the temporary agency worker's employer and is also responsible for complying with the provisions of the Occupational Safety and Health Act concerning the employer. This is described in more detail in the next chapter.

Co-operation between the staffing company and the user company is important in occupational safety matters. When negotiating a customer agreement (assignment agreement), the parties must always clarify work-related occupational safety issues, such as the need for and acquisition of personal protective equipment, protective clothing and work clothing, as well as any necessary individual occupational safety and health measures. Discussing these matters and drafting a written agreement clarifies the obligations and responsibilities of the parties.

The staffing company's obligations



The staffing company has general responsibility for occupational safety issues. For this reason, the staffing company must ensure that the user company is able to fulfil its occupational safety obligations and that the work on the user company's premises and with their equipment can be carried out properly and safely (see Workplace survey p. 10 and Work hazard assessment p. 11).

// The staffing company has general responsibility for occupational safety issues

The staffing company is subject to specific obligations during the employee selection phase. Before starting the work, the user company must determine with sufficient precision the professional requirements, special characteristics and qualification requirements related to the work. Based on this information, the staffing company must ensure that the employee has sufficient professional skills, experience and suitability for the work to be performed.

The staffing company must find out from the user company the permits and certificates necessary for the work and for demonstrating competence, such as alcohol passport, hygiene passport, medication administration licence, professional practice rights and driving licence class, as well as occupational safety and hot work cards. It must also be aware of the employees' permit and certificate validity.

The staffing company must also be aware of the employee's personal prerequisites, which may require individual occupational safety and health measures to ensure the safety and health of the employee. If there is uncertainty about the employee's suitability for the job, the staffing company's occupational health care must be consulted.

The staffing company takes care of the general orientation of the temporary agency worker, the key elements of which are compiled in the attached form (p. 22).

Occupational health care

The staffing company must arrange the occupational health care of the temporary agency worker and inform them of how the occupational health care is arranged. Occupational health care must cover the statutory services.

The employer may also choose to arrange occupational health care beyond the statutory requirements, in which case it may include, for example, general practitioner-level medical care, dental care or other health care services. In this regard, the occupational health care of temporary agency workers must be at the same level as those working in the staffing company's own office. The occupational health care of temporary agency workers may be differ-



ent from that of the employees of the user company.

Statutory occupational health care includes, among other things, the assessment of the healthiness of the workplace, the workplace survey, health examinations based on occupational health hazards (e.g. night work), participation in activities that maintain work ability and first aid preparedness, as well as investigating the rehabilitation needs of employees.

Kuntoutussäätiö has prepared a guide on supporting work ability in temporary agency work in co-operation with the Employment Industry Finland and the Service



Union United PAM. The guide, [Työkyvyn tuki vuokratyössä](#), is available in Finnish on the websites of both the Employment Industry Finland and the Finnish Work Environment Fund.

Workplace survey

The workplace survey is carried out in co-operation between the workplace and occupational health care. The user company's workplace survey must also take into account the work done as temporary agency work, as well as the related working conditions and the risk of an accident at work. The co-operation and flow of informa-

tion between the staffing company and the user company in occupational health care matters is important, so that information about the safety and health of the work and working conditions in the user company is transmitted to the staffing company and its occupational health care provider.

// The workplace survey assesses the health significance of the work and working conditions



The staffing company does not have the right to have a workplace survey carried out regarding the premises of the user company. In practice, the user company hands over the workplace survey data to the staffing company. If the workplace survey is not available for some reason, the staffing company must investigate the workplace hazards and risks on the basis of information otherwise available from the user company (see Work hazard assessment, p. 11).

The workplace survey assesses the health risks and harms as well as workload factors and resources related to the work, working environment, and work community and their impact on employees' health and work ability. Assessed factors include:

- physical, chemical and biological exposure in the work, e.g. does the work involve noise, dust or the use of chemicals and what protective equipment is needed

- physical, mental and social strain of the work, such as working positions, lifting, rush, work tasks, co-operation, customer and interaction situations and the threat of violence
- work arrangements
- working time arrangements, incl. night work and shift work.

The workplace survey assesses the need for health examinations, which may be based on, for example, night work. The necessary health examinations are carried out by the staffing company.

Work hazard assessment

Although workplace surveys and hazard assessment have a lot in common, they are two different processes. The workplace survey is carried out in co-operation between the workplace and occupational health care. It provides information about the working conditions and how occupational health care resources should be

allocated. A hazard assessment is a continuous process based on the Occupational Safety and Health Act, primarily carried out within the workplace, which must also cover temporary agency work in the user company. The main purpose of a hazard assessment is to produce information to support decisions on safety and well-being at work.

Both the Employment Contracts Act and the Occupational Safety and Health Act require that the user company makes sufficiently comprehensive information available to the personnel company about the identified and assessed hazards and their health significance. The information must be comprehensive and detailed enough to ensure the safe performance of the work, for example, by making the workplace survey and the assessment of work hazards available to the staffing company. Assess-

ing the hazards of the work is a prerequisite for the employee to be sent to work in the user company.

// The user company must provide the staffing company with sufficient information about the hazards and harms of the work

In questions related to the health significance of the working conditions, such as exposure agents revealed in the hazard assessment, occupational health care must be contacted. If the workplace hazard assessment indicates that the work to be performed requires a health examination, it is the responsibility of the staffing com-





pany to take care of the temporary agency worker's health examination in occupational health care.

The Centre for Occupational Safety's [Occupational Safety Radar](#) can be used to identify workplace hazards and workload factors, assess the risks they pose, and determine measures to manage the risks.

Working hours

The temporary agency worker's working time is subject to the Working Hours Act and the provisions of any applicable collective agreement. Keeping records of working hours and monitoring the maximum number of working hours is the responsibility of the staffing company.

The staffing company and the user company must agree on the flow of information

on working hours and determine who is responsible for drawing up the employee's shift schedule. The user company's responsibility for compliance with the provisions of the Working Hours Act and the collective agreement is emphasised in short-term working time arrangements, such as the shift schedule and changes to work shifts and breaks, as the staffing company is usually unable to influence them. When the user company takes care of the preparation of shift schedules, it must communicate the necessary information to the staffing company for their respective working time records.

During orientation, the temporary agency worker must be informed of, among other things, what kinds of working time arrangements they can agree upon with the user company and how absences are reported.

If the staffing company detects shortcomings in the operation of the user company, it must intervene and, if necessary, prevent the temporary agency worker from working.

// The flow of information regarding working hours must be agreed upon

Checklist for staffing companies

- Arrange statutory occupational health care for the employee.
- Check that the user company is able to fulfil its obligations and that the work can be carried out properly and safely.
- Agree with the user company on orientation regarding the reporting practices of dangerous situations.
- Inform the employee of the professional requirements of the work, as well as the nature and content of the work.
- Ensure that the employee has sufficient professional skills, experience and suitability for the job in question.
- Check the permits and certificates that may be required for the work, as well as their validity.
- Take care of general orientation and occupational safety and health guidance.
- Tell the employee how to act in the event of an accident and who to contact in case of illness.
- Tell the employee what to do in the event of inappropriate treatment, harassment or harmful workload.
- Give the employee the contact information of occupational safety and health personnel, in particular the occupational safety and health representative.
- Ensure that the provisions of the Working Hours Act, such as maximum working hours, are complied with in the temporary agency worker's employment relationship.
- Maintain working time records.



The user company's obligations

The user company must comply with the provisions of the Occupational Safety and Health Act concerning the employer. The user company is considered to be primarily responsible for occupational safety in temporary agency work because it manages and supervises the work and because the conditions of the workplace are under its control.

The user company must co-operate with the staffing company and provide it with the necessary information. See, in particular, the chapters Workplace survey (p. 10) and Work hazard assessment (p. 11).

// The user company is primarily responsible for occupational safety

Before starting the work, the user company must determine the professional requirements and special characteristics of the work to be performed as temporary agency work and inform the staffing company of these details. The user company must be aware of the permits and qualifications required for the work. It must check that the temporary agency worker meets the requirements of the work and the agreement between the parties in terms of competence and personal protective equipment. The user company must ensure that the temporary agency worker receives proper orientation on the work, workplace conditions and occupational safety and health measures.

The user company must treat the temporary agency worker in the same way as its own employees when issuing work orders,

assessing work performance and instructing employees in matters related to occupational safety. The user company is also obligated to prevent harassment and other inappropriate treatment in advance and to observe the employee's work ability.

The user company is responsible for compliance with the Working Hours Act and possible collective agreement when exercising its right of supervision in matters related to working hours.

Orientation

The orientation of a temporary agency worker must take into account the employee's professional competence and work experience, as well as other personal prerequisites, such as age, language skills and needs related to partial work ability.

// Orientation gives the temporary agency worker the skills to work safely

Orientation gives the temporary agency worker the skills to work in the work community and in their duties in a correct and safe manner. During orientation, the temporary agency worker also gets to know the work community, the supervisor and other key actors in the workplace. If necessary, especially in case of longer temporary agency work or challenging conditions, the user company must also take care of orientation regarding occupational safety and health co-operation.



If, due to the short duration of temporary agency work, it is not possible to familiarise the temporary agency worker in the same way as permanent employees, the orientation must not, however, exclude matters that are essentially related to occupational safety:

- safe and healthy ways of working
- use and instruction on the use of equipment, machines, protective equipment and personal protective equipment required for the work
- operation in maintenance, fault and exceptional situations
- safety observation practices
- stress, hazard and workload factors related to the work and working environment, as well as measures to avoid their harmful effects
- operating instructions related to situations involving harassment or other inappropriate treatment, the threat of violence or harmful stress at work
- contact person for questions regarding the performance of work tasks or the use of machinery and equipment

- occupational safety and health representative and their contact details.

It is recommended that the user company draw up an operating model for the orientation of temporary agency workers in advance. This way, practical orientation follows the model and it is ensured that all important matters related to the work task and safety are included.

The user company must be able to prove that the temporary agency worker has received orientation, which is why it should be documented. You can use the attached form in the orientation and documentation (p. 22). You can mark off each subsection once completed.

Checklist for user companies

- Make sure that the work done as temporary agency work and the related working conditions have been taken into account in the investigation and assessment of work hazards, as well as in the workplace survey.



- Provide the staffing company with sufficiently comprehensive information on the harms and hazards identified and assessed, as well as their health significance. The information can be found in the workplace survey and the work hazard assessment document.
- Before commencing the temporary agency work, inform the staffing company of the professional requirements and special characteristics of the work.
- Agree with the staffing company on orientation regarding the reporting practices of dangerous situations.
- Notify occupational health care and the occupational safety and health representative of the commencement of temporary agency work.
- Check that the temporary agency worker meets the requirements of the work and the agreement between the parties in terms of competence and personal protective equipment.
- Take care of orientation.
- Instruct and guide the temporary agency worker in correct and safe working methods.
- Take care of the safety and health of the workplace and work, including the safe use of machines and tools.
- Supervise the safety of work and the use of protective equipment and personal protective equipment.
- Comply with the Working Time Act and the working hours provisions of a possible collective agreement.
- Take care of ergonomics, the management of workload factors, appropriate personnel facilities, and make sure that no harassment or other inappropriate treatment occurs at work.
- Explain who the occupational safety and health manager at the workplace is and who the occupational safety and health representatives are.

Temporary agency worker in the work community



The temporary agency worker is part of the user company's work community. This is made possible by equal treatment, clear work tasks and a division of labour, as well as an open flow of information and interaction. The person responsible for orientation can support the sense of community through their own actions. Especially in a larger work community, the importance of the group or team is also emphasised. It is important to pay attention to giving feedback and providing support and assistance. Becoming part of the work community can be facilitated by inviting all employees to work community events, such as the development day and recreational events.

If several languages are spoken in the work community, a common language that everyone understands should be used in work-related situations. Also in social situations, such as lunch and coffee breaks, one should strive to use a language that takes everyone into account.

// The temporary agency worker is part of the work community

Temporary agency worker's obligations

The temporary agency worker must comply with the instructions and orders related to occupational safety issued by both their actual employer (i.e. the staffing company) and the user company. They must also comply with general employee obligations at work.

// The temporary agency worker must follow occupational safety instructions and orders

Temporary agency workers must practise the orderliness and cleanliness necessary to guarantee safety and health, as well as behave in a careful and cautious manner at each workplace. In their work, they must also take into account the safety of other employees. Since the employee's jobs may change frequently in temporary agency work, the employee's obligation to observe

caution is emphasised. The user company is responsible for guidance and orientation, but the employee must seek advice and ask for help whenever they are not sure of what to do.

The temporary agency worker is obligated to use and care for the personal protective equipment, devices and other equipment provided to them by the user company and the staffing company. In their work, they must wear appropriate clothing that does not cause a risk of injury.

The temporary worker must notify the user company of faults and defects they detect at the workplace in a manner instructed by the user company. If possible, they must eliminate these issues if it can be done safely. The employee may only eliminate such faults, deficiencies and other defects that they are authorised to eliminate while meeting other prerequisites, such as sufficient experience and other professional competence. The temporary agency worker may also notice deficiencies in the



working conditions that the user company's own employees may not have noticed. If the defect cannot be eliminated by the employee themselves and the user company has not corrected the issue, the employee must notify the staffing company.

Temporary agency workers must avoid harassment and other inappropriate treatment of other employees and report any inappropriate treatment they observe as instructed, as well as any deficiencies regarding occupational safety.

It is important that the temporary agency worker also monitors their own working hours and discusses any problems with their supervisor in a timely manner. Sufficient recovery is essential in managing working times. The employee should pay special attention to this if they are working several jobs at the same time.

Temporary agency worker's rights

Temporary agency workers have the right to appropriate orientation, which includes topics such as work and working conditions, occupational safety and health practices, as well as the correct use of work equipment and safe working practices. They have the opportunity to contact the occupational safety and health representative of either the staffing company or the user company, if necessary. They are also entitled to occupational health care as well as benefits and rights in accordance with a possible collective agreement applicable to the work.

The temporary agency worker has the opportunity to utilise the services and common benefits that the user company provides to its employees. These include the opportunity to eat in a staff restaurant and use the company's sports facilities. However, the user company is not obligated to financially support these benefits with regard to the temporary agency worker.

Temporary agency workers have the right to refuse any tasks that pose a serious risk to their own or others' life or health. The user company and the staffing company must be informed of the temporary agency worker's decision to refuse certain work as soon as possible. Refusing work is an exceptional measure that comes into question only if the danger cannot be avoided by other immediate measures.

Checklist for temporary agency workers

- Comply with the occupational safety instructions and regulations of the staffing company and the user company.
- Take into account the safety of yourself and other employees at work.
- Use personal protective equipment and other equipment provided by the employer.
- Report any faults, defects or inappropriate treatment you observe primarily to the user company's management.
- Monitor your own working time.

Good practices

It is useful for both staffing companies and user companies to record experiences, feedback and development ideas related to temporary agency work. The termination of temporary agency work presents a good opportunity for collecting and receiving information on successes and development needs. The information obtained can be utilised by different parties. Some beneficial practices that promote occupational safety have been collected here.

Written agreement on obligations and responsibilities

The staffing company and the user company draw up a written agreement that also defines the parties' obligations and responsibilities related to occupational safety. For example, the general terms and conditions of the industry (HELA YSE 2023) prepared by the Employment Industry Finland emphasise the occupational safety obligations between the parties. These terms and conditions are intended as an annex to the agreement between the staffing company and the user company.

Pair work

The user company may designate one of their employees as a partner to the temporary agency worker to personally provide orientation and guidance. This employee can also provide support to the temporary agency worker after the actual orientation period.

Orientation in short-term temporary agency work

Orientation in short-term temporary agency work may be more simple when compared to the orientation of permanent employees. In this case, a clear model for orientation must be drawn up in advance. However, essential matters related to occupational safety must always be included to the normal extent. Attached is the Orientation Provided by the User Company form, which can be used in the orientation of temporary agency workers or as a basis for your own orientation model.

Temporary agency workers' participation

The user company must also train the temporary agency worker for changes in the work. If the workplace organises joint training and information events related to the work and its performance, the temporary agency worker must be invited to the event. If the event is of a recreational nature, it is also a good idea to invite the temporary agency worker.

Orientation provided by the staffing company

Temporary agency worker
Supervisor/the staffing company's contact person, phone number and email address
Supervisor in the user company

Subject of orientation	Orientation date	Employee's signature
Work task and its description, as well as the required competence		
Work clothes and personal protective equipment		
Place of work and working time arrangements and practices Delivery of time sheets		
Occupational health care contact information and occupational health care services		
Sickness absence practices, such as: <ul style="list-style-type: none"> • Who to contact in case of illness • When a sickness absence certificate is required • Where to submit a sickness absence certificate 		
What to do in the event of an accident at work		
What to do in the event of a problem at work		
Name and contact details of the occupational safety and health representative and occupational safety and health manager		
Collective agreement applicable to temporary agency work		
The above matters have been reviewed with me.		
Date		
Temporary agency worker	Staffing company representative	

Orientation provided by the user company

Temporary agency worker
Work task
User company/department
Person responsible for orientation

Subject of orientation	Orientation date	Employee's signature
General orientation		
Workplace introduction		
Introduction of the supervisor/contact person and personnel		
Movement, access control, access permits, keys		
Personnel facilities		
Working hours, breaks		
Appropriate clothing		
Use of phone and information technology, as well as information security		
Occupational safety and health representative and their contact details		
Participation in user company meetings, training and recreational activities		

Taulukko jatkuu seuraavilla sivulla →

Subject of orientation	Orientation date	Employee's signature
Orientation by task		
Task-specific orientation		
Tools, machinery, equipment <ul style="list-style-type: none"> • User instructions • Protective equipment and their use 		
Safe ways of working <ul style="list-style-type: none"> • Safe working methods and working environment • Workload factors and hazards of the task and how to prepare for them • Reporting shortcomings and defects • Reporting harassment and other inappropriate treatment 		
Emergencies		
Procedure in case of fire and other accidents		
First aid procedure		
First aid cabinets, fire extinguishers, emergency exits		
Other instructions and notification procedures		
The above matters have been reviewed with me. In addition, I agree to follow the occupational safety instructions given to me and to use the personal protective equipment and other equipment I have received.		
Date		
Temporary agency worker	User company representative	

The staffing company and user company take care of occupational safety together

The table summarises the key obligations of the user company and the staffing company.

User company	Staffing company
<ul style="list-style-type: none"> • agrees on occupational safety matters and working time practices with the staffing company • is primarily responsible for occupational safety during the job assignment • informs the staffing company of the professional requirements and necessary qualifications • ensures that the temporary agency worker meets the professional and qualification requirements, including any licences and certificates necessary for the work and their validity • ensures that the temporary agency worker has the necessary personal protective equipment • manages and supervises the work • is responsible for the temporary agency worker's in-depth orientation and work guidance, as well as any additional orientation or guidance, if necessary • gives the temporary agency worker the occupational safety and health representative's contact information • observes the temporary agency worker's work ability (longer job assignments) • ensures that temporary agency work is also taken into account in the workplace survey and work hazard assessment • notifies occupational health care and the occupational safety and health representative of the commencement of temporary agency work • provides the staffing company with information on the investigated and assessed work hazards and their health significance • complies with the Working Time Act and the working hours provisions of a possible collective agreement • notifies the staffing company of the hours worked • actively promotes equality and non-discrimination 	<ul style="list-style-type: none"> • agrees on occupational safety matters and working time practices with the user company • ensures that the work in the user company can be done properly and safely • informs the temporary agency worker of the professional requirements and the content of the work • ensures that the temporary agency worker is suitable for the job • identifies the possible individual needs of the temporary agency worker for occupational safety and health measures • is responsible for the temporary agency worker's general orientation and occupational safety and health guidance, as well as any additional orientation or guidance, if necessary • gives the temporary agency worker the occupational safety and health representative's contact information • organises occupational health care, including health examinations and a workplace survey concerning their own operations • takes out occupational accident and disease insurance • identifies and assesses the work hazards related to their own operations • is responsible for keeping records of working hours and monitoring the maximum number of working hours • actively promotes equality and non-discrimination

Staff leasing and occupational safety

The publication discusses key issues aimed at ensuring smooth work and safe working days in temporary agency work. The issues are examined from the perspectives of staffing service companies, companies using temporary agency workers and temporary agency workers themselves. The objective is to support the drafting of contracts and good practices at workplaces.

