



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2024-04 [29 March 2024]

OSHA Final Rule: Inspection Walkaround Representatives of Employees

The ILA~USMX Joint Safety Committee has received an advance copy of a **FEDERAL REGISTER** notice that OSHA intends to have published on April 1, 2024. In that notice, which we provide a link to below, the agency issues a Final Rule which substantially changes the manner in which an individual may be designated as a “*employee representative*” and thus be permitted to accompany and interact with the OSHA compliance officer during the course of a given OSHA inspection of the workplace.

OSHA apparently senses that some “*employee representative[s]*” do a better job of assisting in the conduct of agency enforcement actions than do others.

The **SUMMARY** section of the Final Rule is instructive:

SUMMARY: In this final rule, OSHA is amending its Representatives of Employers and Employees regulation to clarify that the representative(s) authorized by employees may be an employee of the employer or a third party; such third-party employee representative(s) may accompany the OSHA Compliance Safety and Health Officer (CSHO) when, in the judgment of the CSHO, good cause has been shown why they are reasonably necessary to aid in the inspection. In the final rule, OSHA also clarified that a third party may be reasonably necessary because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills. OSHA concluded that these clarifications aid OSHA’s workplace inspections by better enabling employees to select representative(s) of their choice to accompany the CSHO during a physical workplace inspection. Employee representation during the inspection is critically important to ensuring OSHA obtains the necessary information about worksite conditions and hazards.

<https://acrobat.adobe.com/id/urn:aaid:sc:US:b23d6692-84fd-481a-96eb-83403bdb504b>

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

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