



Union Walkaround Rule

March 2024



Union Walkaround Regulation

- On Aug. 30, OSHA published a proposed regulation to allow union representatives to accompany an OSHA inspector at a *non-union workplace* is designed to "clarify the right of workers and certified bargaining units to specify a worker or union representative to accompany an OSHA inspector during the inspection process/facility walkaround, regardless of whether the representative is an employee of the employer, if in the judgment of the Compliance Safety and Health Officer such person is reasonably necessary to an effective and thorough physical inspection."
- This proposal is particularly concerning and looks to be an attempt to codify OSHA's February 21, 2013 letter of interpretation addressed to Mr. Steve Sallman of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union.

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- The NGFA joined a coalition of agriculture and business groups to urge OSHA to withdraw a proposal that would expand access for third parties to participate as employee representatives in OSHA inspections. Comments were submitted on Nov. 13.
- The rule will eliminate a requirement that an employee representative be an employee of the employer (with narrow exceptions for technical expertise) which means any third party could be designated an employee representative.
- This would include environmental activists, anti-fossil fuel activists, plaintiffs' attorneys, or anyone else with an agenda against the employer. The new regulation also does not limit how many employee representatives could be included in an OSHA inspection. Because this regulation is highly desired by the administration's union supporters, this regulation is expected to be finalized quickly and issued sometime this spring. On February 9, it went to the White House office in charge of reviewing regulations.